PARLIAMENTARY DEBATES

(HANSARD)

SIXTH SERIES—VOLUME 460 (Part 1)

HOUSE OF COMMONS

OFFICIAL REPORT

SECOND SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-SIXTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2006–2007

COMPRISING PERIOD
8 May—24 May 2007

£103
(Two parts not sold separately)

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ISBN 978 0 215 65086 3

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OFFICIAL REPORT

IN THE SECOND SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-SIXTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 460**

EIGHTH VOLUME OF SESSION 2006-2007

House of Commons

Tuesday 8 May 2007

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

WHITEHAVEN HARBOUR BILL *[LORDS]*

Order for Second Reading read.

Read a Second time, and committed.

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Defence Spending

1. **Miss Anne Begg** (Aberdeen, South) (Lab): How much was spent in Scotland by the Ministry of Defence in each of the last three years; and if he will make a statement. [135091]

The Secretary of State for Scotland (Mr. Douglas Alexander): Around £1.4 billion of the defence budget has been spent directly in Scotland in each of the past three years. That reflects the vital contribution that Scotland makes to defence, both in terms of the brave men and women who join our armed forces and the high-quality Scottish companies that provide the sophisticated equipment used on the modern battlefield.

Miss Begg: Has my right hon. Friend had time to work out how much of that spending might be blocked by a political party that may be in government in Scotland and that has policies that are likely to prevent some of that vital work from being done in Scotland—*[Interruption.]*

Mr. Speaker: Order. I see that I may have to keep a tight rein on proceedings today. As it is the hon. Lady, I will allow the question.

Mr. Alexander: As ever, I will endeavour to keep my answer brief and factual. As at 1 April 2006, there were 13,520 regular forces serving in Scotland. The Ministry of Defence employs some 20,000 people in Scotland, including approximately 13,500 regular members of the armed services and 6,100 civilians, not including contractor personnel.

Dr. Julian Lewis (New Forest, East) (Con): Has the Secretary of State made an assessment of the effect on all that military investment in Scotland if the party that came first in the elections succeeds in persuading the party that came last to overcome the vestiges of its principles and join a coalition targeted, as usual, against the military?

Mr. Alexander: As he watched the Scottish elections from afar, I fear that the hon. Gentleman may not fully have appreciated the fact that two thirds of the Scottish electorate voted against separatism. Indeed, both the principal parties—my own and the Scottish National party—secured between 32 and 33 per cent. of the vote. Therefore, some of the more cataclysmic headlines that have been written in recent days do not reflect the overwhelming consensus still in Scotland that we are proud to remain part of the United Kingdom.

John McFall (West Dunbartonshire) (Lab/Co-op): May I inform the Secretary of State that for the past 40 years defence has been an integral part of the economy of my area? In the past three years, more than £300 million has been put into the local economy each year. With direct and indirect jobs at the Clyde naval base, we have more than 10,000 jobs. While words may come easy to some people, we cannot play fast and loose with people's jobs. Defence is an important part of our area and may it continue to be so.

Mr. Alexander: Her Majesty's naval base on the Clyde, which incorporates the Faslane base, is one of the main naval bases in the United Kingdom and the headquarters of the Royal Navy in Scotland. I am sure that it will continue to have a strong future based on the Clyde and serving the defence interests not only of Scotland, but of the whole of the United Kingdom.

Angus Robertson (Moray) (SNP): Will the Secretary of State confirm that there are less service jobs in Scotland, less bases in Scotland, less shipbuilding jobs in Scotland—[HON. MEMBERS: "Fewer."]—and fewer Scottish regiments than when Labour came to power?

Mr. Alexander: Obviously our forces have to reflect the nature of the challenges that the country faces at any point. I am not convinced that the alternatives that were offered in recent weeks in Scotland would produce a better future for Scottish regiments or—certainly—for Scottish shipbuilding.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): How many jobs does the Secretary of State believe would be created in Scotland by the construction of two aircraft carriers for the Royal Navy, and how many aircraft carriers would be needed by an independent Scotland?

Mr. Alexander: I shall not indulge in answering the second, hypothetical question because, as I have said, Scottish voters once again overwhelmingly rejected independence only last week. On the first question, it is the case that significant opportunities in shipbuilding and refitting will arise not only from the potential orders for the Royal Navy aircraft carriers but from the pre-existing programme of work, which has brought new life to the Yarrow yard and will do the same for the Rosyth base in the east of Scotland.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): Given that defence is just one of the issues on which the new Scottish Executive will have to work with the UK Government, does the Secretary of State regret his complacency in not putting in place proper mechanisms for interaction between the Scottish Executive and the UK Government? Perhaps he can tell us now just what will happen when the prospective First Minister and his Lib Dem allies, in or out of coalition, seek to thwart the upgrade of Trident.

Mr. Alexander: The hon. Gentleman's question shows the risks involved in preparing a question ahead of events. He has repeated it many times in the past, I will give him that much, but it would be unwise of me to prejudge the appropriate conversations taking place between all the parties that failed to secure a majority in last week's Scottish elections.

David Mundell: It is clear from that answer that no proper mechanisms are in place to enable the Scottish Executive to work with the UK Government when those bodies are led by parties of different persuasions. The Government have had eight years to put such a mechanism in place, and the fact that they have failed to do so is a reflection on them. Will the Secretary of State clarify what will be his Government's relationship with the prospective new First Minister—

Mr. Speaker: Order. We are talking about defence. I think that we must move on.

Climate Change Bill

2. **Mark Lazarowicz** (Edinburgh, North and Leith) (Lab/Co-op): If he will make a statement on the application of the draft climate change Bill to Scotland. [135092]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): The draft climate change Bill is out for consultation on a UK-wide basis. It has not yet been determined how the functions of the Bill would be performed. The UK Government and all the devolved Administrations are committed to working in partnership to combat climate change.

Mark Lazarowicz: It is patently obvious that the only legislation likely to get through the Scottish Parliament in the current circumstances is that which has broad political support. Does my hon. Friend agree, therefore, that it would make sense for the UK Government and the Scottish Executive and Parliament to work together to ensure that a Scottish climate change Bill is brought forward that complements the UK Bill which, as he has noted, has now reached an advanced state of consultation?

David Cairns: Clearly, various devolved responsibilities are involved in promoting renewables and in the work across a range of sectors to promote climate change measures. It is self-evident that global warming can be tackled only by nations working together, irrespective of national or international borders. It is therefore incumbent on all nations to do everything that they can to tackle climate change. I pay tribute to my hon. Friend for the work that he has done, especially with his private Member's Bill, to raise awareness of these matters, in this House and throughout Scotland.

Mr. Mike Weir (Angus) (SNP): Does the Minister accept that the current scientific consensus is that we need a reduction in emissions of 80 per cent. rather than 60 per cent. to prevent climate change raising temperatures by 2°? The new Administration are likely to have a higher target than the UK, so how will that fit into the proposed UK Bill?

David Cairns: The previous Scottish Administration set separate targets, so it is entirely up to the new Administration, whatever their hue, to set their own target. However, a target set at a high level will not be achieved if the party in power opposes every application for a wind farm that is submitted. It is easy for the Scottish National party to demand higher targets here, but the truth is that it opposes every application for a wind farm to help promote renewable energy.

Act of Union

3. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What events (a) have taken place and (b) are planned in Scotland to mark the 300th anniversary of the Act of Union. [135093]

The Secretary of State for Scotland (Mr. Douglas Alexander): A number of events have taken place and are planned to mark this very significant anniversary.

Mr. Evennett: I thank the Secretary of State for that reply. Does he agree that there are ongoing benefits arising from the continuation of the Union between Scotland and the UK? Is it not our duty in this House and across the country to ensure that those benefits are promoted in a very positive way?

Mr. Alexander: Unusually, I find myself in complete accord with the hon. Gentleman. An interesting fact worth noting is that, as the argument has been discussed north of the border in recent months, support there for separation and for ending the Union of 300 years has fallen consistently. I take great heart from the fact that the overwhelming number of voters in Scotland rejected the parties that wanted Scotland to separate from the UK. They did so for the very basic reason that, in the 21st century, the two countries are stronger together and would be weaker apart.

Mr. Tom Watson (West Bromwich, East) (Lab): Does my right hon. Friend agree that many people in Scotland, Wales, England and—probably—Northern Ireland believe that the best way to celebrate the Act of Union would be to abolish proportional representation elections?

Mr. Alexander: I was anticipating the West Lothian question today, but not the West Bromwich question. I know that my hon. Friend and his trade union have long held trenchant views on the merits of first past the post. It is for each individual Member of the House to reach a judgment, in light of recent elections, as to where he or she stands in that particular debate.

Pete Wishart (Perth and North Perthshire) (SNP): I was just wondering whether the Secretary of State thinks that all these celebrations are going well and to plan. Does he agree that some of the debate we have had about the Union has been brutal at times, overwhelmingly unhelpful and totally negative? Does he accept that the Scottish people have made their choice and that it is now incumbent on him, his Department and every Member of the House to ensure that the positive choice that the people of Scotland made on Thursday is accepted and respected?

Mr. Alexander: It is significant if the Scottish National party now accepts that the choice that the Scottish people made was overwhelmingly to reject separation, because there is nothing more negative in politics than seeking to blame Westminster or the English for Scotland's challenges. In that sense, I sincerely hope that the hon. Gentleman is right in saying that we can all move on from a politics defined by difference; but that remains the policy of the Scottish National party—the ball is squarely in its court.

Mr. Jim McGovern (Dundee, West) (Lab): It is undeniable that over the past 300 years the Act of Union has had a positive effect not only on Scotland but on the rest of the UK. Does my right hon. Friend agree, therefore, that the First Minister of Scotland, whoever that may be, should be encouraged to make a speech on behalf of Scotland and not party, emphasising the benefits of the Act of Union?

Mr. Alexander: At this particular moment I would be cautious of offering advice during the 28 days set following the election last Thursday to whoever turns out to be First Minister of Scotland. I simply say that I agree with my hon. Friend; the benefits of the Union are overwhelming and I have been encouraged by the fact that, as that argument has been engaged in Scotland in recent months, support has moved in favour of the Union and against separation. I believe that that remains the settled will of the Scottish people, as the late great John Smith once described it.

Jo Swinson (East Dunbartonshire) (LD): Two days after the 300th anniversary of the Act of Union two thirds of people in Scotland voted for pro-Union parties. Does the Secretary of State agree that although the SNP has won the right to try to form a Government, it certainly has not won the right to take Scotland down the road to separation?

Mr. Alexander: Somewhat unusually again—I suppose this is a reflection of the new politics—I find myself in agreement with the Liberal Democrats, which is not something that every party in the House can claim today. Two thirds of Scottish voters have supported the Union and rejected separation, and for all the windy rhetoric of moral authority the fact remains that the Scottish National party secured less than a third of the votes in Scotland last Thursday. The only party with the moral authority to move a country towards independence would be a party that secured majority support and then majority support in a referendum, and I do not believe that the Scottish National party has the prospect of either.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): Perhaps the Secretary of State will also agree with me that the vast majority of people who voted for the Scottish National party did so not in an attempt to break up the Union but as an expression of dissatisfaction with the Labour and Liberal Democrat-led Scottish Executive. Does he accept, too, that Labour's clunking fist approach to promoting, or rather brow-beating, Scots into supporting the Union failed and will he encourage the Chancellor and others to support my right hon. Friend the Member for Witney (Mr. Cameron) in his positive promotion of the Union?

Mr. Alexander: I say this with the greatest of respect: I have never regarded the views of the right hon. Member for Witney (Mr. Cameron), or indeed those of the hon. Gentleman, as my lodestar in terms either of defending the Union or winning popular votes in Scotland. If the hon. Gentleman has advice to offer parties in Scotland, perhaps he should write another memo to his colleagues in the Scottish Parliament.

International Sporting Events

4. **Mr. Greg Hands** (Hammersmith and Fulham) (Con): What steps he has taken to secure future international sporting events for Scotland. [135094]

The Secretary of State for Scotland (Mr. Douglas Alexander): I have recently secured the full support of the United Kingdom Government for Glasgow and Scotland's bid to host the 2014 Commonwealth games. The bid will be formally submitted tomorrow. Scotland's strategy for attracting, organising and delivering major events is the responsibility of Scottish Ministers.

Mr. Hands: I, too, support the Glasgow bid for the Commonwealth games. Looking forward another four years, the Conservatives have been urging a joint England-Scotland bid to host the World cup. There are many merits in a joint bid—the excellent stadiums and the fantastic fans in Scotland—yet the main obstacle continues to be the Chancellor of the Exchequer. I would have thought that in the current climate the Secretary of State and the Chancellor would be looking at means to strengthen the Union. The SNP is opposed to a joint bid for the World cup—

Mr. Speaker: Order.

Mr. Alexander: I am not aware that the Scottish Football Association is giving that matter serious consideration at present. It is principally a responsibility for the SFA and the football authorities, so although I hear what the hon. Gentleman has said, I do not want to prejudice the continuation of the four home nations competing in international competitions.

Mr. David Marshall (Glasgow, East) (Lab): I congratulate my right hon. Friend on his efforts to bring the 2014 Commonwealth games to the city of Glasgow. Does he agree that the UEFA football cup final to be played in Glasgow this month will be an excellent showcase for the city, which should lead to many more football finals being played in that football-mad city, and that it will also be a major boost to the Commonwealth games bid that is being launched tomorrow?

Mr. Alexander: I am certainly happy to identify myself with the comments made by my hon. Friend. It is right to recognise the centrality of football to the city of Glasgow. Only on Saturday, it was a great privilege for me, as Secretary of State for Scotland, to accompany His Eminence the Cardinal of Scotland and the Moderator of the General Assembly of the Church of Scotland to Ibrox to see Rangers play Celtic in what I hope was an eloquent testimony to their shared determination to challenge sectarianism, which for too long has blighted football in that great city.

Malcolm Bruce (Gordon) (LD): In supporting Glasgow's bid for the Commonwealth games, may I remind the Secretary of State that in the north-east of Scotland we have a crowd of very talented swimmers, including European record holders, who will hopefully participate in both the Commonwealth and the Olympic games? Will he support the bid to ensure that we have an Olympic swimming pool in the north of Scotland so that those swimmers get the training facilities on the ground that they deserve to help them win medals for both Scotland and Britain?

Mr. Alexander: If the right hon. Gentleman writes to me about his specific proposal, I will certainly ensure that his points are passed on to those who would make a decision on an Olympic-size swimming pool.

John Robertson (Glasgow, North-West) (Lab): At a time when the Glasgow bid for the 2014 Commonwealth games is on its way to London, will my right hon. Friend make sure, as well as supporting the bid, that the 2012 Olympic games have the knock-on effect of ensuring that facilities in Scotland are second to none and that we are given the platform that we need for 2014?

Mr. Alexander: I remain convinced that there are huge opportunities for Glasgow, not simply in terms of the Commonwealth games bid, which I sincerely hope will be successful, but in its being another part of the United Kingdom to benefit from the 2012 Olympics. One of the key attributes of London's successful bid for the Olympics was a recognition not just of the magnificent diversity within that global city, but of the fact there were real opportunities for a legacy for every part of the United Kingdom. I know that that is certainly the intention of the Olympic authorities.

Drugs Classification

5. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet Ministers in the Scottish Executive to discuss the effect in Scotland of the legislation governing the classification of drugs. [135095]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): My right hon. Friend the Secretary of State has no immediate plans to meet Scottish Executive Ministers to discuss the effect in Scotland of classification of drugs. That policy matter is primarily the responsibility of my right hon. Friend the Home Secretary.

Mr. Bellingham: I am grateful to the Minister for that reply. Is he aware that the UK now has the second highest number of drug-related deaths in Europe? The problem is particularly acute in Scotland, where the death-rate average for the past five years is 624. Given that recent evidence from Scotland shows beyond any doubt that cannabis can cause brain damage and can lead to experimentation with harder drugs, has the time not come for it to be reclassified? What is his view on that and what recommendations will he make that might help to save Scottish youngsters from misery and drug affliction?

David Cairns: I agree with the hon. Gentleman that drug misuse is a terrible blight that affects all too many communities, both in Scotland and elsewhere. I commend him on the work that he has done in raising the issue. He will know, however, that the Government's position on the declassification of cannabis was informed by the independent Advisory Council on the Misuse of Drugs. The position was reaffirmed in January 2006, after further advice from the council. It recommended that cannabis should remain a class C drug, but that an information campaign was needed to highlight the mental health dangers and clarify that cannabis remains illegal. The Home Secretary has accepted that recommendation and has acted on it.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Does not the confusion surrounding the classification of cannabis highlight the fact that the Misuse of Drugs Act 1971 needs a major overhaul? In this House we revisit road traffic legislation on average every 10 years, but we have had no major drugs legislation since 1971? Will the Minister impress on the Home Secretary the fact that the time has come to look at drugs misuse as a whole?

David Cairns: The hon. Gentleman highlights the fact that, as I said, this matter is a policy responsibility of the Home Secretary. The hon. Gentleman is perfectly capable of making those representations strongly by himself. It is important that we clarify that cannabis still remains illegal and that in my view, the view of the Government and the view of more and more informed commentators, it is still a very dangerous substance indeed. The Government are clear that that is a message that we all have to get across.

Second Home Owners

7. **Mr. Andrew Robathan** (Blaby) (Con): What discussions he has had with the First Minister on eligibility for voter registration for those with second homes in Scotland. [135097]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): My right hon. Friend the Secretary of State and I have regular discussions with the First Minister on a range of subjects.

Mr. Robathan: Is the Minister aware that, as part of the electoral fiasco in Scotland last week, some people with second homes in Scotland who applied to register as voters were turned down? Given that all Ministers of the Crown are deemed to have their primary residence in London, will the Minister tell the House whether he, the Chancellor of the Exchequer and other Scottish Ministers were able to register and vote in Scotland? If so, why are politicians treated better than ordinary people?

David Cairns: The hon. Gentleman knows that decisions on whether individuals are placed on the electoral register are a matter for individual registration officers. If he has a specific example that he wishes to put forward, I will be happy to receive his representations. On his first point, he will be aware that my right hon. Friend the Secretary of State will be making a statement on the matter very soon.

Mr. Peter Atkinson (Hexham) (Con): I was grateful for the answer that the Minister gave to a written question that I tabled about this subject on behalf of a constituent with a second home in Scotland who was refused registration. We then discovered that Scottish MPs with second homes in London were able to vote locally. There are irregularities in the way in which registration officers apply the rules across the country, because some will grant second home owners a vote, while others will not. Given that second home owners now pay virtually full council tax, will the Minister ensure that they will have the right to vote if they want to, bearing in the mind the phrase "no taxation without representation"?

David Cairns: It is clear that it is perfectly possible to be on the electoral registration roll in more than one location. We must not allow anyone to run away with the idea that that is a special privilege for MPs. For example, students can be registered on the electoral roll at a hall of residence and their home address. I simply do not know why individuals were turned down, because it was not my decision to turn anyone down. Such decisions are made by individual registration officers, who have clear guidelines to which they work. If the hon. Gentleman wants to write to me about a particular issue, I will take it up on his behalf, but this is clearly a matter for individual electoral registration officers.

Digital Switchover

8. **Rosemary McKenna** (Cumbernauld, Kilsyth and Kirkintilloch, East) (Lab): When he last met Ofcom to discuss digital switchover; and if he will make a statement. [135098]

The Parliamentary Under-Secretary of State for Scotland (David Cairns): I last met the director of Ofcom Scotland, Vicki Nash, on 29 March and we discussed a wide range of issues.

Rosemary McKenna: When my hon. Friend meets Ofcom and, especially, Digital UK, will he express his concerns that some suppliers are still providing equipment that will be obsolete after switchover? Will he ensure that Digital UK does all that it can to discourage people from purchasing such equipment and that it gives good information and advice?

David Cairns: My hon. Friend raises an important point. I pay tribute to her work on the Culture, Media and Sport Committee, through which she has consistently raised such issues. She asks about one of the matters that I discussed with Vicki Nash a few weeks ago. It is important that people are aware not only that digital switchover is happening—it is happening sooner in the Border television region than elsewhere—but of the technical issues involved. People should not buy equipment that they do not need or something that is far more expensive than is needed, and nor should they be sold equipment that will become obsolete very quickly. We must work with manufacturers and retailers. The Department of Trade and Industry is involved in this and I continue to raise such concerns.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Following those discussions about digital switchover, does the Minister have any progress to report on the development of handsets and controls for people with visual impairments and other disabilities, given that the programme guide is extremely difficult to control? Will the Government ensure that those with disabilities will have equal access to digital television when they are forced to use the new technology?

David Cairns: This is an extremely serious point. Given that digital services will be enhanced and the spectrum will be greatly increased, there will be an opportunity to tailor specific services for disabled people. It is absolutely vital that the technology allows such people to access programmes that are made on their behalf. We touched on the issue regarding handsets, albeit briefly, and I shall be happy to take up the matter on the hon. Gentleman's behalf because I entirely share his concerns.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): With regard to digital switchover, will the Minister give an absolute assurance that my constituents in Lewis, Harris, Uist and Barra will be guaranteed continuity of service at all times, particularly during elections such as the one that they really enjoyed last week?

David Cairns: I am being encouraged to say things by my hon. Friends on the Back Benches, but I shall not put them on record. It is important to note that digital switchover means that about 98 to 100 per cent. of people will receive a new digital signal. It has never been the case that every single person would be able to receive a digital signal. I do not have the map in front of me, and I cannot tell the hon. Gentleman about every island that he mentioned. There are areas in my constituency that cannot get an analogue signal, never mind a digital signal. Everyone has been clear and consistent all the way along the line: about 98.5 per cent. of homes will be able to receive the new, improved digital services.

COMMUNITIES AND LOCAL GOVERNMENT

The Secretary of State was asked—

Energy Efficient Homes

15. **Lynne Jones** (Birmingham, Selly Oak) (Lab): What minimum requirements her Department stipulates for the energy efficiency of new and refurbished homes. [135791]

The Minister for Housing and Planning (Yvette Cooper): New standards for building regulations were introduced in April last year. They require a 40 per cent. improvement in energy efficiency, compared to 2002. However, we need to go further, and we are consulting on a timetable for significant increases in compulsory energy efficiency measures for new homes, so that all new homes can be zero carbon within 10 years.

Lynne Jones: I thank my hon. Friend for the work that she is doing to ratchet up energy efficiency standards, but may I ask her to address the second part of my question, which is about existing homes? In Birmingham, 35,000 homes in the private sector, and more than half of council homes, do not even meet the decent homes standard, which is a very low standard. What is she doing to improve the energy efficiency of existing homes, particularly those occupied by people on low incomes?

Yvette Cooper: My hon. Friend makes an important point, and it is certainly true that existing homes make up the vast majority of the stock. We already support grants and assistance for people, including through the energy efficiency commitment provided by energy companies, but more work needs to be done as part of the decent homes programme, and through the introduction of energy performance certificates, which we strongly support, but which, unfortunately, Opposition Members do not.

Mr. Graham Stuart (Beverley and Holderness) (Con): Does the Minister agree that there is no point in having high standards for new homes if those standards are not enforced? Does she share my concern that between a third and 40 per cent. of homes built are reported to fail to meet current standards, and what steps will she take to ensure that those standards are enforced?

Yvette Cooper: The issue of enforcement is important, and that is why we have introduced pressure testing as part of the new standards introduced last year. The standards that were in place before April last year were not sufficiently well enforced, and we have been working on a major training programme to increase enforcement and ensure that the current standards are properly implemented.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I am sure that my hon. Friend will agree that we can tackle the issue of energy efficiency in new homes through building regulations, but it is important that we have a policy to deal with energy efficiency in existing houses. By including energy efficiency certificates as part of home information packs, are the Government not demonstrating that those certificates are a vehicle through which we can try to raise public awareness of existing energy-efficient homes across the board? If the Government, while pretending to be green, rejected a measure as modest as making energy certificates part of home information packs, that commitment to being green and to tackling climate change would be nothing more than skin deep.

Yvette Cooper: My hon. Friend makes an important point. Energy performance certificates can make a significant difference, particularly if they are linked to new programmes, such as those involving green mortgages and other kinds of grants for home owners. He will know that the measure has been strongly supported by WWF, Friends of the Earth, the Campaign to Protect Rural England and a range of environmental groups; they are strongly saying to us that it would be a travesty if energy performance certificates were to be delayed.

Michael Gove (Surrey Heath) (Con): The Minister knows that the Conservative party—and, for that matter, the Liberal Democrats—is entirely behind energy performance certificates. It is because we take energy efficiency so seriously that we were scandalised to read on Sunday that there is not a single accredited domestic energy assessor available in the United Kingdom. Figures released by the DCLG on Friday reveal that there is not a single accredited assessor in place. A year ago, we were told that we would need 7,000 inspectors—this month, 2,000—but not a single one is in place. What a fiasco on the Minister's watch.

Yvette Cooper: I have to say that, for all the hon. Gentleman's manufactured indignation, more than 5,500 people have entered training to be energy assessors or home inspectors, and 1,900 have passed their exams. The hon. Gentleman says that he supports energy performance certificates, so I must ask him why he has signed early-day motions 1264 and 1265, which oppose not only home information packs but energy performance certificates for rented buildings, public buildings and homes. WWF has criticised his party for doing so, and that is the group that helped his right hon. Friend the Member for Witney (Mr. Cameron) to travel to the—

Mr. Speaker: Order. I call Mrs. Hodgson.

Mrs. Sharon Hodgson (Gateshead, East and Washington, West) (Lab): Is my hon. Friend the Minister aware of the affordable homes that are being built by Ikea in my constituency? They use sustainable materials and seek to be at least 25 per cent. more energy efficient than the norm. People do not even have

to build them themselves. Should councils not follow the example set by Gateshead of backing innovative solutions that produce energy efficiency coupled with affordable housing?

Yvette Cooper: My hon. Friend is absolutely right. A lot of innovative schemes have been set up across the country. I went to see one in Redditch just a few weeks ago in which people are looking at different ways of constructing homes. We have to recognise that the house-building process must change fundamentally: we must change the way in which we build, heat and power our homes if we are to meet the challenge of climate change. I agree that there is a lot more that local authorities can do to support that process.

Council Tax

16. **Mark Hunter** (Cheadle) (LD): What plans she has for a council tax revaluation in England. [135792]

The Secretary of State for Communities and Local Government (Ruth Kelly): As I have made clear on several occasions, the Government have no plans to revalue during the lifetime of this Parliament.

Mark Hunter: Given the Government's decision to abandon the council tax revaluation for the foreseeable future, does the Secretary of State have anything positive at all to say to the 2 million-plus households that, according to the Joseph Rowntree Foundation, are struggling to pay council tax? Can she explain, too, why the Government are so committed to retaining the unfair and unjust council tax system, which was introduced, after all, by the Conservatives, and which we all know penalises people on fixed incomes, particularly pensioners?

Ruth Kelly: I do not think that any tax is ever going to win a popularity contest, and the same is true of council tax, which is why we asked Sir Michael Lyons to look at it in what I think is a thorough and valued report. He concluded, first, that council tax is not broken and should be retained. Secondly, on local income tax, which was suggested by the hon. Gentleman's party, he said that there are serious concerns about the fairness of the proposal. I urge the hon. Gentleman to look at what Sir Michael Lyons said. Let us work together in making sure that we have a council tax and council tax benefit system that really do mean that we have a secure and stable level of funding for the future.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): The Minister has just alluded to the excellent and thorough report published by Sir Michael Lyons. Will she join me in urging all Members of Parliament to read it very thoroughly before they make pronouncements about the supposed effects of council tax revaluation in, to quote some people, "shoving up" everyone's bills? If people understood the way in which council tax worked, perhaps they would refrain from such scaremongering, which is simply scaring enormous numbers of people for no reason.

Ruth Kelly: My hon. Friend makes incredibly important points. Sir Michael Lyons himself said:

> "In making the judgment about whether and when to revalue, government must weigh the risks to council tax from a turbulent or painful revaluation, against the risks of allowing the tax base to fall further into disrepair."

Those are the sorts of considerations that any sensible Government must take into account. Michael Lyons himself said that revaluation was not an urgent priority. The key to council tax fairness and to putting that tax on a sustainable footing was, indeed, council tax benefit, which is why we need to work on his proposals to increase the level of council tax benefit, to make sure that it is both affordable and fair to people in this country.

Mrs. Caroline Spelman (Meriden) (Con): Last week, a written answer to one of my questions confirmed that more than £4 million of taxpayers' money is being spent on buying details of people's homes from estate agents. On 24 April, the Secretary of State was quick to criticise the tabling of questions to elicit information of this kind. Can she reconcile that written answer with her assertion that the revaluation is not already under way?

Ruth Kelly: I do not think I could have made my position any clearer to the House. We have no plans at all to revalue council tax in this Parliament. In fact, I think I am going to re-label the word scaremongering as "spelmongering", because the hon. Lady is causing fear in houses up and down the country with ill-founded allegations about the Government's plans. Instead of criticising this Government, she should tell us what she plans to do with council tax.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): Will my right hon. Friend confirm that the Valuation Office Agency has to conduct valuations as part of the regular process and that it would be completely preposterous to abandon attempts to find new, more cost-effective ways of carrying out valuations? Will she therefore make it clear that any responsible party, including a responsible Opposition, should be welcoming these changes instead of trying to ridicule them?

Ruth Kelly: As always, my right hon. Friend makes an incredibly important point. As he knows, there have been no changes in the powers of the Valuation Office Agency since 1993, when they were introduced by the Conservatives. Of course, the agency has to keep its records up to date, as any responsible Government agency should; and of course, instead of frightening pensioners, the Conservative party should be supporting these measures.

Lyons Report

17. **Dr. Vincent Cable** (Twickenham) (LD): Whether she has any plans to introduce reforms to the council tax as recommended by the Lyons report. [135793]

The Secretary of State for Communities and Local Government (Ruth Kelly): The Government support the conclusion of Sir Michael Lyons' independent inquiry that council tax is not broken and should be retained. We have already implemented many of Sir Michael's proposals through the local government White Paper and will respond to more of his recommendations in the coming months.

Dr. Cable: Does the Secretary of State fully accept Sir Michael Lyons' criticisms of the council tax benefit system, with £1.8 billion of benefit unclaimed in the last

financial year and a fall of 10 per cent. in take-up in the past decade? If she does accept those criticisms, when and how will the necessary reforms be introduced?

Ruth Kelly: I accept the hon. Gentleman's contention that we ought to do more about increasing the level of council tax benefit take-up. One of the key conclusions of Sir Michael Lyons' report is that the key to fairness in the council tax system is not revaluation or the introduction of further bands but ensuring that there is maximum take-up. That is why my Department is working very closely with the Department for Work and Pensions on improving the process. For example, anyone who applies for a pension credit will now have their council tax benefit details taken and processed at the same time, thus doing away with the need for a claim form. We are examining further measures and considering the scope for making council tax benefit an automatic rebate.

David Taylor (North-West Leicestershire) (Lab/Co-op): Notwithstanding the hyperventilating headlines in such papers as the *Daily Express*, the *Daily Mail* and *The Daily Telegraph*, is it not the case that by the time the first council tax bills are produced for the next Labour Government in 2011, the council tax system will be in its third decade? Is not reform of banding long overdue, particularly as regards revaluation, which can be done on a revenue-neutral basis that will minimise the numbers of winners and losers, unlike the disaster that we saw in Wales?

Ruth Kelly: I appreciate my hon. Friend's concern about how council tax is being implemented and about revaluation and rebanding. As I have made clear on several occasions, we have no intention of revaluing in this Parliament; nor do we have any intention of restructuring the banding system, which would naturally go hand in hand with revaluation, in this Parliament. However, Sir Michael Lyons says that even if we did go down that route, which we are committed not to do in this Parliament, that would not make the council tax system substantially fairer than it is at the moment. Clearly, there would be winners and losers, but the key to making the system fairer is to encourage greater take-up of council tax benefit.

Sir Nicholas Winterton (Macclesfield) (Con): Does the Secretary of State accept that all parties have something to learn from the results of the recent local elections? Will she therefore ensure that, in the reforms to the current council tax, any disincentive to maintain the weekly refuse collection is removed? Growing evidence shows that a weekly collection is not only desirable but essential for health and safety.

Ruth Kelly: I appreciate the hon. Gentleman's concern for his constituents, but it is right that local people and communities make such decisions with their local council. It is also right to increase our rates of recycling. Local councils may decide that the weekly bin collection is one aspect of their policy and may want to introduce other measures to increase the rate of recycling. That is their prerogative, but whatever is done should be done in close consultation with local communities.

Andrew Stunell (Hazel Grove) (LD): If the Secretary of State has set her face so strongly against revaluation, rebanding or abolishing the tax, what exactly will she do to lift the burden from the 2 million households already mentioned? Does she accept Sir Michael's figure of 40 per cent. in relation to existing council tax benefit lying unclaimed? He proposes an extension, but what precisely will she do? What is her time scale? Is it not time for some action, not more spin?

Ruth Kelly: I think I have made myself clear. If the hon. Gentleman reads the Lyons report—I am sure he has already done so—he might reflect on some of the evidence presented in it. I have been reflecting especially on chart 7.3, which clearly shows that council tax can be made much less regressive if there is full take-up of council tax benefit. We must ensure that those who are entitled to claim council tax benefit do that. That is why our programme, working closely with the DWP, is so important to increasing the fairness of the council tax.

Robert Neill (Bromley and Chislehurst) (Con): If the activities of the Valuation Office Agency are so benign and the likelihood of a revaluation is as remote as the Secretary of State suggested, why did the Government fight like cats in a sack to prevent those dangerous documents "Dwelling House Coding: An Illustrated Guide" and "Digital Photography User Guide" from being released into the public domain until the information was dragged out of them by use of the Freedom of Information Act 2000?

Ruth Kelly: The hon. Gentleman knows that we put extensive material into the public domain about the definition of bathrooms, digital photography and every other aspect of the valuation office's work. We have even published a document to satisfy Conservative Members' endless curiosity. The valuation office's powers have not been changed since the Conservative party introduced them in 1993. We have no intention of introducing revaluation in this Parliament. The hon. Gentleman and his colleagues should stop scaremongering, examine the facts and make a judgment based on them.

Gordon Banks (Ochil and South Perthshire) (Lab): Will my right hon. Friend put her mind to the following question? If council tax did not exist in any part of the UK, would council tax benefit exist?

Ruth Kelly: My hon. Friend makes his point in his own way. However, Sir Michael Lyons has concluded that a property tax—in other words, a council tax—should be a strong feature of the current local tax regime. Indeed, every major industrialised country has a property tax. Of course, we must not only work with the system that we have got, but try to increase levels of council tax benefit.

Mr. Eric Pickles (Brentwood and Ongar) (Con): Does the right hon. Lady understand that any implementation of the Lyons recommendations now requires consensus across the political spectrum? Given the massive drop in the number of Liberal Democrat council seats and the total disappearance of Labour councils from many parts of the country, and given that the Government lost their mandate last Thursday and the Secretary of State lost her parliamentary seat, does she accept the new reality?

Ruth Kelly: I can certainly agree with the first part of the hon. Gentleman's set of issues—the Liberal Democrats did not fare well on Thursday. We should bear in mind, however, the fact that the right hon. Member for Witney (Mr. Cameron) said:

"I think the way to judge us"

is

"to look at Greater Manchester...Are we making progress in places like Bolton"?

Well, I regret to inform the hon. Member for Brentwood and Ongar (Mr. Pickles) that we increased our majority in Bolton, taking seats from the Conservatives.

Affordable Housing

18. **Jim Cousins** (Newcastle upon Tyne, Central) (Lab): What steps she is taking to create more affordable housing (a) to rent and (b) to buy. [135794]

The Minister for Housing and Planning (Yvette Cooper): We are supporting a 50 per cent. increase in social housing over the current three-year period, as well as supporting increased market housing and shared ownership housing. That is the best way to deliver more affordable homes for the future.

Jim Cousins: I thank my hon. Friend for her reply, but does she accept that there are many attractive neighbourhoods in England's towns and cities, such as Fenham in Newcastle, where house prices are rising far more rapidly than the incomes of local people and where more than 300 people apply for every single council-owned family house that comes up? Does she accept that rising house prices are not a sign that market failure has been overcome, but that new ones with great unfairnesses are being created?

Yvette Cooper: My hon. Friend is right to say that the increase in house prices has put pressure on first-time buyers in particular and on others who would like to be able to afford their own home but instead feel that they need to join social housing waiting lists. That is why we need to build more social housing as part of the answer. We also believe that we need more shared ownership in order to help people buy a share of their own home even if they cannot afford the whole house price. It is also why we need to build more houses in the long term. We have to recognise that we have not built enough houses to meet rising demand for more than a generation. That is why it is so important to increase the level of house building and why it is so tragic that the Conservatives are still continuing to try to block the increased homes that we need.

Mr. David Curry (Skipton and Ripon) (Con): The Minister will be aware of the increasing concern expressed by regeneration agencies and the chief executive of the Housing Corporation at the growing practice of the purchase of property not even to let but simply to hold as an investment without its being occupied. Does she believe that that should be left to the marketplace, and what is her response to those concerns?

Yvette Cooper: The right hon. Gentleman makes an important point. There is a difference between buy-to-let and buy-to-leave. There is concern if large numbers of properties are being bought and then not rented out but held empty, particularly in areas where there is high demand for housing. He will know that we have given local authorities powers and responsibilities to do more to deal with empty homes that are left vacant for a long time. We think that authorities should use those powers.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): It is interesting to read in today's paper that the Prime Minister-in-waiting intends to build more houses both to let and to buy. Before I throw my hat in the air on behalf of the defend council housing campaign, may I ask the Minister whether she is aware that merely putting money into the private sector increases prices, and that what is needed is more land put on the market and to stop builders hogging land that could otherwise be used for building? Also, does she yet understand that building more council houses where they are required will assist in the process of ensuring that people have somewhere to live where they can afford either to pay the rent or buy? Will she stop the flim-flam that is going on in housing and recognise that the market without subsidy is—

Mr. Speaker: Order.

Yvette Cooper: I certainly agree with my hon. Friend that more land should be available for housing. We have said that we believe—

Mr. Speaker: Order. Perhaps I can suggest to the Minister that if she faces the Chair, everyone will hear what she is saying.

Yvette Cooper: I want to make it clear so that you can hear me, Mr. Speaker, that we believe more land should be available for housing, which means making sure that the priority is brownfield land. It also means ensuring that more social housing is built and that there is more shared ownership. We have taken steps to make it easier for councils to be able to build homes and for housing associations to increase the level of homes that they build. It requires increased housing across the board. The South East England regional assembly, led by the Conservatives, however, is still arguing for cuts in the level of house building. That is not in the interest of first-time buyers or those in need of social housing.

Mrs. Maria Miller (Basingstoke) (Con): The Minister will of course be aware that in September 2004 the Government announced the commissioning of a number of low-cost houses in my constituency through the design for manufacture scheme. Some two and a half years on, we are still waiting for a brick to be laid. Will she confirm that these houses will be built and that they will still cost £60,000, which was the price announced to my constituents by the Deputy Prime Minister just before the last general election?

Yvette Cooper: The hon. Lady will know that a series of different sites were put forward as part of the design for manufacture programme, and they are progressing at different speeds. Investment is taking place and new homes are being built. We think it is right that those homes should be offered at a range of prices, including

some that are close to £60,000, some that may be at a lower price, some that may be social housing and some that may be at a higher price. It is important that the new developments should have mixed communities, and I am sorry if the hon. Lady's party opposes that principle.

Dr. Brian Iddon (Bolton, South-East) (Lab): Does my hon. Friend recognise that many Labour Members are worried that with creeping increases in interest and mortgage rates and astonishing house prices—even in the northern counties, in places such as Bolton—if, despite her assurances, there is a downturn in the economy, there will not be enough affordable houses to catch those people who will be forced out of owner-occupation?

Yvette Cooper: My hon. Friend will know that the Bank of England takes the issue of stability extremely seriously, and it is important that it should do so. We are also clear that we need more investment in affordable housing, and that is why we have said that that is a priority for the spending review, and why we are supporting increased investment in affordable housing at the moment.

Pathfinder Scheme

19. **Dr. John Pugh** (Southport) (LD): If she will make a statement on the trend in costs of demolition in pathfinder areas. [135795]

The Parliamentary Under-Secretary of State for Communities and Local Government (Angela E. Smith): Although the costs of demolition in pathfinder areas vary, depending on the type and location of the property, the general trend is upwards. That is principally because, as in the rest of the country, house prices have risen significantly over the past few years in all the housing market renewal pathfinder areas.

Dr. Pugh: I thank the Minister for her answer, but will she acknowledge that, as costs are increasing, and are likely to increase further, owing to the speculative purchasing of property, ambitions are being scaled down and that lateral thinking is urgently needed?

Angela E. Smith: I think that all the thoughts on this issue have involved lateral thinking. It is worth reminding the House of the benefits that £1.2 billion of investment has brought to these areas. Nine thousand houses have been developed, and 35,000 properties have been refurbished and refitted to create new homes. Obviously we have seen an increase in house prices, but that will happen when areas are renewed and become places where people want to live. That means that our investment can go towards renewing and repairing more homes, and towards providing more homes in areas where people want to live.

John Mann (Bassetlaw) (Lab): It is not the demolitions that are the problem in the Meden valley; it is whether the builders can actually get on and build the new homes. Will the Minister pull together those running the pathfinder schemes to give a kick to the builders, who now have plenty of demolition land available for new house building? If she does, I can assure her that she will have the support of the five Labour Warsop councillors, including Councillor Peter Crawford—a Labour gain last Thursday.

Angela E. Smith: I am pleased to say that that was not the only Labour gain on Thursday; there was one in my constituency as well. I take on board my hon. Friend's comments. Clearly, we want to see more homes being built and refurbished, and I will take away the comments that he has made. We are making significant progress, but if there is more that we can do to advance the scheme further, we should obviously look into that.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): Is the Minister aware that, when the last Conservative Government successfully regenerated the Hulme estate in Manchester, they found that, in order to create a sustainable community, it was essential for at least 30 per cent. of the original residents to return to the estate from where they came? What work is the Minister doing in that respect?

Angela E. Smith: In all those areas, we cannot dictate to people where they should live. We have to create areas that people want to live in, and that means addressing not only issues involving housing but those relating to schools, infrastructure and crime. It is worth noting that there has been a dramatic reduction in crime in many of those areas, which encourages people either to stay or to move back in. The important thing is that there should be a stable and sustainable community, and our objectives are not just about housing but about the community as a whole.

Consultation (Northumberland)

20. **Mr. Alan Beith** (Berwick-upon-Tweed) (LD): What local bodies and individuals within Northumberland are included in her Department's consultation on local government reorganisation in Northumberland. [135796]

The Minister for Local Government (Mr. Phil Woolas): We are consulting widely across the private, public and voluntary and community sectors. My Department's website lists the key consultees, and explains that anyone may request an e-mail list of particular local bodies that we are consulting in each region. I have arranged for the north-east list to be sent to the right hon. Gentleman.

Mr. Beith: Why does the Government's list of key stakeholders consist entirely of national and regional bodies that might have an interest in having fewer local authorities with which to deal? Is it because the Minister accepts that the people of Northumberland, in a referendum undertaken by this Government, have already voted for two districts rather than one?

Mr. Woolas: The right hon. Gentleman knows that it would be unwise of me to comment on the proposals for his area, but let me take the opportunity to dispel the idea that we are interested only in regional and national bodies. This is a devolutionary measure, and it is up to councils also to consult local people and organisations—which I know they are doing in the right hon. Gentleman's area.

Tribute

3.30 pm

Mr. Speaker: I have the sad duty to inform the House of the death of Lord Weatherill, Speaker of the House of Commons from 1983 until 1992. I wish, on behalf of all Members, to pay tribute to his memory, and in doing so I send my deepest sympathy to his wife Lyn, and to his sons Bernard and Bruce and his daughter Virginia.

Bernard served his country as a captain in the Indian army during the war. When he visited the sub-continent over 30 years after he left the army, he was held in such high regard that many of the soldiers who had served with him travelled long distances on foot to meet up with their old captain.

Bernard was very proud of the fact that he had served his apprenticeship under his father, a journeyman tailor. Like most good people, he never forgot where he came from, and always carried a thimble in his Speaker's waistcoat as a reminder of his craft.

Bernard was elected to the House in 1964 and represented the seat of Croydon, North-East. Throughout his career he had an excellent reputation as a constituency Member of Parliament, and he served his party as a deputy Chief Whip.

I first met Bernard when I entered the House in 1979. By then he was Chairman of Ways and Means. He was a most approachable man, and was always very kind to young Back Benchers. In his acceptance speech as Speaker, he clearly stated that he would be a Speaker for Back Benchers. He kept his word.

Under Speaker Weatherill I was invited to become a member of his Speaker's panel, and ever since then he was a person to whom I could turn for help and advice. In fact, we became and remained close friends. Even when he entered the House of Lords, he was a regular visitor to Speaker's House.

No one would disagree with me when I say that Bernard Weatherill was incapable of malice. He was thoroughly patient and always courteous, and because of that he was held in great affection by every Member of the House. The Lord Speaker informed me that he played a significant part in the House of Lords, and was for a considerable time convenor of the Cross-Bench peers.

Once again I extend my heartfelt sympathy to his family, and I end by saying that he has an assured and honoured place in the history of this House.

Scottish Parliamentary Elections

3.34 pm

The Secretary of State for Scotland (Mr. Douglas Alexander): With permission, I will make a statement on the conduct of the elections to the Scottish Parliament held on 3 May.

A great deal of wholly legitimate public concern has been expressed about certain aspects of last Thursday's elections, and I entirely share that concern. It focuses mainly on three areas: the arrangements for the administration of postal ballots, the operation of e-counting machines, and the significant numbers of spoilt ballot papers on the night. When it became apparent in the early hours of Friday morning that difficulties were emerging, I contacted Professor Sir Neil McIntosh, the Scottish electoral commissioner. I expressed to him my concern that these issues be addressed as part of the statutory review of the Scottish elections that the commission is obliged to undertake, and as a matter of urgency. Sir Neil was able to offer me that reassurance, and that investigation is now under way.

The Electoral Commission has a statutory duty to report on the Scottish parliamentary elections. At the request of the Scottish Executive, it will also be reporting on the local government elections. The commission is an independent body and is committed to ensuring that there is a full and independent review of the Scottish elections. In areas where the commission itself has an operational involvement—for example, in its statutory duty to promote public awareness of electoral systems—the commission will ensure that there is independent evaluation of its own work, as it has done in respect of previous statutory reports. The commission is currently finalising the scope and time scale of the review, but intends to publish a report in the summer.

One focus of public concern has been the adoption of a single ballot paper for the Scottish elections, and another has been the holding of those elections on the same day as the local government elections in Scotland. The poll for the Scottish Parliament elections is set in the Scotland Act 1998. It has a pre-determined cycle, which the Parliament at the time supported fully. I am not aware of there being any calls to change that. The decision to hold the local government elections on the same day was entirely a decision for Scottish Executive Ministers. It was enshrined in legislation which was fully debated and passed by the Scottish Parliament.

Without wishing to prejudice the findings of the inquiry, I would like to set out to the House the sequence of recommendations, consultations and decisions that led to the adoption of a single ballot paper for both elements of the Scottish Parliament elections, which are matters for which the Government have legislative responsibility. On 25 May 2004, my predecessor as Secretary of State, my right hon. Friend the Member for Edinburgh, South-West (Mr. Darling), announced the creation of a commission, under the chairmanship of Sir John Arbuthnott, to examine the implications of Scotland having four different voting systems. That commission was independent and included nominations from political parties. The commission issued a consultation paper in January 2005 and spent 12 months gathering evidence and carrying out a wide-ranging and extensive inquiry. The Arbuthnott commission issued its report

[Mr. Douglas Alexander]

jointly to my predecessor and the Scottish First Minister on 19 January 2006. The report contained a number of recommendations and suggestions, some of them to the Electoral Commission concerning voter education, others to the Scottish Executive—such as a recommendation to move the date of the local government elections—and several to the Government. My right hon. Friend the Member for Edinburgh, South-West made it clear that it was unlikely that we would be in a position to implement those recommendations in the report which would require primary legislation in time for the 2007 Scottish elections. However, there was one matter that could be progressed without the need for primary legislation—the suggestion that the two ballot papers for the regional list and constituency member be combined into one, with the regional list on the left-hand column, based on the example of the New Zealand paper. In light of the views of the Arbuthnott commission, I decided to proceed with a wider public consultation in order to test whether the suggested move to a single ballot paper commanded more general support, and to explore the appropriate design of such a ballot paper.

The Scotland Office launched that consultation on 9 June 2006. In addition, my hon. Friend the Under-Secretary of State met with a range of interested parties, including representatives from disability rights groups, to explore these issues. There was a significant level of support for a single ballot paper. Of 29 respondents, the Scottish Senior Citizens Unity party, the Liberal party of Scotland, ENABLE Scotland and Capability Scotland were not in favour of a combined ballot paper. I have requested that all responses to this consultation are placed in the Library of the House. The major political parties who expressed a view were largely in favour.

Derek Barrie, the chief of staff of the Scottish Liberal Democrats, responded on their behalf on 15 June. He said:

"The Scottish Liberal Democrats warmly welcome and fully endorse the proposal to have one ballot paper only for the next diet of Scottish Parliament elections in May 2007. This is one recommendation of Arbuthnott that we fully agree with."

Peter Murrell, chief executive of the Scottish National party, responded on 16 August 2006:

"The Scottish National Party is in support of the proposed move to a single ballot paper for both votes in the Scottish Parliament elections. We believe that this will aid understanding of both elements of the voting system and, in particular, remove any misunderstanding that the regional vote is somehow a second preference vote".

Lesley Quinn, general secretary of the Scottish Labour party, responded:

"The Scottish Labour Party strongly supports a single ballot paper, as this will simplify voting, counting, voter awareness and understanding. A single ballot paper will reduce the potential for voter confusion and be easier for people to use".

No response to the consultation was received from the Scottish Conservative party.

Beyond the political parties, the Electoral Reform Society responded:

"The Electoral Reform Society supports the use of a single ballot paper for the Scottish Parliament Elections".

SOLAR—the Society of Local Authority Lawyers and Administrators in Scotland—responded:

"The SOLAR elections working group unanimously agreed to support the proposal that both Scottish Parliament contests be contained on one ballot paper."

To explore further the issues in advance of decision, as part of this consultation, the Scotland Office requested the Electoral Commission to research with voters the impact of any possible change to the ballot paper format. On 4 August 2006, Sir Neil McIntosh wrote to the Under-Secretary of State enclosing the findings of that research, which involved focus groups in Glasgow, Edinburgh, Inverness and Dundee. A copy of the research has been placed in the Library of the House, together with the covering letter from the Electoral Commission.

In that covering letter, Sir Neil McIntosh wrote:

"As you can see, the research draws a number of clear conclusions for the design of the Scottish Parliamentary Ballot Paper. These conclusions point to the interests of the voter best being served by: A design of ballot paper that incorporates both the regional and constituency ballot papers alongside each other on a single sheet of paper".

The findings of the focus groups supported the move to a single ballot paper, with a significant majority of respondents agreeing, and with the overall preference in favour of a single combined ballot paper rather than two separate papers. Only after that extensive consultation, involving the widest possible range of stakeholders, the support of the main political parties who expressed a preference, research indicating the best interests of the voter being served by a single ballot paper and clear official advice, was a decision taken to proceed with a single ballot paper for the Scottish parliamentary elections.

I will now deal with the issue of delays in the administration of postal ballots. The handling of postal votes is increasingly a subject of public interest and concern, which is why we already have stiff penalties in legislation to prevent fraud. The use of postal votes in higher numbers than before makes that all the more important. When it became clear that such delays were occurring in the days prior to polling day, I instructed my officials to contact the Electoral Commission to ensure that those matters would be fully investigated as part of the statutory review.

However, the processes at local level for the preparation and delivery of postal votes are a matter for returning officers and their staff. They make the contractual arrangements that they judge appropriate for their area. They are well aware of the tight time scales involved in getting out the papers to voters. When the Electoral Commission reports, I will, of course, examine whether the Government can take steps to help ensure that the postal vote problems that beset regions such as the highlands and Dumfries and Galloway, among others, do not happen again.

Finally, I shall deal with the issue of e-counting. In 2005, the Scottish Executive approached the Scotland Office to discuss the option of using e-counting at the combined poll. That arose mainly because of the benefits in relation to handling a count of ballots under the single transferable vote method. Manual counts of STV would take many days and be highly complex. My predecessor as Secretary of State, after careful assessment of advice, gave an agreement in principle to the option, but stressed the need for systematic testing and evaluation of the equipment and software. That

took place throughout late 2005 and into 2006 up to the final procurement decisions.

Many tests and demonstrations were held for electoral administrators, political parties, special interests and others. Various contingencies were tested, including power failures and ballot papers that had been creased or folded. That process was led by a steering group comprising officials from the Scotland Office, the Scottish Executive and the Scottish Parliament, as well as representatives from the Convention of Scottish Local Authorities, the Association of Electoral Administrators, the Society of Local Authority Lawyers and Administrators in Scotland, the Scottish Assessors Association and the Society of Local Authority Chief Executives and Senior Managers. I am advised that none of the simulations gave any evidence of the kind or scale of problems that we saw in some centres on Thursday night and Friday morning. Clearly, this issue will be central to the Electoral Commission's report.

There are several issues that need to be explored in relation to the problems encountered in the conduct of these elections. The Electoral Commission must now be allowed to undertake its statutory review which, as I have said, will be available by the summer. I will, of course, update the House at that stage in light of its conclusions.

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): I thank the Secretary of State for an advance copy of his statement and, indeed, for agreeing to make a statement this afternoon. I am glad that he is now taking the issue of the conduct of the Scottish Parliament elections seriously, compared with the cavalier approach that he has shown in the past when the issue has been raised in the House and at the Scottish Affairs Committee.

Despite repeated warnings about the pitfalls of introducing a new voting system, new ballot papers and a new method of counting all on the same day, the approach of the Scottish Executive and the Scotland Office was to carry on regardless. It is not good enough to adopt the Jack McConnell approach to the cost of the Scottish Parliament building—

Mr. Speaker: Order. This is a statement by the Secretary of State. The hon. Gentleman is entitled to put several supplementary questions, but not to make a counter-statement.

David Mundell: Thank you, Mr. Speaker.

The Secretary of State is responsible, as he himself acknowledges, so will he now apologise to the people of Scotland for Thursday night's debacle? In particular, will he apologise to the tens of thousands of voters disfranchised due to their vote not being counted? Does he agree that it is totally unacceptable that around 100,000 people—compared with 16,000 in 2003—who actually made the effort to go to a polling station had their ballots disallowed, and that while there is no evidence of disproportionate disadvantage to any party, it does create unease among the electorate that in Airdrie and Shotts, for example, where the majority was 1,146, there were 1,536 spoilt papers?

Does the Secretary of State agree that the public's confidence in the electoral system will be restored only if a full independent inquiry into what happened takes place? While the perspective of the Electoral Commission will be important, does he accept that it was integrally involved in these elections and—in particular and as his statement suggests—in the design of the ballot paper? The conduct of the elections was influenced by many political decisions and they, too, must be the subject of scrutiny. In that regard, before giving the go-ahead to the constituency and regional vote single ballot paper, did the Secretary of State actually read the report sent by the commission on 4 August, which showed that there was least scope for voter error when two ballot papers were used, and does he accept newspaper reports that the commission put an overly positive gloss on that report and omitted to disclose the finding that the single-paper option was more likely to lead to errors and therefore contribute to a higher number of invalid votes?

I accept that the Scottish Conservatives acceded to a single Scottish Parliament ballot paper, but what they did not accept was the use of that ballot paper on the same day as council elections under a different system of voting. Does the Secretary of State accept that every objective body from which evidence was taken recommended the decoupling of the elections, and that since the local government elections would inevitably impact on the Scottish Parliament elections, he cannot shirk responsibility for those two elections taking place on the same day? Does the Secretary of State accept that somebody has to take responsibility for the situation, and that it lies with his Government and with him?

Mr. Alexander: Let me seek to deal with the points raised by the hon. Gentleman. As my statement made clear, all of us regret the difficulties that were encountered on Thursday and Friday in the conduct of the Scottish elections. That is why it is entirely appropriate that the statutory view that is the obligation of the Electoral Commission be taken forward expeditiously. It is appropriate first to find out what happened and then to understand why those difficulties were encountered. However, I fail to be convinced by the hon. Gentleman's arguments that it would be inappropriate for the Electoral Commission to carry out its statutory obligation.

The hon. Gentleman bandied around the name of an individual constituency. To maintain the confidence of the Scottish public, it is important that we be very clear that the responsibility for the integrity of results in individual constituencies in Scotland is a matter not for politicians but for the returning officers. If certain results arouse particular concerns, candidates should raise those concerns directly with returning officers.

I fully accept the need for answers. Even as the results were still coming in, I made contact with the Electoral Commission's Sir Neil McIntosh and made clear to him my desire to make sure that each of the issues that I described in my statement was covered.

The hon. Gentleman mentioned the reports in *The Scotsman* and other newspapers this morning. I can assure the House that the full research findings received by my office are available to all hon. Members in the Library. I do not accept the characterisation of those findings set out in *The Scotsman* this morning. Instead, I take the view set out by Sir Neil McIntosh that I narrated in my statement.

Jo Swinson (East Dunbartonshire) (LD): I thank the Secretary of State for his courtesy in allowing me prior

[Jo Swinson]

sight of his statement. I am sure that we are all dismayed by the appalling mess made of the Scottish elections, especially when it became clear that as many as one person in 20 who went out to vote was unable to make his voice heard. I welcome the review that the right hon. Gentleman has said will look at the contentious aspects of the spoiled ballots, the postal voting and the electronic counting. I urge that that review be carried out in a way that is as transparent and public as possible, in order to command confidence.

The elections featured new voting and counting systems, and a new ballot paper design for the old system. The blame for the chaos has been attributed to each of the changes, but does the Secretary of State agree that we should wait for the review to understand properly where the problems lay, and that we must not fall into the trap of tarring all reforms with the same brush?

Did the Secretary of State and the Scotland Office look at and try to learn from the report into the Greater London authority elections of 2004? Similar problems with postal voting were encountered in Scotland last week, and we should not be making again the same mistakes that happened in the past. Therefore, will the Secretary of State give a guarantee that the review's results will be shared across government? It would smack of incompetence if we were to keep making the same mistakes time after time.

There has been much speculation in the newspapers about the private companies involved in running the postal voting and e-counting for last week's elections, and some people have suggested that the blame lies with them. Will the Electoral Commission look at the contracts in detail? Were stringent enough penalty clauses in place to give the companies adequate motivation to make sure that they were able to conduct the elections without problems?

Given the evidence from the experts that the single ballot paper was the best option, will the Electoral Commission review the adequacy of the testing that it carried out? It seems that it may not have been robust enough to identify the scale of the problems that were encountered.

Elections should not be run for the convenience of returning officers or political parties. We must remember that it is the voters who are the most important, so I hope that the commission will interview them, especially the ones who were confused by the system. In that way, we can understand where their problems lay.

In particular, there has been anecdotal evidence that putting the Scottish National party slogan "Alex Salmond for First Minister" on the ballot paper has caused some people to be confused between the party and the personal votes. Will that matter be looked into as well?

When the report is published, will the Government invite all political parties and stakeholders to comment on the results and seek to build a consensual way forward? In that way, the cherry-picking of recommendations can be avoided. It is in everyone's interests that the problems are identified and the solutions found. That is vital if elections are to have legitimacy and if the credibility of our democracy is to be preserved.

Mr. Alexander: I shall try to answer the questions put to me by the hon. Lady. First, she mentioned the way that the new voting system, the e-counting and the design of the ballot paper all came together, but she was right to say that we should await the review's outcome. We need a clearer sense of the relative contribution that different elements might have made to the difficulties experienced last Thursday and Friday.

The hon. Lady also mentioned the GLA elections. I am aware that investigations were held at the time into the performance of the firm DRS, the same contractor that was responsible for the count last week. My understanding is that the company's performance in the GLA elections was considered as part of the procurement process.

I have already been in touch with Sir Neil McIntosh to request that the postal voting issue be considered as part of the review that needs to be carried out. The hon. Lady asked about the tests and whether the contingencies were appropriate. As I narrated in my statement, a wide range of interests were represented on the steering group responsible, including not just politicians but a much wider range of people who have direct responsibility for and experience of administering elections. Clearly she makes a valid point that notwithstanding the extensive work of the project board, during which political parties and not simply the party of Government were invited to observe the operation of the counting machines, difficulties occurred at a number of stations, and it would be entirely appropriate for the Electoral Commission to give consideration to that in the process of its review.

The hon. Lady raised a specific issue about the designation "Alex Salmond for First Minister" appearing at the top of the regional list. It is fair to acknowledge to the party of which the hon. Gentleman is leader that that was one of the designations previously registered with the Electoral Commission—my recollection is that parties are entitled to 12 designations, and that was one of them. There has been comment since the election that it may have been a contributory factor, but as I said, it is for others to comment on that issue.

On the hon. Lady's final point, I concur with her view that the responsibility is to identify why the problems occurred and to find solutions and a way forward. That is why I have given an undertaking that I will certainly update the House in light of the Electoral Commission's review.

Sandra Osborne (Ayr, Carrick and Cumnock) (Lab): It is welcome that the equipment was evaluated in advance. What estimate was made of the accuracy of the scanners? Would a manual check on the day of the election have been an advantage to boost confidence in the new system?

Mr. Alexander: Of course there was judged to be a high level of accuracy in the electronic scanning, but it is worth bearing in mind that there was the facility, which was used on the night, for manual examination of papers over which there was dispute. In that sense, electronic counting was not to the exclusion of the possibility of a manual count; there was provision whereby disputed papers could be considered by manual examination.

Angus Robertson (Moray) (SNP): There was no doubt about the result of the election, which was victory for the Scottish National party, but the chaos in the counting, the postal votes and the spoiled ballots was a debacle. Did the Electoral Commission warn the Secretary of State of concerns about the design of the ballot paper? When the ballot paper size became apparent, did he decide that all must appear on one page, and at the end of the ballot design phase was there any further testing? Will he now publish all relevant ministerial correspondence? The statement was completely inadequate. It did not include reference to the necessary full, independent judicial inquiry and the Secretary of State has not faced his responsibilities, which frankly should involve him considering his position.

Mr. Alexander: First, I have assured Sir Neil McIntosh of the full co-operation of Ministers and officials in the inquiry being undertaken by the Electoral Commission—the statutory review set down as the responsibility of that independent electoral watchdog. In turn, the Electoral Commission has made it clear that where matters touch on its direct responsibility, there will—as in the past—be independent evaluation of that role. Frankly, the interests of Scotland are best served by allowing the review to take its course, to ensure that as expeditiously as possible we can find answers and solutions to the types of problems that arose on Thursday and Friday.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): If I were to give my true impressions of Thursday, I doubt that I would be allowed to remain in the Chamber. Given the experience both at the polling booths and at the count in the evening, can the Secretary of State give any indication as to the split in the spoiled papers of the national vote against the local government vote? In all the counts I saw, the number of spoiled papers in the local elections was far greater. Does the 100,000 include that figure or is it additional to the 100,000?

Mr. Alexander: I urge caution on two fronts. First, a final tally is still to be reached on the number of spoiled papers, but according to the information that I received this morning, it does not reach 100,000. Although a number of figures have been bandied around in the newspapers, I urge caution about the number of spoiled papers. We should allow people to continue with their work. Secondly, on the relative balance of spoiled papers between the local government elections and the Scottish Parliament elections, I am not in a position to offer the House guidance on that matter, but I take comfort from the fact that, at the request of Scottish Executive Ministers, the Electoral Commission review will not only examine the Scottish Parliament elections but will give due consideration to the local government elections that took place contemporaneously.

Mr. Andrew Tyrie (Chichester) (Con): Is this not just the latest in a catalogue of so-called electoral reforms introduced by the Labour Government that have gone wrong one after another? It comes on top of the scandal of the postal votes farrago in the general election, and the deregistration of thousands of service voters. Is it not redolent of banana republic-style chaos in the electoral system, and is it not essential that we have an inquiry not only into how the situation came about, but into whether the election should be—

Mr. Speaker: Order. I counted about three supplementary questions, when there should be only one.

Mr. Alexander: I am not convinced by the case that the hon. Gentleman makes, and I am not sure that such terminology is helpful, in that it seeks to prejudge the serious and considered review being undertaken by the Electoral Commission. A whole range of new measures have been introduced by the Government to give greater assurance to voters on voting methodologies, and it ill behoves him to seek to create a partisan advantage out of what is a serious issue for the Scottish people.

Mr. David Marshall (Glasgow, East) (Lab): Will my right hon. Friend convey to his right hon. Friends in the Cabinet the strong suggestion that in no circumstances at all should the DRS company or electronic counting machines be allowed to play any part in the next general election for the Westminster Parliament?

Mr. Alexander: I am sure that I, and many others both in the Cabinet and elsewhere, will give due consideration to the review by the Electoral Commission.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Without wanting to diminish in any way the standing of the Electoral Commission, many of us have real concerns about the adequacy of a report produced by it. The commission may just be too close to the process. Does the Secretary of State accept that the commission's review may not be the last word on this matter, and will he keep in mind the possibility of a further inquiry by somebody who is independent of the Scottish political scene, but who knows a bit about politics? I am thinking of somebody of the standing of former President Mary Robinson from the Republic of Ireland. It may be necessary to involve somebody like that in order to restore the integrity of our electoral system.

Mr. Alexander: I would not wish to undermine in any way the important role that the Electoral Commission plays. The hon. Gentleman's description of a body that stands outside the Scottish political process but is of some standing seems to fit fairly accurately the work of Sir Neil McIntosh and the Electoral Commission more broadly across the United Kingdom, as our independent elections watchdog. None the less, of course I will consider whatever recommendations are made by the review, which, as I said, will report by the summer, and I will report back to the House in the light of that review. I reinforce the fact that the Electoral Commission itself is clear that, as in previous statutory reviews that it has had to undertake, where matters bear directly on the conduct of the commission there will be a full independent evaluation of that part of the process.

Miss Anne Begg (Aberdeen, South) (Lab): Can the Secretary of State tell us whether the interpretation of the ballots was the same across the country? I ask particularly with regard to the parliamentary elections: if a voter ranked people 1, 2 and 3, which was obviously wrong, was the 1 always taken to be the same

[Miss Anne Begg]

as a cross, or was that sometimes counted as over-voting? Were the same criteria used in all constituencies when deciding whether to agree to a recount? I have heard that in one constituency where the majority was less than 100 a recount was refused, but in another, where the majority was almost 400, the leader of the Scottish National party—although it was not his constituency—insisted to the electoral returning officer that a recount should take place.

Mr. Alexander: Let me try to deal with my hon. Friend's points in turn. First, she asked about the conduct of electoral returning officers in different constituencies throughout Scotland. Guidance is offered to each of those electoral returning officers, but the decision at each count is ultimately a matter for the individual electoral returning officer. Secondly, the determination of whether to allow a recount in a particular constituency is ultimately a matter for the individual returning officer. Judgments were exercised by individual returning officers according to individual circumstances.

Mr. Gerald Howarth (Aldershot) (Con): Many people not only in Scotland but throughout the country will be appalled by the Secretary of State's complete lack of contrition for the national humiliating chaos and shambles in Scotland. May I suggest that the Secretary of State take the advice of his hon. Friend the Member for Glasgow, East (Mr. Marshall), abandon this obsession with electronic systems and go back to the old-fashioned system that commands the confidence of the people of this country? The returning officer in my borough of Rushmoor in Hampshire decided not to use an electronic signature verification system, and instead to resort to the mark 1 eyeball, the result of which was that we had no problems in Rushmoor. The returning officer, Mr. Andrew Lloyd, did an excellent job and I commend him to the Secretary of State for his advice.

Mr. Alexander: I am now certainly aware of the advice that the hon. Gentleman has offered me. I assure him that we will give serious consideration to recommendations that might emerge from the Electoral Commission review that is under way on the conduct of Thursday's elections.

Mr. David Hamilton (Midlothian) (Lab): I, along with most MPs, watched the battle take place on Thursday and Friday—and I have great concern that although people in the electoral system will be reviewing the system, they are actually part of the problem, so we must be careful about that. May I make a point about the confidence of the Scottish people? When the majority is lower than the number of spoiled papers, should not all those papers be recounted? That applies to all parties.

Mr. Alexander: My hon. Friend used the phrase "in the electoral system", so it is important that I make it clear, not only to him but to the people of Scotland and throughout the country, that the review will be carried out by the Electoral Commission, not by a politician or a political party. That being said, I have also made it clear that the Electoral Commission realises that there will be an independent evaluation of any work in which it was involved as part of the prior steps leading to the election. That is the appropriate point at which to leave the matter until the review has been concluded. The question of whether any further steps will be necessary in the light of the review can more appropriately be determined after we have seen the Electoral Commission's recommendations.

Mr. David Heathcoat-Amory (Wells) (Con): It is a hallmark of this Government that they increase the power and size of the state, yet then cannot run it properly. It is clear that that incompetence extends to the electoral system and to people's democratic rights—so will the Secretary of State invite the United Nations to act as an electoral observer in any other elections that are held in the remainder of this Parliament?

Mr. Alexander: First, for clarification, let me make it clear that the e-counting process was overseen not only by parts of "the state", as the right hon. Gentleman describes them—the Scotland Office, the Scottish Executive and the Scottish Parliament—but by representatives of the Convention of Scottish Local Authorities, the Association of Electoral Administrators, the Society of Local Authority Lawyers and Administrators in Scotland, the Scottish Assessors Association and the Society of Local Authority Chief Executives and Senior Managers. It is not entirely accurate to suggest that this is a matter of party politics. However, I am intrigued to note that despite the right hon. Gentleman's sense of indignation about the results in Scotland overnight on Thursday and on Friday, he carefully chose to suggest the United Nations, rather than a super-national institution somewhat closer to home with more experience of running elections: the European Union.

Ms Katy Clark (North Ayrshire and Arran) (Lab): Is my right hon. Friend aware of the circumstances of the Cunninghame North count, where the Labour candidate was refused a recount, despite the concerns raised about the Arran ballots by several individuals who were completely unconnected with the Labour party, and the close nature of the election? The returning officer initially said that the majority in the election was 54, but shortly thereafter, with no explanation, the figure changed to 48. Following on from the question asked by my hon. Friend the Member for Aberdeen, South (Miss Begg), does my right hon. Friend the Secretary of State agree that we need to determine whether the guidelines were adhered to on Thursday night, and whether they need to be strengthened?

Mr. Alexander: I hope that the House will appreciate that it would not be appropriate for me to pass comment on results in individual constituencies. If candidates have concerns and wish to take legal steps in light of the determinations made by electoral returning officers, it is appropriate for those officers to give due consideration to the matter, but I am not convinced that it would be appropriate, or without prejudice to the right of candidates to take the action that they deem necessary, for me to pass comment on individual constituencies at this stage.

Richard Ottaway (Croydon, South) (Con): Is the Secretary of State aware that in the Greater London authority elections three years ago, there were 385,000 spoiled ballot papers—three times as many as in the recent Scottish elections? Will he ensure that the findings of his review are used in next year's GLA elections, and if, as he says, the same contractor was involved in the GLA elections three years ago and the Scottish elections last week, will he please ensure that that contractor has nothing to do with the GLA elections next year?

Mr. Alexander: In terms of ballot papers being ruled out, that was a matter for individual electoral returning officers, and in that sense I am not sure that the conflation of the issue of the contractor and that of the number of spoiled ballot papers holds as an argument. That being said, I assure the hon. Gentleman that the terms of the Electoral Commission statutory review of the elections will be widely distributed, not simply among Members of the House but beyond.

Mr. Jim Devine (Livingston) (Lab): Last week was an embarrassment, and we owe the people of Scotland an apology. I was at a count that was suspended at 5.30, and there were 1,700 spoiled papers. It recommenced at 12 o'clock and did not finish until 20 minutes to 3 in the afternoon. I share with hon. Members on both sides of the House a concern about the Electoral Commission's role in investigating the matter. My right hon. Friend should look to some other body to carry out the investigation.

Mr. Alexander: Our first obligation is to secure answers. A statutory review by the Electoral Commission has already begun. I have made it clear that where that inquiry touches on matters that are directly the responsibility of the Electoral Commission, there will be independent assessment. The appropriate step at this stage is to allow that work to be completed. The review is not without time limit; there is an expectation that it will be made available during the summer. At that point, there will be an opportunity for the House to reflect on the recommendations, and for any further steps to be taken.

Mr. Andrew Robathan (Blaby) (Con): Is not the simple lesson to be drawn from last Thursday's fiasco in Scotland that the Government's tinkering with our electoral system has been hugely damaging, whether we are talking about e-voting, the incomprehensible ballot papers produced in Scotland, the corrupt postal voting system, or proportional representation? Until recently, our electoral process was an example to the world, but under the current Prime Minister and the current Government, the democratic process has been undermined, and we have been reduced to the level of a "banana republic"—those are a judge's words, not mine.

Mr. Alexander: Amid his indignation, the hon. Gentleman suggested that there was e-voting in Scotland on Thursday. As someone who actually voted in Scotland, let me say that it is clear that he does not understand that it is e-counting, rather than e-voting, that we are discussing today. If he is suggesting that it is fundamentally wrong that Members of Scottish Parliament are elected under a proportional representation system, I would simply say, with respect, that that matter was resolved at the time of the passage of the Scotland Act 1998, and I am not convinced that that is particularly relevant to our discussions today.

Mr. Gordon Prentice (Pendle) (Lab): We do not have the figures for rejected ballot papers in the Scottish Parliament elections, but if the number is very high, what will it take for the election to be rerun?

Mr. Alexander: I cannot stand at the Dispatch Box and offer an analysis or description of why the spoiled ballot papers were spoiled. In a limited set of circumstances, people choose to spoil their ballot papers intentionally, but I think that the prudent and responsible course in the circumstances is to allow the Electoral Commission to take forward its statutory review and explore whether there were other factors that contributed to the number of ballot papers spoiled in Scotland on Thursday evening.

Mr. Peter Bone (Wellingborough) (Con): Will the Secretary of State confirm that on election night, when ballot papers were rejected they were shown to the agents and the candidates and the rejection was agreed, and that when the declaration was made, the number of spoiled ballot papers was announced? If that is the case, why can he not tell us now how many ballot papers were rejected?

Mr. Alexander: As I have said, when I sought from officials this morning the definitive number of spoilt ballot papers, a figure was available for a number of constituencies, but not the total number of constituencies in Scotland. That work is continuing. On the first point that the hon. Gentleman put to me, I cannot comment with authority this afternoon on the conduct in each individual constituency at the count, which is rightly the responsibility not of a politician but of the electoral returning officer in that constituency. If there are specific concerns about specific counts, the appropriate action to take is to discuss that with the electoral returning officer in that particular constituency on the night, and thereafter, if necessary, to take whatever further action is required.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): There is no doubt that great damage has been done to trust in the political system by the events of last Thursday and Friday, and everyone involved in Scottish politics, as a politician or in an administrative position, has a responsibility to make sure that they never happen again. In that connection, will my right hon. Friend have early discussions with the Scottish Executive about introducing legislation to ensure that as far as possible local government elections under the single transferable vote system are not held on the same day as Scottish parliamentary elections—or, indeed, UK parliamentary elections?

Mr. Alexander: As my hon. Friend knows, for a long-standing campaigner for devolution like me, the rightful place for the decision on the timing of local government elections in Scotland is Holyrood. I am sure that careful consideration will be given to the report that the Electoral Commission is preparing by

[Mr. Douglas Alexander]

the incoming Scottish Executive, of whatever hue. That said, it is heartening that Scottish Executive Ministers have already made it clear that they wish the conduct of the Scottish local government elections to be considered as part of the statutory review undertaken by the Electoral Commission.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): I do not wish to prejudice the forthcoming trials of the guilty, but I do wish to make some points about the remit given to the Electoral Commission. In particular, may I ask whether it will be allowed to make publicly available all the ballots that were ruled out, so that they can be examined—either the ballots themselves or copies thereof, particularly the local government ballots? That will enable us to clarify whether, when three Xs had been marked, there would have been some way of allowing at least one of those votes to be counted. Can the rules for recounts be clarified, and can we ask the Electoral Commission to clarify whether a financial clawback from the returning officers and the firms involved would be possible, as they have not delivered adequately? Will my right hon. Friend examine the question of wasted votes, too? In Glasgow there were more than 78,000 wasted Labour votes in the second ballot. There were also 91,000 wasted Labour votes in the West of Scotland, and 112,000 wasted Labour votes in Central Scotland, on the second ballot. I certainly hope that the House will reject his proposal that the European Union be called in to monitor the situation. It should not be called in to monitor any European—

Mr. Speaker: Order.

Mr. Alexander: I shall try to deal with the multiple questions that my hon. Friend put to me. First, for the sake of clarification, I can assure him that it was not a proposal of mine that the EU be called in to look at the conduct of elections in the United Kingdom. I was merely reflecting the fact that it was intriguing that the right hon. Member for Wells (Mr. Heathcoat-Amory) had not chosen the EU, given its role in electoral observation missions elsewhere in Europe. On my hon. Friend's second point about so-called wasted votes, he is a long-standing campaigner on the issue, and given his commitment to the Co-operative party and its ideals, he has long argued that there could be a case for standing Co-operative candidates from the regional list. That is a matter on which I am sure he will continue to campaign.

The final matter that I wish to address is his first point about the remit given to the Electoral Commission. It is important to clarify the fact that I did not invent the Electoral Commission's role overnight on Friday, and thereby designate it as the appropriate statutory body. As I understand it, under section 5 of the Political Parties, Elections and Referendums Act 2000, the Electoral Commission has a statutory obligation to review elections, including the Scottish Parliament elections, so it is not a mechanism that has been devised for these particular circumstances. It is a statutory review which, as a matter of course, has been taken forward. My intervention with the Electoral Commission on Friday morning was to ensure that under the terms of that statutory review, the specific issues that were of concern, and which I elucidated in my statement, would receive consideration, and I was given that assurance by Sir Neil McIntosh.

John Robertson (Glasgow, North-West) (Lab): Following on from the question asked by my hon. Friend the Member for Midlothian (Mr. Hamilton) about spoilt papers, and returning to what my hon. Friend the Member for North Ayrshire and Arran (Ms Clark) told us about the Cunninghame North shambles, I too ask whether we can look at the papers. There were 1,700 spoiled papers on the regional and Scottish Parliament vote—over 10 times more than normal. I asked to look at those papers to see what the problem was, but that was denied me—all I was shown was a television screen. One vote was counted because there were two dots in a box. I am sorry, but this is not democracy. What is my right hon. Friend going to do to look at all these ballot papers, which have now been flung in a bucket somewhere, and to put the situation to rights for the people whose votes were not counted?

Mr. Alexander: I can assure my hon. Friend that these ballots are not, as he suggests, flung in a bucket somewhere, but kept. On his substantive point about the facility whereby people are able to see the ballot papers, it is the case that a photograph of the ballot paper was shown on a number of television screens at counts across Scotland. However, the fact remains that I cannot comment today on the conduct of individual returning officers at individual counts, whether in Glasgow or elsewhere. If there are legitimate concerns that it would be appropriate to raise with returning officers, they should in the first instance be raised with those returning officers by the candidates affected.

Opposition Day

[10TH ALLOTTED DAY]

Climate Change

Mr. Speaker: We now come to the main business. I inform the House that I have selected the amendment in the name of the Prime Minister.

4.21 pm

Chris Huhne (Eastleigh) (LD): I beg to move,

That this House calls on the Government to set targets for carbon emissions informed by science and not political convenience which will help to hold global warming to within two degrees of pre-industrial levels; recognises that the best current estimate is that this requires stabilisation at between 400 and 450 parts per million of carbon dioxide equivalent in the atmosphere; and urges Ministers to inject a new sense of urgency into efforts at home by setting out an annual action plan to curb the UK's own carbon emissions, establishing a climate change committee of the Cabinet to ensure joined up government, tackling quickly the most rapidly growing emissions in the transport sector by a more steeply graduated vehicle excise duty and a rebasing of air passenger duty onto the emissions of each flight, offset by other tax cuts, speeding up the effort to curb the waste of energy and the high emissions from buildings not just by raising thermal efficiency requirements in new homes but also by renovating existing homes, changing the incentives on energy companies so that they make more money by saving and not selling more energy, providing comprehensive insulation packages funded mainly by energy mortgages repayable through utility bills and setting an example by ensuring that all future buildings on the Government's own estate are built to the highest energy efficiency standards.

It is good to see that Conservative Members are not too ashamed of their party's manifesto in the Scottish elections. At least some of them are attending the debate, despite the fact that their party scored nought out of 10 for its environmental commitments, according to Friends of the Earth. The toxic Tories north of the border reminded me of the analysis undertaken by Friends of the Earth and Greenpeace of the voting record of Conservative Members of the European Parliament on environmental matters during the last Parliament, which found that they were not merely the worst of all the British political parties, but the worst in the whole of the European Union.

Clearly, the right hon. Member for Witney (Mr. Cameron) has some sins still to repent. He has been leader of his party for 16 months and has yet to put on the table a single firm proposal that would have any impact on greenhouse gas emissions. I hope that his party will be able to support our motion as a first step to rectifying that omission. That would also fit with the ambitious agenda revealed in *The Times* today by the Conservatives' policy chief, the right hon. Member for West Dorset (Mr. Letwin), who assures us that

"Cameron conservatism, so far from being merely a set of attitudes, has a specific theoretical agenda. It aims to achieve two significant paradigm shifts.

First, a shift from an econocentric paradigm to a sociocentric paradigm. Secondly, a shift in the theory of the state from a provision-based paradigm to a framework-based paradigm."

No doubt that is deep stuff, but I think that he would perhaps do better were he to speak in English.

I wish that I could argue that the Government's record on climate change has been good, but it has not. There is real concern that their aims are not being informed solely by the science of climate change, which must surely be the starting point. I think that we are agreed across the parties that a rise in global temperature of 2° C above the pre-industrial average is at the limit of what should be tolerated if we are to avoid dangerous climate change, with rising sea levels, drought, floods and extreme weather events. However, the Government have been less than open about what that temperature limit means for our behaviour. They have drifted towards a figure of 550 parts per million of carbon dioxide alone as the aim of our emissions policy globally. We now know what that would mean according to the latest—the fourth—assessment report of working group 3 of the United Nations intergovernmental panel on climate change, which was published yesterday in Bangkok. The working group is responsible for assessing what we need to do to limit global warming. It finds that a range of 485 to 570 parts per million of carbon dioxide alone—in other words, what the Government have been suggesting—would lead to a global mean temperature increase of not 2° C, but 3.2° to 4° C. The top end of that range is nearly double the 2° C that the Government specify. The same report shows that holding global warming to 2° to 2.4° C would require a CO_2 equivalent concentration of 445 to 490 parts per million.

Clearly, there is a great disjuncture between the Government's rhetoric in saying that they want to avoid dangerous climate change and the reality of the targets that they set. On the basis of the evidence of the report, if the Government continue to believe—as they should—that 2° C of global warming is the danger threshold, they must also accept a revision of their international aim and, indeed, a revision of the 60 per cent. reduction in emissions in the draft Climate Change Bill. I hope that Ministers can tell the House exactly where the Government stand on the matter, as the United Nations IPCC report makes it clear that their current position is no longer tenable.

No doubt there will be much hand-wringing in parts of British business at the prospect of a more ambitious target, but we have much to gain by being ahead of the global pack. The countries that establish first mover advantage will have the proprietary technology to give their exporters an edge in new global markets. Energy saving does exactly what any sensible business does anyway: it saves costs. The Stern review has already stated that we would benefit by moving more quickly rather than allowing higher costs to build up later. The UN IPCC report reaches similar conclusions. The costs of the most radical stabilisation proposal are put at no more than 0.12 per cent. of GDP each year, or less than 5.5 per cent. of the GDP level in 2050.

John Bercow (Buckingham) (Con): In the light of entirely justified exhortations to improve the environmental performance of the private sector, what assessment has the hon. Gentleman made of the performance of the public sector?

Chris Huhne: The hon. Gentleman raises a matter with which I shall deal later. No doubt he knows that the Sustainable Development Commission has had some critical words to say about the Government's performance.

[Chris Huhne]

Even at the maximum costs for which the UN IPCC calculations allow, we would still reach the level of income that we might have attained in 2050 by 2053. That does not seem an excessive price to pay for a planet fit for future generations.

Andrew Miller (Ellesmere Port and Neston) (Lab): Does the hon. Gentleman agree that the UN figures are predicated not on unilateral action by this country, but on the assumption that we carry the whole developed world with us?

Chris Huhne: The hon. Gentleman is right that we need a global agreement. It is useful that the Chancellor of Germany, as President of the European Union, did so much at the recent Berlin and Brussels summits to put that on the global agenda. However, we must plan for success and not assume that no one else will follow. As the hon. Gentleman knows, the EU agreement becomes more ambitious if other developed countries follow along with us.

The first part of the motion merely calls on the Government to bring their professed goals for carbon emissions into line with their assessment of the dangerous temperature rise.

Mr. Nick Hurd (Ruislip-Northwood) (Con): Is the hon. Gentleman calling for Britain to act more ambitiously on long-term targets unilaterally?

Chris Huhne: I am pleased to make it clear that we are calling for the Government to set a more ambitious target. I pay tribute to the hon. Gentleman for his recent pamphlet, in which he clearly set out some of the muddle into which the Government have got themselves on such matters. It makes a useful contribution to the debate.

The second part of the motion calls on the Government to set out an annual action plan to reduce our own carbon emissions in line with our target. If we are to persuade the developing countries to follow suit, there has to be a far greater sense of urgency about our own efforts in the developed world. That is a moral imperative, given that we rich countries may be responsible for some 70 per cent. of all the carbon dioxide released into the atmosphere.

There is also a strong case for urgent action because of the danger that, if we do not act quickly, the costs of climate change will not mount steadily, but will tip over into highly dangerous areas. Feedback effects such as the melting permafrost on northern peatlands could release large amounts of methane; drying weather could lead to accelerated dieback of tropical rainforest; glacier melt could accelerate due to under-ice streams; and the vanishing of snow and ice cover could curb the albedo effect reflecting warmth away from earth.

An annual action plan should be linked to far greater co-ordination of the Government's efforts, as the third part of the motion suggests, through a dedicated Cabinet Committee on climate change. No amount of Whitehall reorganisation can bring all the public activities that affect climate change into one Department—nor should it. The Foreign Office is responsible for climate change negotiations; the Department for International Development needs to reflect in our aid policy the challenge of climate change for the poorest countries; the Department for Communities and Local Government sets building regulations, including those on thermal efficiency; the Department of Trade and Industry runs energy policy and therefore policy on electricity generation; the Department for Transport sets airport and aviation policy; the Treasury controls the taxes that are such an important influence on decision making on fossil fuels and carbon emissions; and the Department for Environment, Food and Rural Affairs is responsible for the energy efficiency of existing housing stock, not to mention the methane output of our livestock.

The potential for a good old-fashioned Whitehall shambles is well established. The Prime Minister has repeatedly told us that climate change is one of the greatest policy challenges of our time and we know that one of its principal effects is rising sea levels and worsening storms, yet last summer DEFRA cut the Environment Agency's flood defence budget. Meanwhile, the Department for Communities and Local Government is still planning more than 100,000 new homes on flood plains and the Department for Transport is planning an airport expansion that is wholly inconsistent with the need to control aviation emissions. Because the Chancellor was spooked by the fuel duty protestors, the Treasury has steadily cut green taxes as a share of GDP from 3.6 per cent. in 1999 to 2.9 per cent. in 2005. The Department of Trade and Industry was responsible for research cuts at the centres for ecology and hydrology that helped us to understand how flora and fauna would react to climate change. Even more bizarrely, there were cuts in the research budget of the Hadley centre at the Met Office, which had established itself as one of the leading world centres for the study of climate change.

The truth is that the Government do not have a well co-ordinated policy on climate change. As in many other areas, they have elevated spin above substance. They have merely a public relations campaign masquerading as a climate change policy. That is why we make the proposal in the motion for some mechanisms within Whitehall to ensure a semblance of joined-up government around an annual action plan that would help to deliver real policies, not just rhetoric.

The most urgent priority is surely to tackle the transport sector, where our emissions have grown most rapidly since the Kyoto base year of 1990. We need a more steeply graduated vehicle excise duty that will shift most car buyers to low-emission models.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): With a steeply graduated vehicle excise duty, what allowances would the hon. Gentleman make for people in rural areas, particularly farmers and crofters, who need 4x4 vehicles to run their livestock? I would hope that he would not penalise such people unnecessarily.

Chris Huhne: The hon. Gentleman knows very well, because we have dealt with this matter in previous debates, that we have proposed discounts for people in remote rural areas and exemptions for working vehicles. The key issue is to ensure that we shift our vehicle fleet towards low-emission vehicles, and we need a more steeply graduated vehicle excise duty to ensure that that happens.

We also need to abolish air passenger duty in favour of a tax based on the emissions of the flights. That would set up an incentive for the airlines to fill all the available places and to move more rapidly towards more fuel-efficient aircraft. It is certainly not the whole answer to sustainable aviation, but it would be a real start. Much of the rest, including imposing a kerosene tax and ensuring that aviation is included in the European Union emissions trading scheme, needs to be done at EU level if there are not to be adverse effects on the competitiveness of our businesses.

Mr. MacNeil: I am still unclear as to whether, under the hon. Gentleman's proposals for the vehicle excise duty, there would be a real-terms increase for working crofters and farmers paying for their very valid working vehicles.

Chris Huhne: The hon. Gentleman knows that it would be unusual for the people whom he is describing to buy new high-value 4x4s. Our proposal would affect only new purchases, and it would be designed to shift the pattern of car buying towards low-emission vehicles. One thing that would certainly happen is that car manufacturers would move towards producing more fuel-efficient engines right the way down. In attempting to effect behaviour change of this kind, it is not quite so easy to hold the world constant as the hon. Gentleman might suggest. The whole point of our proposals is to encourage behaviour change.

Mark Lazarowicz (Edinburgh, North and Leith) (Lab/Co-op): As we are discussing the effects of vehicle excise duty on people in rural areas, may I take the hon. Gentleman back to a question that I have raised about whether a city such as Inverness would fall within his definition of a remote area in which people would be entitled to a reduction in fuel duty? One of his colleagues has suggested that it would not, but another has said that it would. Does not that illustrate the difficulty of finding an excuse for a particular area being exempt from such measures if there are perceived electoral advantages involved?

Chris Huhne: The hon. Gentleman knows that if we always find difficulties—if the glass is always half empty—we will never make progress. Sometimes it is necessary to establish boundaries—income tax or inheritance thresholds, for example—and sometimes people find themselves on the wrong side of those boundaries. Such measures are not necessary popular, but unfortunately we have to make real changes in our behaviour and it is therefore important to strike out in that direction.

Crucially, every penny raised through green taxes to help us to change our behaviour collectively should be handed back in income tax cuts, thereby shifting the tax burden on to activities that we want to discourage from activities such as work, risk and effort that we wish to encourage.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): On the hon. Gentleman's previous point about exemptions for certain people in rural areas, there are parts of my constituency in Shropshire where people can live only if they have a 4x4, because they are so remote and mountainous. Would it not create huge amounts of bureaucracy and red tape to run a pilot to decide who would and would not be exempt from these extra charges?

Chris Huhne: The hon. Gentleman raises an interesting topographical point about the mountains in his constituency, and I look forward to travelling across them to find out for myself whether his description is accurate. He must remember that there are already new 4x4s available that are below the top emissions category. Taking that into account when considering our proposals for rural areas, I think that I can allay his fears on that score, and I hope that the Conservatives will be able to support us.

Finally, the motion deals with the crucial issue of the built environment: our buildings, which are responsible for half our carbon emissions. It calls on the Government to set an example by ensuring that their own massive purchasing power goes into the building of low-carbon schools, hospitals and other public buildings. Sadly, as we have already heard from Opposition Members, the Government's record is appalling. As the Sustainable Development Commission has made clear, DEFRA's ability to wag a finger at other Departments has been entirely undermined by its record on pushing up carbon emissions from its own office buildings three times as quickly as the rise in the national average. The Government's role in setting an example for the commercial sector is crucial, and I hope we hear from Ministers what firm proposals they intend to make to extend best practice in the public sector.

Equally important is a much more concerted effort to improve the energy efficiency of our own homes. Let me give just one shocking statistic that brought home to me how unambitious we have been in saving energy rather than wasting it. If the average energy bill in Britain were the same as that in Sweden, every household here would save £385 a year—we are literally burning £50 notes—yet average temperatures in Sweden in January are 7° C colder than they are in Britain.

Part of the answer is to raise thermal efficiency standards for new buildings, and the Government are moving towards such action. There is no reason why we should not proceed more rapidly to a GreenHouse standard for new homes that would cut energy use and carbon emissions by 95 per cent. This is not rocket science. It has already been achieved in Germany with the PassivHaus standard, and the intriguing experience there is that the initially high extra cost of more than a fifth has now all but vanished. Following the building of several thousand such homes, the extra cost of construction is running at just 2 per cent., and it repays itself in a few months' savings on the householder's energy bill. The GreenHouse standard would make it easier for young families to get on the housing ladder, provided that building societies take account—as the regulator should ensure that they do—of the savings in their energy bills.

Lynne Jones (Birmingham, Selly Oak) (Lab): Germany operates the same high standards for refurbishments as for new build. Would the hon. Gentleman advocate that here?

Chris Huhne: The hon. Lady anticipates the next section of my speech. Adding microgeneration means

[Chris Huhne]

that energy savings can be even greater than those that can be achieved through a move to much higher thermal insulation standards in new build. Genuinely carbon-neutral homes are now attainable, but however ambitious we are with new building standards, the truth is—as the hon. Lady rightly reminds us—that three quarters of the homes in which we will be living in 2050 have already been built. We need a far more ambitious set of plans to tackle our existing housing stock than the Government's Warm Front scheme and the energy efficiency commitment. At the current rate of progress, it will take 125 years to upgrade the housing stock, and even then it will be only to modest cherry-picking standards involving, for instance, cavity wall and loft insulation.

We need to offer packages that can improve the sealing of windows, doors and chimneys, clad walls either inside or outside in solid-walled properties, and install under-floor insulation and efficient boilers—even, soon, combined-heat-and-power boilers. We need those packages to be testable, so that householders know they will get the energy savings that they have been promised. If those conditions are met—the Royal Institute of British Architects and the National Home Improvement Council are interested in helping to ensure that they are—hundreds of thousands of householders will jump at the chance to cut their energy bills. The obvious way to finance such packages is through an energy mortgage attached to the property that is repaid on the same bill as that of the utility company. It is likely that about one fifth of the cost of such improvements would need to be met by the energy company to ensure that the energy mortgage could be repaid from the savings in energy made by the householder.

That is why we also suggest reshaping the energy efficiency commitment. The energy efficiency commitment is currently simply a levy on consumers to pay for energy efficiency improvements. It would make sense instead to encourage energy companies to find the most effective ways of curbing energy use by changing their incentives. They currently make more profit by selling more energy. If they were subject to a "cap and trade" scheme, such as the European Union emissions trading scheme—and, to give the Government credit, similar to a measure envisaged in an enabling clause of the draft Climate Change Bill—they could collectively have a declining sales target, and they would maximise their profits by selling even less and selling on their allocations under the scheme. If they sold more than their reducing allocations, they would have to buy that in the market. Therefore, an incentive would be established.

Mr. Hurd: I fully share the emphasis that the hon. Gentleman places on energy efficiency, but I want to be clear about the precise meaning in terms of the GreenHouse package of the proposed policy that he is discussing. From reading his stimulating pamphlet, it is my understanding that the message to my constituents is that the Liberal Democrats would require them to take out a loan of between £5,000 and £10,000 from the local utility company, which will then have a charge over their property while they pay it off. Is that really the hon. Gentleman's intention, or have I got that wrong?

Chris Huhne: As we make clear in our proposals, for any period of time that we might envisage it would be extremely unlikely that any measure of compulsion would be necessary. One of the extraordinary results from the German scheme is that there has been such a great rush of households wanting to participate that the building industry has found it hard to catch up. We must be wary in that respect and ensure that the necessary skills are in place in the British building industry for us to be able to deal with such circumstances.

Mr. Hurd: Can the hon. Gentleman confirm that his proposed measure will be entirely voluntary, because his pamphlet gives the impression that there will be a hard rump of people who will not take up the offer that is made and who will be forced down that route?

Chris Huhne: As the hon. Gentleman can see by looking at the pamphlet, there is no proposal for the scheme to be on anything other than a voluntary basis. Clearly, in the longer run we will have to assess its progress, but we hope that it can be completed on a voluntary basis, with the necessary incentives. However, there is no doubt that we need the sort of systematic proposals that we have made if we are to tackle energy efficiency.

Michael Gove (Surrey Heath) (Con): The definition of compulsion is, of course, an elastic one. One of the proposals that was floated at the same time as the publication of the hon. Gentleman's pamphlet was that there should be a tax penalty—specifically a stamp duty tax penalty—for those who do not make the improvements that the hon. Gentleman mentions. Is that part of his party's policy?

Chris Huhne: It is not part of our party's policy. At some point in the future additional incentives might be required to complete the process of improving energy efficiency. If that were the case, I am sure that the hon. Gentleman could think of a number of tax incentives—one of which might indeed be a discount on stamp duty. That would not involve raising taxes, but it would provide people with additional inducements and therefore additional incentives to go ahead with such improvements.

Climate change is the great challenge of our times. We need to tackle it with urgency because any carbon emitted into the atmosphere has a long life—a century or more. Yet far from delivering cuts in carbon emissions, the Government have presided over increases in them since 1997. As the United Nations intergovernmental panel on climate change report shows, we need to be much more ambitious, much more focused and much more radical. Time is now running out. I hope that the House will support the motion.

4.49 pm

The Minister for Climate Change and the Environment (Ian Pearson): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes publication of the draft Climate Change Bill, which will make the UK the first country in the world to establish a long term legal framework for managing the transition to a low

carbon economy, setting ambitious binding targets to cut carbon emissions by 26 to 32 per cent. from the 1990 level by 2020 and at least 60 per cent. by 2050, which can be revised in light of significant developments in international policy and climate science, and establishing an independent Committee on Climate Change to advise on setting statutory five year carbon budgets and to report to Parliament annually on progress; further welcomes the Government's comprehensive approach to reducing emissions from all sectors of the economy and the proposals in the energy review to cut carbon emissions by up to a further 25 million tonnes of carbon per year by 2020; recognises that home energy use for heating, lighting and appliances accounts for more than a quarter of domestic UK carbon emissions; applauds the Government's proposals to improve building standards so that from 2016 all new housing developments must be zero carbon; recognises the Government's commitment to improving the energy efficiency of existing homes and tackling fuel poverty through Warm Front and the Energy Efficiency Commitment; welcomes the Budget 2007 report statement that by the end of the next decade all householders will have been offered help to introduce energy efficiency measures; and looks forward to further development of policies in this area."

Climate change is the greatest long-term challenge facing the human race. It is a top priority for the Government, at home and internationally. The broad cross-party consensus on the urgency of the issue is a strength of our politics. Sometimes, when people outside the House observe the partisan nature of our proceedings, they misunderstand the fact that we can have knockabout debate that is, rightly, questioning of the Government, while still reaching a broad consensus as to the policy prescriptions and action required. That is important, because climate change does not discriminate, whether in the UK, US or the rapidly emerging countries such as China, India or Brazil. Climate change is a threat to us all and, therefore, a challenge to us all.

Without global action on climate change, emissions of greenhouse gases will continue to increase. All countries will be affected. The poorest nations will be hit hardest, but the UK and other developed countries will not be immune from the consequences. We are already starting to feel those consequences, as the fourth assessment report published last Friday graphically demonstrated.

We are committed to the EU's 2° C target temperature rise to avoid the worst impacts of climate change. As the hon. Member for Eastleigh (Chris Huhne) said, that implies a reduction in greenhouse gas emissions of up to 50 per cent. by 2050. As the EU has said, that means that, because developing countries must grow, we and other developed countries must cut emissions by between 60 and 80 per cent. We are ready for that. We already have our 2050 target of at least a 60 per cent. cut for CO_2 only. In relation to other greenhouse gases, more emissions reductions will be achievable, and we will do even more if needed. We will, of course, keep our goals under review in the light of scientific evidence and international developments, and the draft Climate Change Bill contains a specific clause allowing us to do that.

Chris Huhne: Why have the Government framed their targets in terms of CO_2 alone when, as we all know, the basket of greenhouse gases contains other much more potent ones? Surely there should be an overall target, not just one for CO_2.

Ian Pearson: When we were discussing our targets, we thought it right to focus on the main greenhouse gas emitted, and as the hon. Gentleman knows, the large majority of greenhouse gas emissions are CO_2. That is not to say, however, that we do not need to do more in relation to other greenhouse gases. Certainly, there is scope to consider that as part of the Climate Change Bill, and I look forward to future debates with him on the subject.

Mr. Robert Goodwill (Scarborough and Whitby) (Con): Is it not true that the Government signed up to the regulation on fluorinated gases, which will make a dramatic impact on the amount of other gases emitted? CO_2 is increasingly rapidly, whereas most of the other greenhouse gases are being reduced and moderated by legislation and new technology.

Ian Pearson: The hon. Gentleman is absolutely right that the UK has made significant reductions in methane and other greenhouse gas emissions, notwithstanding our progress on carbon dioxide, on which we fully accept that we need to do more.

In particular, we need to do more in the light of the warnings of the intergovernmental panel on climate change from Bangkok earlier this week, and from Paris and Brussels earlier this year. The UK remains committed to demonstrating leadership internationally through our actions at home. No major industrialised country has done more than Britain to tackle climate change. Our national programme has made significant progress, through the climate change levy, the UK emissions trading scheme, reform of vehicle excise duty to encourage the take-up of low-polluting cars, differentials in fuel duties and the landfill tax. We are exceeding our Kyoto targets, and are the only country on track to double them. We have also shown real progress in reducing greenhouse gas emissions while maintaining economic growth and high employment levels.

Until recently, the conventional wisdom was that carbon dioxide emissions and household income were related, with the wealthiest societies responsible for the highest emissions. In the UK, that link is now being broken. We are showing the world that one can have green growth—that emissions reductions and prosperity can go hand in hand. Between 1997 and 2005, our economy grew by 25 per cent. and greenhouse gas emissions were cut by 7 per cent.—or by 11 per cent., allowing for the effects of the EU emissions trading scheme.

David Howarth (Cambridge) (LD): The Minister mentioned international leadership. Will he undertake that the Government will show more such leadership by including international shipping and aviation within the terms of this country's greenhouse gas targets?

Ian Pearson: Currently, there is no internationally accepted definition for aviation and shipping emissions, which is one reason why they do not appear in national inventories under the IPPC. The UK is certainly pressing for international agreement on this issue. As the hon. Gentleman will be aware, we have been pressing for including aviation in the EU's emissions trading scheme as quickly as possible. However, we need a global deal on aviation and shipping, just as we need one on a post-2012 framework.

David Howarth: I thank the Minister for giving way again. Would it not be better if the Government took a unilateral lead on this issue? Otherwise, no progress will be made. This morning, the Tyndall Centre for Climate Change Research told the Environmental Audit Committee that it has been able to calculate perfectly reasonable estimates of the British share of international aviation and shipping emissions by using a simple 50:50 rule? Could the Government not do the same?

Ian Pearson: We are showing leadership on this issue. For example, the UK will be the first country in the world to legislate for CO_2 emission reduction targets. However, because aviation and shipping emissions are internationally traded, more complex issues arise. Taking action unilaterally would not necessarily produce benefits in terms of reducing greenhouse gas emissions. We need to get international agreement on comprehensive definitions that cover all countries and that will ensure that we have a range of policies to tackle future aviation and shipping emissions, just as we are tackling emissions from other sources through the emissions trading scheme and other measures.

Success will and does rely on the support and active participation of all sectors of society. The private sector has a vital role to play in avoiding dangerous climate change, and more and more businesses are recognising that there is a value and importance in reducing CO_2 emissions. Through the emissions trading scheme, some of our biggest companies are already actively involved in a highly effective cap and trade scheme. The Government are committed to using the EU ETS as a key tool to reduce greenhouse gas emissions. Last year, we showed strong leadership in setting a robust cap for phase 2 that will deliver savings of 29 million tonnes of carbon per year. We have also consulted on a proposal for an energy performance commitment in the UK—a mandatory emissions trading scheme to reduce emissions from energy use by large, non-energy intensive organisations by at least 4.4 million tonnes of CO_2 a year by 2020. The results of that consultation will be released shortly.

We continue to fund Envirowise, which has helped business to save some £1 billion through increasing resource efficiency and avoiding waste. We also fund the Carbon Trust to work with companies that want to avoid climate change. The trust has given practical advice and tailored support to some 10,000 businesses through energy audits, carbon management services and energy efficiency loans.

Businesses must continue to take action to reduce their CO_2 emissions, but as individuals we must also take action to reduce our carbon footprint. The Government have been working hard to help. A new CO_2 calculator will soon be launched that will allow people to calculate their personal CO_2 footprint and provide suggestions on how to reduce it. Guidance will also be available to help people make informed choices about the most effective carbon offsetting products on the market. Through the Warm Front scheme, we are helping people in fuel poverty to insulate their homes and to install boilers that are more energy efficient. Some 1.3 million households have benefited from that so far. Since 2001, households have benefited from £3 billion-worth of energy improvements through the obligation for energy companies to provide efficiency improvements for their customers, including low-energy light bulbs, insulation and high-efficiency appliances and boilers. The Energy Saving Trust has carried out 4.5 million home energy checks since 1993, including 450,000 in 2006 alone.

More activities are in the pipeline, but significant progress is being made. We have real achievements under our belt and we need to achieve more for the future.

Andrew Miller: It is a good idea to try to educate the public about the energy usage of household equipment. The idea of some sort of ready-reckoner is a great one, but we must not encourage people to start switching from things that are not yet at the end of their lives. We need to take into account in the equation the energy costs of manufacturing.

Ian Pearson: I agree. We should first try to avoid CO_2 emissions, then reduce them and then consider recycling. Only as a last resort should we look at offsetting. It is right that reuse should be an important part of our package of proposals.

Jo Swinson (East Dunbartonshire) (LD): We support many of the schemes that the Minister outlines in the fight against climate change, but does he accept that the progress that the Government seek to make on climate change is undermined by their refusal to accept annual legally binding targets on CO_2 emission reductions? If we had yearly targets we could see exactly what progress was being made on that vital issue and not have to wait until the end of a Parliament, when a Government may be on their way out of office, to hold them to account.

Ian Pearson: I do not agree with the hon. Lady. Annual targets do not work for one simple reason. We have cold winters—for example, 1996 and 2001 were both relatively cold winters—when energy consumption and CO_2 emissions go up by some 3 to 4 per cent. compared with other years. By picking a five-year period, we are acting consistently with Kyoto. When other Governments considered the issue in the run-up to the agreement at Kyoto, they thought that annual budgets would not work, and that is why they chose a five-year budget period. I stress that we will have annual reporting to Parliament and it will be clear whether we are on course to meet our budget requirements. The hon. Lady and others will no doubt want to hold us to account, just as we want to be held to account for our actions.

Chris Huhne: It is difficult to understand the Minister's point about annual targets. The assessment will be made in retrospect, after the year in which the carbon emissions happened, so we will already know what the temperature was in the winter and what the GDP growth was. Both of those are easy adjustments to make in any benchmark, and the Monetary Policy Committee of the Bank of England makes that sort of adjustment every month. I cannot therefore understand why Ministers persist in arguing that it is too difficult for the Committee that they propose to set up for the draft Climate Change Bill.

Ian Pearson: The hon. Gentleman is an economist, so he is used to dealing with many variables. The practice of having budgets that are set over a five-year period where the total amount of CO_2 counts is a

simple way of demonstrating what progress the Government are making. It will be clear to the public whether we are on target to meet our budget because we will report, as regularly as the information is available, on our performance against those targets and in accordance with the legislation that we hope to put before the House in due course.

I guess that more action is in the pipeline—for example, the phasing out of inefficient light bulbs and the removal of inefficient white goods from the market. We also need to continue our work to engage the public. An "Act on CO_2" campaign has recently been launched to help make individuals more CO_2 literate. Part of that will be an "Act on CO_2" deal, which will set out how the Government and individuals can work together to reduce CO_2 emissions. Everyone can make a difference, especially in their homes through improvements to insulation, the use of energy-efficient products, better energy management, increasing recycling and wasting less food.

The public sector also needs to play its part and give the necessary lead. It is important that we meet our commitment of making the Government office estate carbon neutral by 2012. I acknowledge that our performance to date has not been as good as it should have been, and the hon. Member for Eastleigh made a number of comments in that regard.

That is why the Government are taking a number of steps to improve our record and that of the wider public sector. We are working hard to make sure that buildings and products procured by the Government are energy efficient. Every secondary school in the country is being rebuilt and refurbished. As part of that, over the next three years £110 million will go into helping them reduce their CO_2 emissions. Some schools will achieve carbon neutrality.

Many Government Departments have energy-efficient lighting and are phasing out the use of inefficient light bulbs. Government offices make increasing use of renewable energy, including biomass boilers, solar panels and wind turbines but, again, we need to do more. We are also reducing the environmental impact of Government travel. All official and ministerial air travel is captured under offsetting schemes, and we are committed to reducing CO_2 emissions from road vehicles. We are also leading the way by reducing those emissions from the Government car fleet

Mr. Roger Williams (Brecon and Radnorshire) (LD): I thank the Minister for giving way. If individual citizens of this country are to play their full part in mitigating climate change, they need to know how much energy they use every day, rather than over three months. What are the Government doing to encourage smart metering in homes, so that people can change their behaviour?

Ian Pearson: The hon. Gentleman may not be aware that we announced a few weeks ago that we are to introduce free real-time displays over the next couple of years. They will be available to all households that want them, and they will give clear and easily digestible information about a home's energy impact. People will be able to see what effect switching appliances on and off has, and that will make a difference. In addition, the web-based CO_2 calculator will give a range of information to help people to reduce carbon footprints.

Clive Efford (Eltham) (Lab): We are trying to educate the public about how they can play their part in tackling climate change, but does my hon. Friend agree that schools have a very important role? They are educating the adults of the future, so what work is he doing with the Department for Education and Skills to encourage schools to participate more? The Department for Environment, Food and Rural Affairs website has some useful information for schools.

Ian Pearson: I agree entirely. As I mentioned, a sum of money has been allocated to help improve the greenness of our schools. I have visited a number of schools that already have wind turbines and solar panels fitted as standard. As we roll out our building schools for the future programme, we need to make sure that the new buildings are low or zero-carbon emitters, if at all possible. In addition, they must be well adapted for the climate change that, to a certain degree, we are bound to face in the future.

Lynne Jones: A number of schools will be refurbished under the building schools for the future programme. Will there be as great an emphasis on the standard of energy efficiency in refurbished schools as in new ones?

Ian Pearson: Yes. The Government want the refurbishment of existing schools to receive as much attention as efforts to ensure that new schools are low or zero emitters of carbon in the future.

The hon. Member for Eastleigh talked about the existing building stock. It is clearly responsible for a large proportion of carbon emissions, but I do not want to downplay the importance that the Government place on minimising emissions from new development as, by 2050, a substantial proportion of total development will have been built after 2007. That is why it is important to recognise the Government's commitment that all new homes should be zero carbon by 2016, with a phased introduction of higher standards in the interim. The hon. Gentleman is encouraging us to do some of the things that we are already doing to raise house building standards. We may not have started from the same place as Sweden and other Scandinavian countries that have focused on thermal efficiency for well over 70 years, but we are ratcheting up building standards and making a real difference. The Government are making a real commitment to do far more for the future.

Over the next few months, we shall be saying something more about the sustainability of existing buildings, both domestic and non-domestic. There are already programmes to upgrade energy efficiency in homes—

Mr. Peter Ainsworth (East Surrey) (Con): Will the Minister give way?

Ian Pearson: Let me give the hon. Gentleman the figures first.

Preliminary data suggest that household emissions have dropped by about 5 per cent. over the past two years. There is much more to be done but the early signs are encouraging, and that reduction is a welcome step forward.

Mr. Ainsworth: It is indeed welcome, but can the Minister explain why emissions from the Government estate have been rising, including those from his Department?

Ian Pearson: As I have explained to the hon. Gentleman before, the DEFRA office estate is going through a transition phase—moving from some buildings to others—and all the buildings are covered in our carbon footprint. As I said at the outset, our performance across the Government estate has not been as good as I would like it to be and we need to make real improvements, which is why we are giving it increasing attention at ministerial and senior official level.

Sustainability in homes and buildings is not just about construction but about how we heat and power them. We want more heat and power generated locally through renewable and low-carbon processes such as microgeneration and combined heat and power. The new planning policy statement on climate change will require a significant proportion of energy supply for substantial new development to be gained renewably or from a decentralised, renewable or low-carbon, energy supply.

That is real progress, but it is by no means the last word. We need to do more and we are committed to do so. As a Government, we shall continue to give a lead in tackling climate change both at home and internationally. The UK is the first country in the world to propose a strong legal framework for tackling climate change to meet our goal of becoming a low-carbon economy. As I said, the Climate Change Bill will put into statute our targets for reducing CO_2 emissions by at least 60 per cent. by 2050 and by 26 to 32 per cent. by 2020. We are talking about CO_2 equivalent figures, too, which take into account the greenhouse impact of other gases.

Martin Horwood (Cheltenham) (LD): At the opening of his speech, the Minister said that the Government were ready to make a range of reductions of between 60 and 70 per cent. Why is not the higher figure of 70 per cent. the target in the Bill?

Ian Pearson: I said that our target was a reduction of at least 60 per cent. in CO_2 emissions by 2050 from 1990 levels. I stressed that the figure was for CO_2 only. The figures in the Commission document at the spring Heads of State summit referred to a 60 to 80 per cent. reduction in CO_2 equivalents by developed countries, so if the impact of non-CO_2 emissions is included, our approach is broadly consistent with that of the Commission.

Mark Lazarowicz: Will my hon. Friend give way?

Ian Pearson: For the last time, and then I must really make some progress—and a flight.

Mark Lazarowicz: The Liberal Democrats appear to suggest that 70 per cent. is the right figure to go for, but does my hon. Friend agree that it would be perfectly possible to propose a higher figure in the Bill—perhaps 80 per cent.—if the science supports such a target?

Ian Pearson: I said at the start of my speech that a clause in the Bill allows us to change the targets, in the light of scientific and other international developments. That remains the case.

I must apologise for having to leave the House before the end of the debate, but I am representing the Government at the Commission on Sustainable Development meeting in New York. Regrettably, it is one of those occasions when things cannot be done by means of a video conference; we need to be there in person. We will certainly offset the carbon cost of my flight and the carbon costs incurred by the officials who are attending the meeting.

Five-year carbon budgets will require the Government to set binding limits on aggregate CO_2 emissions over the budget period. We will set three successive carbon budgets, covering 15 years, in legislation. They will limit the total amount of carbon dioxide so that every tonne of carbon dioxide that is emitted will count. As I was saying earlier, we think that that is a much more sensible approach than annual targets. That more sophisticated system of carbon budgeting will be very clear to UK businesses. It will give them certainty in terms of their future planning and investment while ensuring that the Government are accountable to Parliament and to society for their actions.

A committee on climate change will advise us on the pathway to the 2050 target, on the level of the carbon budgets and the reduction effort needed across the economy, and on the optimum balance between domestic action and international trading in carbon allowances. The power and responsibility to create a low-carbon economy rests with us all and everyone will have to contribute—from businesses to Government, the public sector, consumers and civil society. What is required is action at all levels—within the UK, through the EU, and through international agreement.

The Climate Change Bill will create a more coherent approach to managing and responding to climate change in the UK. It will involve ambitious targets, powers to help achieve them, a strengthened institutional framework, and clear and regular accountability to Parliament. Together with the proposals that will emanate from the energy review and that will be set out shortly in the energy White Paper, the Bill will equip the UK for a successful transition to a low-carbon economy and enable us to act as a beacon for others internationally.

We need to see action at an international level. Without a new global deal on climate change, emissions of greenhouse gases will continue to increase. The spring European Council agreement was a landmark decision. What it had to say on emissions targets, renewable energy and energy efficiency leads the way internationally. The window of opportunity to reverse the rise in global emissions is narrowing. The science and the economics suggest that to avoid catastrophic climate change global carbon emissions must peak in the next 10 to 15 years. But climate change is not an insoluble challenge. The technologies to reduce energy demand, increase efficiency and develop low-carbon electricity, heat and transport are within grasp. As has been well demonstrated by Stern, the earlier we act across all countries and all sectors, the better it will be for us all.

We do, however, need to adapt to climate change, as advised in the working group II report from the intergovernmental panel on climate change in April. We need to plan adaptation for the future, but also for today. The impacts are already beginning to be felt. The 2003 heatwave caused 35,000 deaths across Europe and there were £6 billion worth of insurance claims for flood and storm damage between 1998 and 2003 in the UK alone. The Government take adaptation seriously, but I recognise that sometimes it is not talked about enough in the House.

We are putting the framework in place to allow Departments, local authorities, businesses and individuals to play a role. That is being done through the development of an adaptation policy framework for Government, which we will publish this year and which will be extended to other sectors next year, through the inclusion of a clause on adaptation in the Climate Change Bill, through funding for the development of groundbreaking probabilistic climate change scenarios for the UK, which will be published next year, and through continued investment in areas such as flood defence, which is an old chestnut that the hon. Member for Eastleigh keeps recycling in his speeches. However, the simple fact of the matter is that we are spending 30 per cent. more on flood defence in real terms than we were in 1997.

The Government have shown consistent leadership in the field of climate change by setting bold targets and pursuing ambitious policies. We are determined to continue to show international leadership and that drive is strengthened by our domestic programme. We can take some comfort from the fact that greenhouse gas emissions are already between 15 and 19 per cent. below 1990 levels, depending on whether emissions trading is included, and that we will double our Kyoto commitments. However, there can be absolutely no room for complacency. We need to go further domestically and at the same time work to ensure that we agree a comprehensive post-2012 framework internationally that will stabilise greenhouse gas emissions fairly and effectively. That is the task that lies ahead and we will devote all our energies towards it.

5.20 pm

Gregory Barker (Bexhill and Battle) (Con): Any opportunity to debate action on climate change is welcome and there is a great deal in the motion in the name of the leader of the Liberal Democrats with which the official Opposition can agree. However, the Minister is also right: when it comes to global warming, the truth is that there is more that unites the parties at Westminster than separates us. There is nothing between all three major parties in our analysis of the seriousness of the challenge, even if the Government are somewhat tardy and muddled in their linking of the latest science to their policy projections. The general direction of policy is not hotly disputed—the battleground is how fast and how far.

This would seem an appropriate time to pay tribute to the Prime Minister for his tireless work over the past decade to put climate change at the top of the international agenda. Nearly 20 years ago, the then Prime Minister, Margaret Thatcher, became the first world leader to send a clarion call to the planet to wake up to the dangers of man-made climate change. It would be churlish not to recognise the current Prime Minister's considerable efforts to build on Lady Thatcher's legacy as a forceful international advocate for action against global warming. I sincerely hope that he will continue that role when, after a decade at the helm, he finally retires to make way for an older man.

It is not the general analysis of the problem that divides us from the Government, nor even many of the solutions that they advocate. It is the singular lack of urgency, after 10 years of complacency, that we find unacceptable. Erudite speeches abroad are no substitute for effective action at home. Three manifesto commitments on reducing emissions by 20 per cent. by 2012 have been quietly shelved. Everyone knows that Labour will meet its Kyoto commitments only because of the carbon dioxide cuts achieved under the last Conservative Government, largely with the dash for gas, despite the fact that when the Labour Government took office, they tried to turn the clock back with a policy bias in favour of dirty coal.

I would do a disservice to the debate if I were to wrangle over only Labour's serial failure since 1997. The new politics of climate change are about the future, not the past. The scale of the challenge requires politicians to find new ways of working together. We cannot afford the efforts of one individual Parliament, or one Prime Minister's Administration, to be anything other than part of a coherent long-term strategy to combat the greatest threat that mankind faces in the 21st century.

On Saturday night, I joined a debate on climate change with the students of the Pestalozzi college in my constituency. The Pestalozzi organisation brings disadvantaged but gifted children from the world's developing countries to the United Kingdom so that they can study for the international baccalaureate and prepare for university. Students from Asia, Africa and the Americas gave their perspective on the global challenges that we face. One of the many inspiring comments that were written on a banner that they produced at the end of the evening was, "Our approach: less accusation, more action". Thanks to the leadership of my right hon. Friend the Member for Witney (Mr. Cameron), the modern Conservative party is squaring up to the daunting changes required to tackle man-made global warming, but it is doing so with a sense of hope and optimism.

Clive Efford: If the Conservatives are facing up to the challenges of climate change, would the hon. Gentleman care to explain why certain Conservative authorities have cut recycling facilities? How many of the recently elected Conservative authorities does he anticipate will make similar cuts, and will he defend their record in future years, after they have made those cuts?

Gregory Barker: I am afraid that I do not recognise a word of what the hon. Gentleman says. He will know, if he was out on the doorsteps in the national campaign, that Conservative authorities across the country have the best record on recycling—[HON. MEMBERS: "Not true!"]—excepting possibly Liberal-run Liverpool. He will also know that Labour authorities have the worst.

Chris Huhne *rose*—

Gregory Barker: We have had plenty of opportunity to debate the merits of recycling; we came before the country with a clear slogan, which was—

Madam Deputy Speaker (Sylvia Heal): Order. Perhaps we could debate the motion, and the amendments before the House.

Gregory Barker: As I was saying, thanks to the leadership of my right hon. Friend the Member for Witney, the modern Conservative party is squaring up to the daunting changes of climate change with a sense of realism, as well as of hope and optimism. We have embarked on the most ambitious and comprehensive environmental policy review in our party's history under the leadership of Zac Goldsmith and my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer). That work is close to completion, and we will be able to find common ground with the Liberal Democrats in many elements of it. I hope that in future they can work with us more constructively than they have done in the recent past.

Chris Huhne: Will the hon. Gentleman give way?

Gregory Barker: It was a great shame that the hon. Gentleman tore up the cross-party agreement that was so meticulously put together by the hon. Member for East Surrey (Mr. Ainsworth) and the hon. Member for Lewes (Norman Baker), and I hope that when he intervenes, he will confirm that he will be more constructive in his politics in future.

Chris Huhne: I am grateful to the hon. Gentleman for finally giving way. He will know very well that when we suspended our participation in our agreement with the Conservative party it was because the Conservatives were unwilling to bring forward any specific policies whatever on the subject, and that continues to be the case. Before he gives us any lectures about following in his wake, or about the efforts of the right hon. Member for Witney (Mr. Cameron), he should be aware that the latter's local authority, West Oxfordshire, has just cut its recycling budget. That will have an effect on global warming, through the effects on landfill and methane. When the right hon. Member for Witney is able to show that he has some influence over his own—

Madam Deputy Speaker: Order. The hon. Gentleman knows that interventions must be brief.

Gregory Barker: We have had 25 minutes of listening to the dirge of the hon. Member for Eastleigh (Chris Huhne); that is quite enough, and I do not intend to take many more interventions from him. It is a shame that he could not be a little more constructive. Obviously, the new politics of climate change have yet to infect the Liberal Democrats.

The Liberal Democrat motion contains many good ideas, several of which have been championed by Conservative Members, but the motion is nevertheless uncosted, broad-brush and loosely worded, which is fine for a party facing perpetual opposition, but somewhat more problematic for a party clearly focused on forming the next Government. However, it is right to flag up the latest science, and absolutely right to call for a new sense of urgency. An action plan is well overdue, too, and many people will be surprised to learn that there is no Cabinet Committee charged solely with climate change policy. However, when it comes to tackling transport emissions—a subject mentioned in the motion—Conservative thinking is considerably more ambitious and comprehensive than Liberal Democrat policy on transport. In recent times, it has seemed to begin and end with an attack on 4x4 vehicles, which in reality represent only a fraction of the real problem.

Andrew Miller: Perhaps the hon. Gentleman would point out to the right hon. Member for Witney (Mr. Cameron) that a Lexus hybrid uses more carbon per mile than a Vauxhall Astra built in my constituency?

Gregory Barker: That is a very good point, but the key point about hybrids is that they are part of an emerging technology, and only by supporting hybrids will we support the investment that will go on to push back the boundaries to promote better and cleaner energy. A Lexus 4x4 is certainly a good deal cleaner than the Porsche Cayenne Turbo in which I saw the Liberal director of campaigns driving around in the last by-election, and which was stuffed full of Liberal MPs.

Mark Lazarowicz: I have to report to the House that when I recently left the Commons one evening on my bicycle, the hon. Gentleman, who was following in his car, offered to take my briefcase home for me, so he is certainly consistent in his policies. However, will he tell us what Conservative party policy is on congestion charging or motorway tolls, so that we can be clear about that?

Gregory Barker: Our position on congestion charging is very clear—it is up to local people to decide what is in the best interests of their local communities. In certain areas, it may have a place, but it is up to the local community to decide.

As my hon. Friend the Member for Epsom and Ewell (Chris Grayling), who is shadow Secretary of State for Transport, has made clear, we have a much more ambitious vision than the Liberal Democrats. Over the next generation, we have set a clear goal of securing a dramatic reduction in the average level of carbon dioxide emissions from cars on our roads. We want the average emission level for new cars in the UK to fall from 170 g per km to 100 g per km by 2022. By 2030, we want that figure to be an average for all the cars on Britain's roads. The only realistic and deliverable route to meet such a target is to facilitate a transformation in the types of automotive technology in use in the UK. We all need to drive greener cars.

That is not a transformation that can be delivered overnight. Cars have a life cycle, as the hon. Member for Ellesmere Port and Neston (Andrew Miller) correctly pointed out. Consumers only buy new cars from time to time, and manufacturers take years to develop new models. We cannot change those realities, but we must do what we can both to incentivise consumers to buy greener cars and to incentivise manufacturers to introduce new models and technologies as quickly as possible.

The next Conservative Government will introduce a programme of incentives to achieve that goal with clear milestones along the way. We have asked our quality of life policy group to make clear recommendations on the nature of a programme to set Britain at the forefront of international efforts to make motor vehicles much less environmentally damaging, and that work is due to be published later this summer.

We have an open mind about the technologies that will enable us to make that transition. We already know that hybrid technology and new generation diesel vehicles have made major steps forward in improving emission levels. Biofuels, too, will play an important part in moving towards the achievement of our goals, but only—and it is an important caveat—if they come from truly sustainable sources. We have made it clear that if we are to improve our stewardship of the environment without taking the unrealistic step of reducing people's access to motor travel unnecessarily, changing technology is an essential part of the route that we must travel, and we must begin to encourage the acceleration of that technological change right away.

Vehicle excise duty is a useful instrument to encourage consumers to switch to greener cars, but ultimately, unlike the Lib Dems, we do not begrudge successful people expensive cars, provided that they do not pollute the planet. One place where people understand that and have started to introduce an ambitious change strategy is California. Writing in *The Sunday Times* at the weekend, the governor of California, Arnold Schwarzenegger, whom we greatly look forward to welcoming to the Conservative party conference in October, said:

"Technology, that's how we should deal with global warming instead of trying to make people feel guilty. In short"—

Andrew Miller: The Terminator.

Gregory Barker: Indeed, he is the Terminator, and he is coming after the hon. Gentleman's seat. He continued:

"In short, the technology is there. The demand is there. If governments lead, investment will follow, business will follow and jobs will follow."

He concluded:

"Global warming has presented humankind with a tough challenge. Since we all share the planet and breathe the same air, whatever our nationality or political stripe, it only makes sense to work together.

Turning the climate crisis into an opportunity—for investment, clean and green technology and jobs—is a matter of leadership."

Sadly, in the UK we do not see those qualities in Government. Despite encouraging signals abroad and sensible progress in some areas, the bottom line is that, despite the urgency, there has not been hands-on leadership at home. That must change.

Mr. Elliot Morley (Scunthorpe) (Lab): I agree with the hon. Gentleman about urgency, but that is the weakness in his argument. While the programme that he is outlining on technology is all very worthy—that certainly has a role to play—applying it to new vehicles will be an incredibly slow process, and biofuels can have only a limited impact. It is a mistake to rely solely on technology, because we need a range of tools, including road pricing, whereby people could be encouraged to move on to public transport. Why has his party turned its face against that?

Gregory Barker: The right hon. Gentleman is right to say that we need a range of tools, but we are not seeing ambitious policies from this Government in any area; I have yet to see credible road pricing proposals from them. It is all hypothetical—after 10 years, there is not a single ambitious policy in place. Throwing the solutions back on to the official Opposition shows that there is a dearth of thinking and action on the Labour Benches: we will show them how to do it when we are in government.

A clearer, coherent picture will necessarily include a greater focus on high-speed rail in the UK. It will also require a greater willingness to use tax as a way of ensuring that the full environmental impact of short-haul flights is priced into the cost of a ticket. We need a tax system that discourages pollution across the board and rewards people for making the right choices. We know that the Environment Secretary agrees with us, because he said as much in his secret, but leaked, pre-Budget letter to the Chancellor. He rightly referred to the fact that aviation is our fastest-growing source of greenhouse emissions, potentially set to rise from 5 per cent. currently to 25 per cent. by 2030. Tellingly, he referred to the embarrassment of Labour's policy on airport expansion, which is totally at odds with its stated aims of reducing carbon emissions.

That brings me to green taxation. It has rightly gained a bad name under Labour, because although the share of green tax has fallen, whenever the Chancellor has levied a new tax in the name of the environment, it has been all grab, with no offsetting in terms of reductions in the tax burden elsewhere. His green tax motives sit ill with the fact that in his first eight Budget speeches he mentioned climate just once, on average, and at most twice. Then, lo and behold, following the election of the new leader of the Conservative party, it leapt to 16 mentions in 2006. Who says that an old dog cannot learn new tricks? Under this Government, green tax has become just another shade of Brown stealth tax. That has to change.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Barry Gardiner): Does the hon. Gentleman accept that when the Government introduced the climate change levy in 2001, that was accompanied by a 0.3 percentage point cut in employers' national insurance contributions, and that the introduction of the aggregates levy was accompanied by a 0.1 percentage point cut in employers' NICs? It is absolutely unjustified to levy the charge that there was no offsetting in this area, and I hope that he will withdraw those remarks.

Gregory Barker: I am afraid that I will not because, sadly, those are simply two remarkable exceptions. What about air passenger duty? What about vehicle excise duty? The list goes on. Unfortunately, the Brown chancellorship is not green.

The next Conservative Government will not increase the tax burden on hard-working families but rebalance taxation so that the polluter pays and the non-polluter pays less. However, we do not simply need a

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programme of green taxes; we need a green programme—full stop. I am pleased to say that the Climate Change Bill will go some way towards tackling that. We warmly welcome it and will work as constructively as possible with the Government as it passes through the Commons to make it a better and more effective measure. However, it provides only a framework for action rather than action. Given Labour's miserable record in achieving medium-term CO_2 targets, we need annual targets in the Bill to keep the Government and any future Government on course and held to account.

It is ironic that a Chancellor who has never shied away from placing ever more reporting and regulatory burdens on business balks at the idea that his Government might find themselves truly accountable annually. There is no alternative. We must start making a difference in this decade and begin achieving our stretching targets. It is our shared responsibility to the next generation to act now, not pass on our failures to our children. Labour cannot put off all the difficult decisions to some distant or unspecified date. As much as Conservative Members champion the private sector—we want the power of the markets to be fully utilised in the fight against global warming—Labour cannot simply rely on the emissions trading scheme to save its record from years of inertia.

The Government cannot simply rely on the ETS and, as the Secretary of State for Environment, Food and Rural Affairs said, "leave aviation untouched" for the best part of a decade. That is not tenable. Labour cannot cross its fingers and hope that nuclear power alone will provide all the miracle answers. However, the Government would be right to examine the way in which we generate and use energy as a source of huge savings in carbon dioxide. With or without nuclear power, we believe that there is huge potential to cut CO_2 in the domestic energy sector. By and large, the sector has remained pretty much unchanged since the Chancellor was a boy in the early 1950s. However, we will unleash a new energy revolution and harness the huge efficiencies made possible by uniting our demand for both heat and power only if we decentralise to the most local level.

Decentralised energy runs counter to the Government's instinctive centralising tendencies. It goes against the grain of the Chancellor's old, 1980s mindset. However, the answers to 21st century energy problems lie not in a drawer in Whitehall but in our local communities. We need the Government to hack away at the red tape and overbearing regulation that currently inhibit decentralised energy. We need the Government to make it not only easier but advantageous for new local payers to enter local electricity markets, whether they are large businesses such as Tesco, public sector institutions such as schools and hospitals or simply a family trying to do their bit through photovoltaic roof tiles.

We need to be far more ambitious in targeting energy saving, and innovative in providing solutions. The hon. Member for Eastleigh (Chris Huhne) is right to say that we need to make energy service companies a reality in the United Kingdom. To do that, we need to change the culture of the Government's regulators to put the reduction of CO_2 emissions at the centre of their mission. It cannot simply be an add-on. We need the Government to empower local communities to make a difference, to set new standards locally, to blaze a trail and thus allow local communities to go further than the clunking fist in Whitehall currently deems fit.

If we are to make up for lost time and start to make strides in the next decade towards an enterprising, low carbon economy, we need genuine leadership at the centre and local delivery. As last Thursday's massive gains of nearly 900 seats in the English local elections show, when people want something delivered locally—cleaner streets, warmer homes or local action against climate change—they will vote blue and go green.

5.44 pm

Mr. Elliot Morley (Scunthorpe) (Lab): I welcome the opportunity to discuss what is clearly one of the most pressing environmental issues—if not the most pressing—that we face this century. Clearly, a great deal is riding on the issue of climate change, which indeed unites both sides of the House. I welcome that.

I would say gently, however, to the hon. Member for Bexhill and Battle (Gregory Barker) that he really should not set as much store as he does by the dash for gas. There are two reasons, the first being that what he said is not true. If my memory serves me correctly, the dash for gas accounts for about 30 to 40 per cent. of carbon dioxide reductions. Secondly, what he said gives encouragement to people outside this country who do not wish to take difficult decisions and implement the necessary action. They say that the UK's progress is simply a result of the dash for gas. That is not true. The UK's achievement is the more remarkable because most of it took place in a period of sustained economic growth—not in a recession, as was the case under the previous Administration. The achievement is remarkable, and it demonstrates that it is possible to reduce emissions without ruining the economy. That is a very important message to get across, particularly to the United States and other countries. I urge the hon. Gentleman not to give comfort to those who argue against taking action.

I also disagree with the hon. Member for Bexhill and Battle about targets. Targets have a role and a place, and they can be used in all sorts of different ways. However, I much prefer the option suggested in the Climate Change Bill, which is carbon budgeting. I prefer that because it takes us in a much more radical direction. Carbon budgeting brings about the kind of cultural shift that we need, both in this country and internationally. Carbon budgeting can align the budget targets with financial budgets relating to the business of government, and allows the use of all the different levers that the Government have available.

To achieve the reductions that we need, we must have a cross-government approach in which every Department is involved, and tackling climate change becomes part of the culture of Government. I believe that there is a danger in arguing straightforwardly for targets, which is too unambitious. Budgeting also provides an incentive to maximise savings in any one year, because it provides some bankable carbon in case there is a poorer performance in another year. I therefore disagree with the hon. Member for Bexhill and Battle about targets.

I agree that the Government have to lead by example, and I believe that they have done so in all sorts of areas. I welcome the tribute paid by the hon. Member for Bexhill and Battle to the Prime Minister's role, and particularly to his influence in providing international leadership. Climate change is, of course, an international issue, and we need international solutions, which I shall touch on again in a few moments.

Mr. Peter Ainsworth: The right hon. Gentleman was waxing eloquent, and rightly so, about the benefits of carbon budgeting. Most businesses—and, indeed, Government Departments—set budgets ahead for one year, not five years. Why, then, do we have five-year budgets for carbon?

Mr. Morley: The argument for five years—although it is not for me to make it—is that it aligns itself with the process of the UN framework convention on climate change. There may be an argument for having a three-year carbon budget, which would align itself with the comprehensive spending review, for example, so there is perhaps a debate to be had on the cycle, but I certainly believe that the budgeting approach is much better than simple annual targets, particularly bearing in mind the all-important annual report and assessment provided by an independent committee, as set out in the Bill.

Chris Huhne: Does the right hon. Gentleman not recognise that if there is an annual report, there must be a benchmark against which progress can be assessed? Would it not be better to make that explicit in an annual target rather than implicit in the work of the committee?

Mr. Morley: The problem is that there is some confusion among those who advocate annual targets. Even they recognise that in any one year it is possible to face circumstances that are outside the Government's control. There could, for example, be a dramatic shift in prices—we have seen that in recent years—whereby coal becomes much more attractive as a fuel than gas. The levers of control over that are extremely limited, in terms of what the Government can do. Some people say that it would be possible to make an allowance for that within an annual target. The difference between that and carbon budgeting has thus become very narrow.

I would rather be a bit more honest about this, and recognise that carbon budgeting gives the kind of flexibility that any Government require and that it takes us towards the concepts of carbon markets, of caps and of budgeting for carbon within all our lifestyles, right down to personal lifestyles. I know that the hon. Member for Eastleigh (Chris Huhne) does not share my views about the radicalism of personal carbon allowances; I disagree with him on that matter. We should keep an open mind on how we approach this issue, as part of the all-important cultural shift in which we begin to think about carbon in the same way as we think about the price of electricity or gas. That shift has to come.

The Government can provide a lead in that regard. The move towards smart metering is extremely good, for example. I have had a prototype smart meter fitted in my own home recently. By the sound of things, it is not as good as some of the meters that will be available in the next few years, but it nevertheless allows me to see exactly what my real-time electricity use is, and I have taken steps to reduce that as a result.

I also welcome the extra money for building in high sustainability and low carbon to such programmes as building schools for the future. I am keen on that, not least because Scunthorpe is in the current wave for that programme, involving a £74 million programme of new schools and refurbishments. What better opportunity could there be not only to build in standards for low carbon but to use the results as a teaching tool, so that the pupils can see real-time read-outs of renewable power use and understand the value of passive heating and ventilation? Those are the kinds of standards that can be built in, and I welcome that. I am pleased that the Government have seized the opportunity to do it.

Government procurement, too, is a powerful tool. I know that this subject has been examined, but we are only scratching the surface. We could make a lot more progress through the power of Government procurement, and also local government procurement, which is not used as it should be in this context.

I agree with some of the points that have been made about energy companies becoming providers of energy services rather than simply selling energy; that change must happen. I should like to suggest to my hon. Friend the Minister that renewable energy certificates are among the most successful vehicles for the encouragement of renewables. They have worked well, and helped to take the use of renewable energy from a very low level towards achieving our targets.

Given what Germany has done with feed-in tariffs, however, perhaps we should consider moving away from renewable energy certificates. We would have to do that over time, because people have invested in the scheme and we cannot undermine that investment, but I believe that we should be thinking about feed-in tariffs that depend on the level of technology involved. For example, if a power station is investing in carbon capture, which involves very expensive technology at the moment, feed-in tariffs for that power station should reflect that level of investment. In the domestic energy sphere, people who fit micro-power to their own homes should certainly get a better feed-in tariff than they do at the moment, although I welcome the Chancellor's proposal to make that income tax-free. He has sent out an important signal by doing that.

I want to turn to the international issues that relate to climate change, because they will be the key factor. There is a lot that we can do, and we should lead by example. We should demonstrate that an advanced industrial country can reduce its emissions without affecting its gross domestic product. However, we shall have to persuade other countries to do more. We need to look for an agreement post-2012, at the end of the present Kyoto protocol, and we have an awfully long way to go in getting the necessary buy-in from a number of countries.

I listened carefully to what the hon. Member for Eastleigh said about the range of 450 to 550 parts per million. We should be aiming for the bottom end of that range, because I worry about the impact that being at the top of the range would have on the global climate. Hon. Members will be aware, however, that a

[Mr. Morley]

number of countries think that 550 parts per million is an unrealistic target. We still have a long way to go to convince countries that 550 would be straying into the area of dangerous climate change.

One way of getting greater international support would be for the developed nations to place more emphasis on including aid packages to developing countries as part of a climate change agreement relating to adaptation. I would like to suggest to the Minister that we need new funding for that. We need to ally these issues to our aid programmes. I know that the Department for International Development has been giving a lot of thought to the matter, but we need new money on the table to get those agreements, particularly from the emerging economies. One way of doing that would be to ensure that money was available in the framework for clean energy and development, which came out of the Gleneagles action plan. That potentially powerful vehicle is being set up by the World Bank, and it needs our encouragement and support.

It is important that carbon markets develop, because although proposals for smart taxation that encourages the use of new technologies, for lower emission vehicles and for offsetting the emissions from planes are all perfectly legitimate arguments, I worry that there is a potential for the prices involved to be rather elastic. For example, the fuel surcharges on air tickets range from about £30 to £60, before we add the increased departure tax. Those taxes have not had a great effect. Neither of the Opposition Front-Bench spokesmen has told the House what figure they would propose that would actually deter people from flying. I have never seen such a figure. I would like my hon. Friend the Minister to consider that, if there were a cap on emissions, the aviation sector would not be able to exceed that cap. That would be a much more effective way of ensuring that aircraft emissions did not rise, and that new technologies and the efficient use of existing aircraft were encouraged.

Carbon markets are not yet mature—they are still developing—but there is an argument for taking a levy on each tonne of carbon traded. This has been discussed in Germany, and the figure of 10 cents has been suggested. That money could go into a fund that could boost adaptation funds. There would also be a strong element of social justice involved, because the money would come from the people producing the carbon and go to those who, because of their poverty, were not. Given the rate of growth of the markets, there is the potential for a huge fund that could be directed towards adaptation and new technologies. The proposal is not without its problems, but it is something to think about in terms of raising large sums of money that could make a real difference. It could encourage adaptation and the decarbonisation of our societies.

I have a final point to put to the Minister, and it is one that I can make more easily than he can. If there were a lack of progress towards international carbon markets or, heaven forbid, towards a framework, post-2012, by some countries—some have legitimate claims because they are emerging economies; others should know better—would he give some thought to a concept that I regard as very much a second choice? If countries such as ours, or markets such as the European Union, are imposing the justifiable burdens and costs of carbon markets that encourage the use of new technology and innovation, could a carbon levy be imposed on imports from countries that are not part of any international agreement and are not taking action to control carbon? That levy could then be recycled back to the developing countries to support technology transfer and new technologies.

I understand the controversy involved in moving into such an area. I know all about the kind of opposition that such a proposal would get from the World Trade Organisation, and I must make it clear that that is not something that I want to see. I want to see an effective outcome, post-2012, involving a proper and effective framework agreement that has been signed up to by the United Nations forum on climate change. If there is no progress, however, there should be no free riders. It saddens me to say so, but, in those circumstances, a carbon levy is something that we should consider.

Several hon. Members *rose—*

Madam Deputy Speaker: May I make a plea for brief contributions? There is a limited amount of time available for the rest of the debate.

5.59 pm

Mark Hunter (Cheadle) (LD): The original title of this debate was "Action on climate change begins at home". The latter part of that title is the most important in relation to what we have discussed today, not least because of the pressing need to persuade the public and individuals that they can make a difference by changing their own habits and lifestyles at home.

All of us, as politicians, should do more to help instil in the minds of the population the belief that their actions can and do affect levels of air, water and light pollution. We need to believe that ultimately, only the collective efforts of individuals at home, in their jobs, and perhaps even in their capacities as leaders of the community in business and in Government, will be able to tackle the problem of climate change and the devastating effects that we can already see it bringing.

There are many fine examples of individuals taking the lead. I recently visited a gentleman in Cheadle Hulme, in my constituency, who had installed solar panels on his house to do his bit to help stop climate change, at considerable expense to himself. That was a fantastic initiative, which should be held up as an example to others. I was, however, appalled by what he told me about the lack of Government support for such schemes. The Government need to give individuals incentives to take "green" action.

The fiasco of the low carbon building scheme, reported in recent months, only serves to prove that the Government are failing to keep up with the public demand for greener solutions to energy problems. In March the monthly capped grant for the scheme was allocated to householders in only 75 minutes, which clearly showed the Government's dismal failure to fund the scheme properly. With solar panels costing up to a possible £7,000, many households will simply not be able to afford to take the drastic action necessary to tackle global warming. Despite the promise from the

Environment Secretary that householders would have better access to renewable energy funds, the low carbon building scheme effectively shut up shop from March until later this month. No wonder so many people are asking how on earth this is helping to tackle climate change.

Buildings in the United Kingdom are responsible for nearly half our total carbon emissions, yet the Government still fail to create incentives for people to improve the carbon footprints of their own homes. Not only do we need tough new standards to be set for new build; we need to provide incentives for home owners to improve older properties by installing insulation and other energy-saving devices. The Liberal Democrats' energy mortgage policy would deal with the problem of cost by lending home owners money for the initial outlay, which could then be paid back in money saved from lower energy bills.

Doorstep recycling is yet another example of the way in which changing patterns of public behaviour can be seen to have a real effect on climate change and the environment. My own council, Stockport—where, incidentally, the Liberal Democrats increased their majority last Thursday at the expense of the Conservatives—has a better recycling record than any other metropolitan borough council in the country, with 33 per cent. of all household waste now being recycled, but even there we know that we can and must improve. When the council rolled out its pioneering "green waste" wheelie bin programme it was flooded with requests from residents asking for the bins, and struggled to keep up with the public demand. With its excellent environmental record, Stockport puts many other local authorities to shame.

Recycling is a low-cost option for the public, and a simple way in which individuals can make a difference to climate change. Local government has a vital leadership role to play in environmental issues and should be doing its utmost to encourage recycling and other environmentally conscious behaviour, but, it can do that only with the active support and encouragement of central Government. The Government may have made a start, but they need to do much, much more if they are to deliver on their promises.

6.4 pm

Mrs. Sharon Hodgson (Gateshead, East and Washington, West) (Lab): I think Labour Members can all agree that we are grateful to the Liberal Democrats for choosing to highlight the Government's ongoing work in combating climate change.

I do not believe anyone would take issue with the idea that the fight against climate change, like charity, must begin at home. Much has been made of the small changes that we can all make to our lifestyles, which when added together should make an enormous difference. However, we must remember that "home" is not just something that belongs to the individual or the private person. New homes that are not yet occupied are an important consideration. Companies have their own homes, perhaps even several homes across the country, and we as Members of Parliament have our own home here in the House of Commons. I want to spend a few minutes examining what is being done, and in some cases what needs to be done, in all those different homes across the country.

I expect that all hon. Members have heard a fair few "light bulb" jokes in their time, but I doubt that anyone has heard the one that asks, "How many MPs does it take to change a light bulb?" The answer, on this occasion, is 77—the number of Members who signed my early-day motion 947, which called for a ban on the sale of incandescent light bulbs.

Some of my constituents suggested to me that I was doing my patch a disservice, as the first light bulb was invented in Gateshead, in my constituency, by Joseph Swan, who was born in Sunderland, another part of my constituency. For me, however, that proves that both Gateshead and Sunderland have been at the forefront of the energy agenda in the past, and I have every faith that they will continue to be so in the future.

I would not presume to claim that what happened next was an immediate response to my early-day motion, but needless to say I was delighted when the Chancellor announced that the sale of old-fashioned energy-hungry light bulbs would be phased out by 2011. That represents a clear commitment from the Government to lead people in the right direction, and to enable all of us to make the small changes that will deliver a big difference.

I know from spending time in my constituency that although the message is getting through, there remain significant obstacles for the Government to tackle. It is all very well preaching from our parliamentary pulpits, but we must remember that for families who are surviving on low incomes, pursuing a green lifestyle carries a sometimes unsustainable cost. The Government have announced that from next year, every household will be able to monitor the amount of energy being used at any given time. That is exactly the sort of simple innovation that should be supported: such aid will help people to stop wasting not only energy but money, and will therefore be especially useful in low-income areas.

The Warm Front scheme forms a vital part of the Government's energy efficiency commitment, and will have provided consumers with 40 million bulbs by 2008. I know that the Government are also working hard at European Union level to try to find a way of reducing VAT on energy-efficient goods such as low-energy light bulbs. I hope that, with the support of Members in all parts of the House, we shall be able to find a solution that will make energy efficiency affordable for all.

We do not want to see the development of carbon inequalities, especially if they closely reflect income inequalities. If we cut carbon costs, we must ensure that everyone can meet their own efficiency targets. The Liberal Democrats do not seem to have solutions to that problem. Prescribing top-down standards, targets and subsidies such as energy mortgages will only lead to additional costs being passed on indiscriminately to consumers, and that will again hit the poorest hardest.

It is clear that the Government are committed to leading the field across the world in combating climate change. In fact, many other countries are already having to play catch-up, and I suppose it is no surprise that Opposition parties find themselves having to do the same.

As I said at the beginning of my speech, it is not just individuals and families who have homes. Businesses

[Mrs. Sharon Hodgson]

throughout the United Kingdom have several hundred thousand homes of their own. It is welcome that, on the whole, United Kingdom business is accepting that it must take responsibility for the changes that are taking place, and adjust its own role to accommodate that. Although EU carbon emissions trading is merely in its infancy, it is testimony to the commitment of our Government that the UK is—again—at the forefront of the scheme and continues to set an example of best practice to the rest of the EU.

No matter how much we recycle, for the time being at least, no home can be without the common dustbin. I never knew that dustbins could be a hot topic of conversation, but refuse collection was one of the biggest issues on the nation's doorsteps during the last few weeks and months. Dealing properly with our rubbish is causing increasing logistical problems, and I can certainly sympathise with those who think that a fortnightly rubbish collection is not sufficient to remove the refuse produced during that period by, for instance, a family of five. Both my local Labour-led councils are evaluating ways in which they can maximise recycling across their two metropolitan boroughs. They will find that task much easier thanks to the draft Climate Change Bill, which locks into statute changes that will enable Britain to adapt with sufficient flexibility to the challenges that lie ahead.

I agree strongly with one aspect of the Liberal Democrat motion. We have already established that the challenge of combating climate change begins at home, and it is imperative that we as elected representatives make sure that our own house is in order. We must take steps to ensure that Parliament is as energy-efficient as possible. Ideally, it will—like all new homes—be carbon-neutral within the next decade. A raft of possible changes could be made. I am told that last Christmas, after I had tabled parliamentary questions, the House authorities used low-energy bulbs to light the Christmas trees. From memory, I think that that saved about £4,000. Although that is laudable, I am sure that we all agree that combating climate change is for life and not just for Christmas. Targets are in place to cut Government emissions by more than 30 per cent. before 2020, but I believe that we need to act with greater urgency. This issue can transcend party boundaries, and I am in no doubt that it would do the world of good for the Houses of Parliament to lead by example. By doing so, we can avoid having a "Do as we say, not as we do" attitude.

Of course I will not support the motion, despite the fact that much of it appears to support Government positions. However, I hope that our debate on what is undeniably one of the supremely important issues of our time will inspire us all to go home to our constituencies and prepare to save power, and that that in turn will combat climate change.

6.12 pm

Mr. Robert Goodwill (Scarborough and Whitby) (Con): I thank the hon. Member for Eastleigh (Chris Huhne) for picking this subject for debate on behalf of his party. I was a little disappointed by some of his comments at the start of his speech about the Conservatives in the European Parliament. Having been a colleague of his for five years, I recall working closely with the Liberal Democrats and their group in the European Parliament putting together a number of compromises, which would have been undermined by some of the luddite policies that the Green parties tended to promote there. However, I shall forgive him and put his remarks down to him still smarting at the "vote blue, go green" phenomenon that was seen to such a great extent around the country on Thursday.

Any action plan to curb our carbon emissions must take account of how green some new technologies being touted as panaceas really are. Solar panels are often touted as the answer. Although water-heating panels can make some contribution, photovoltaic cells are less difficult to justify from an environmental point of view. Toward the end of last year, I was talking to one of the founders of Greenpeace and he said that although his house is in New Mexico the photovoltaics on the roof did not manage to produce all the energy needed for that house. Although Scarborough is renowned for its sunny climate—especially during the holiday season—its sunshine levels are nowhere near as high as those of New Mexico.

The Minister mentioned that he will be flying to New York and that he will offset the carbon, but we need to look carefully at some carbon offsetting schemes. Tree planting would only really count if those trees were allowed to become fossils. If they merely rotted down and in due course the CO_2 was liberated again, that would not be genuine carbon offsetting. Simple measures such as installing insulation, turning off the standby function on one's video recorder, and turning down the thermostat in one's house are likely to have a greater effect.

Yorkshire has a number of power stations that burn renewable fuels. Despite a hesitant start, we also have farmers in Yorkshire planting willow coppice, as well as elephant grass or miscanthus. That can be easily justified as making a contribution. However, I am less convinced of the environmental or even the economic advantages of importing olive pressings from north Africa to burn in power stations in Yorkshire, which is happening at present.

The European Union has set a target of 5.75 per cent. for biofuels in transportation by 2010. Germany and France are confident that they will reach that target early, and bioethanol and biodiesel are being promoted there. There is tremendous potential within the EU to produce those fuels, given that 10 per cent. of our arable land is currently in set-aside, but we must look at the environmental impact of taking land out of set-aside. I and many other farmers have entered into the entry level scheme. That will be fairly easy to reverse, but the environmental improvements from it are, perhaps, less tangible than those of higher level schemes. However, it will be much more difficult to take land out of those environmental schemes, and although we will produce energy from that land there will be an environmental fallout.

We also have a lot of waste oil in the EU, which is used for cooking chips and in catering. Previously, that oil was used as animal feed so it had a positive value. Sadly, since the implementation of an animal by-products directive such oil can no longer be used for animal feed. We need better incentives to stop cooks

and chefs pouring oil down the drain and to ensure that it can go into making biofuel.

My family is trying to make some impact. I have a green cemetery, which I hope cuts down emissions from crematoria. I have also entered into a biofuel contract. Sadly, however, there is no biodiesel plant in the UK. Somewhat bizarrely, my 45 acres of oilseed rape will not go for biodiesel but will be entered in a complex offset scheme with German crushers. My rape will not actually go to Germany, but rape in Germany will be used for biofuel and be offset against mine. It is likely that my rape will not be processed for fuel in Hull or Erith in Kent, but that rape that is offset against mine will be processed by ADM in Hamburg or Bunge in Mannheim. Germany has taken the lead in this area because it has given capital grants and fuel rebates to kick-start the technology.

In the UK, we have the energy aid scheme—a subsidy to encourage farmers to produce biofuels. Of the €45 per hectare available, €22.5 goes to the crusher. The problem that we in the UK have is that we have signed up to the highest level of modulation. As a result, 17 per cent. of the aid that is meant to promote biofuels is being clawed back by the Government. To detach the energy aid scheme from modulation would be a good way of promoting biofuel in the UK. I hope that the Minister will reflect on that.

Biofuels are being promoted throughout the world. Recently, there were riots in Mexico City, with people complaining that the price of their staple, maize-based diet had increased because of maize being turned into ethanol in the United States of America. In terms of the overall energy balance of producing ethanol from maize, there is merely a 13 per cent. reduction in CO_2 after account is taken of factors such as the fuel used in the fertiliser, the cultivation and the transport and processing. That is a fairly minor increase. For biodiesel, various figures have been touted about —50 per cent. energy gain is one figure that I have heard. That does not take into account the non-direct CO_2 produced. For example, if my tractor driver takes a holiday abroad and flies to get there, that is not included in the figures on the impact.

Much of the fuel that Europeans use will be imported from places such as Brazil. Rain forests have been cut down to produce sugar and soya beans. In south-east Asia, oil palms are being grown, which is contributing to the destruction of the orang-utans' habitat. Many of the commodities being used to produce biofuels are commodities that can also be used as food. I recently read that a Range Rover's tank of ethanol would be equivalent to the amount of food consumed by a person in a year. Whenever there are chaotic famines around the world, we are able to send food aid, but that might not be the case in the future as more of the arable land in the developed and developing world is turned over to biofuel production and we do not have the grain surplus to send to aid third-world countries.

What are the answers? First, we need a good eco-audit of biofuels. We do not want to find that the biodiesel that we use in our cars is deforestation diesel, so we need to consider the energy balance. Secondly, we need to examine more closely technologies that utilise the cellulose and lignin in straw and waste products for which we currently have no use. More emphasis on such research is necessary. Thirdly, we need to utilise that tremendous resource in the EU of unproductive set-aside land. If we can bring that into production in a way that does not damage other environmental concerns, that will be good. We should stop grabbing the headlines, and start embracing some of the emerging science that can deliver the type of reductions in greenhouse gas emissions that we all want.

6.20 pm

Andrew Miller (Ellesmere Port and Neston) (Lab): I disagree on a couple of points with Opposition Members who have spoken, although there is a huge amount of agreement across the House, which is good. The hon. Member for Eastleigh (Chris Huhne) reeled off a series of alleged cuts in science investment. I am sure that he would acknowledge that a substantial increase in all science investment—including on climate change—has taken place under this Government. As for the speech of the hon. Member for Bexhill and Battle (Gregory Barker), I loved the little twist of the blues going green. I wonder, however, whether he has made the "polluter pays" argument to a gentleman whom I met at the beginning of the fuel protest in my constituency, and who now happens to be a Conservative Welsh Assembly Member. He certainly did not believe in blues going green; perhaps the message has not yet fully got across to the Conservative party.

My first point is on national security, which has not been mentioned in the debate. Fresh water, rising sea levels and uncertainty of food supply raise significant national and international security issues, which will help to drive forward this important debate. It is no coincidence that some of the best scientists and experts in the field are now lecturing at the Royal College of Defence Studies, and that people from 40 nations, including Members of the House who have had the opportunity to participate in its fabulous course, have engaged in discussion there of the effect on security over a number of years. That needs to be promoted more strongly. I have made that point to my right hon. Friend the Foreign Secretary, and I make the same point to my hon. Friend the Under-Secretary of State for Environment, Food and Rural Affairs, as it is critical that all Government Departments engage with that group of experts in that international forum. Britain undoubtedly has a lead there; otherwise, the 40 nations, including the United States, who send senior personnel to study at the college would not do so.

My second point is about planning, on which the hon. Member for Eastleigh made several important points. Energy efficiency certificates were discussed earlier in relation to the home information packs programme. I believe not only that the principle of HIPs will drive down the buying and selling costs of property—the only siren voices against it are the vested interests represented in different parts of the high street—but that it will ultimately put net downward pressure on house sales. It is important, however, that we drive forward the concept of energy efficiency certificates with some vigour.

The planning cycle also needs to include real vision on how we deal with future sustainable homes. That is not just about sticking a windmill on the top of some bijou residence in Notting Hill; it is about serious strategic planning to change our approach to living.

[Andrew Miller]

With imaginative planning, sustainable energy manufacturing could take place within small rural communities.

David Howarth: I agree with the hon. Gentleman's comments on that subject. Does he therefore agree with the Bill brought forward by his hon. Friend the Member for Gower (Mr. Caton), which would allow local authorities to set higher standards with regard to energy efficiency in local planning than central Government are setting?

Andrew Miller: The principle of devolving the responsibility has some merit, but leadership from the top is also needed, because imaginative work will be required in respect of some sacred cows such as the green belt. I do not mean that we will build over the whole green belt in my constituency, but imagination should be applied to the question of how some of those rural communities can become more sustainable through the growing of crops and use of solar and wind energy.

That leads me to my third point, which is on energy. A couple of Members, including the hon. Member for Bexhill and Battle, appeared to take an anti-nuclear stance. Nuclear power cannot solve all the problems—far from it. Simple arithmetic, however, shows that it is impossible to ignore the nuclear cycle. I hope that the Liberal Democrats will contemplate that carefully. The economic growth of China and India alone will wipe out any potential gains from Kyoto, so our energy policy will—

Martin Horwood: Will the hon. Gentleman give way?

Andrew Miller: No. The hon. Gentleman wants 15 minutes to wind up, so he can use some of that time.

Our energy policy will have to reflect the need for a properly balanced energy structure that provides for a base load. To be carbon-free, part of that base load must be nuclear, whether we like it or not.

My final point is on public understanding, which we take for granted. As my right hon. Friend the Member for Scunthorpe (Mr. Morley) said, we have tended to consider pound sterling values and not carbon values. I last used my log tables when I needed to calculate the thermal efficiency of the walls in my house in order to assess which radiators to install. That calculation was done on the basis of pounds sterling, not tonnes of carbon. With hindsight, that was the wrong calculation to use. We need to educate people to think in a different way. To a certain extent, we are succeeding in recycling and, in some respects, in the procurement of vehicles. I am told by dealers that people are now asking what the carbon emissions of vehicles are. Education is working, and we need to drive that forward.

To conclude, I agree with the hon. Member for Eastleigh that greater co-ordination across Government Departments is needed to cover almost every aspect of the Government's activities. Her Majesty's Government should be commended, however, for their bold position and leadership role throughout the world.

6.30 pm

Martin Horwood (Cheltenham) (LD): Members will be pleased with the overall tone of this debate, which has demonstrated a great deal of agreement on the direction of travel that we should all be going in, even if we cannot all agree on whether we should indulge wealthy urban 4x4 owners in their chosen mode of transport.

My hon. Friend the Member for Eastleigh (Chris Huhne) opened the debate in a spirit of friendly competition by reminding us that the only Conservative national election manifesto yet produced under the leadership of the right hon. Member for Witney (Mr. Cameron) scored zero out of 10 for green initiatives, according to Friends of the Earth. My hon. Friend also rightly warned us against Government complacency and the drift in Government policy, which Conservative Members also mentioned, toward the toleration of 550 parts per million as an acceptable carbon dioxide concentration target. The Stern report had very cautionary words to say about that, although in a sense, that report has been part of the problem in tolerating that figure.

Stern pointed out that according to the Hadley Centre's assessment, a worldwide figure of 550 ppm gives rise to a 69 per cent. probability of exceeding 3C of global warming. Elsewhere in the report, Sir Nicholas pointed out the possible consequences of such an increase, such as the onset of collapse of part or all of the Amazonian rain forest, many species facing extinction, rising intensity of storms, and forest fires, droughts, flooding and heatwaves. Those dramatic and apocalyptic consequences will begin to kick in quite fast. As my hon. Friend the Member for Eastleigh said, given the feedback mechanisms that are liable to accelerate global warming, we might be in an uncontrollable situation much earlier than we thought. I caution the Government to move away from the idea that 550 ppm is an acceptable target; it is in fact an extremely high-risk one.

What we need is ambition. As my hon. Friend the Member for Eastleigh said, we need to give the UK first-mover advantage and to bring real urgency to all Government Departments. We need an annual action plan and a dedicated Cabinet Committee to bring together the worthy ambitions often heard from DEFRA Ministers—I count the right hon. Member for Scunthorpe (Mr. Morley) as a past distinguished example—but which often do not seem to translate to other Departments. The Treasury certainly failed to introduce anything particularly convincing in the recent Budget.

The Department for Communities and Local Government, moreover, has failed to promote energy efficiency to anything like the time scale necessary. As my hon. Friend the Member for Cambridge (David Howarth) pointed out, it talked out a Bill that would have guaranteed the ability of local councils to set energy efficiency and microgeneration standards higher than the national standard. That was a shameful performance; the DCLG allowed its control-freak tendencies to get the better of its green instincts. We have seen nothing from it as imaginative as the warm homes package that we Liberal Democrats suggested—*[Interruption.]* Members may laugh, but I should like to see something equally imaginative from the DCLG; however, nothing has been forthcoming. Ours is a

really radical proposal that would release funds over a long period, guarantee householders lower bills and release the funds required to tackle the energy efficiency of existing housing stock, as well as new homes. That policy area badly needs to be addressed.

Nor have we seen anything from the Department for Transport that really addresses the problems associated with vehicle excise duty and the expansion of aviation. We still perhaps face the toleration of extra runways at Gatwick, Stansted and Heathrow airports, even though—in addition to the taxation measures that we have debated today—the constraint of supply of aviation spaces is another way to limit aviation's growth.

My hon. Friend the Member for Eastleigh also emphasised the important role of the public sector. We Liberal Democrats suggest using the decent homes standard as a vehicle to offer a green revolution to the least well-off in our society—as well as to the homeowners whom we often talk about in these debates—by, for instance, promoting community renewable energy on a much larger scale.

The Minister for Climate Change and the Environment replied to my hon. Friend by claiming that there was great cross-party consensus on the urgency of this issue. Some of the initiatives that he described we have supported and would indeed welcome. I would certainly welcome the free household smart meter displays that the Minister appeared to commit to in his speech, but it is therefore a mystery as to why he will not commit to a more ambitious target in the Climate Change Bill. Why is he still talking about including a target of only a 60 per cent. reduction in emissions by 2050, given that he said in his own speech that the Government were ready for 70 per cent? We Liberal Democrats consider 80 per cent. or even higher to be the realistic and necessary target.

Barry Gardiner *indicated dissent.*

Martin Horwood: The Minister shakes his head. I will happily give way if he wants to explain why the target in the Bill is so low.

Barry Gardiner: I am grateful to the hon. Gentleman for giving way. It is unfortunate and puerile to keep on making that sort of attack. He knows full well that the Bill stipulates that the target is at least 60 per cent.; that it is for CO_2, not greenhouse gases; and that when it translates into parts per million of greenhouse gas emissions, it is substantially higher than 60 per cent. He is also aware that according to part 1 of the Bill, it is open to the Secretary of State to amend the target in the light of science, as scientific knowledge progresses. I hope that that will put an end to this—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The Minister must not anticipate his own winding-up speech.

Martin Horwood: I am very grateful for the Minister's lengthy intervention. When I was in business, a target was a high point that one aimed for, not the lowest that one thought achievable. If what he says is right, I see no reason why he would not accept an amendment in Committee to increase the figure to at least 80 per cent.

The truth is that there is too much complacency in government. As Sir Nicholas Stern makes clear, the Government's repeated claim to be meeting their Kyoto target on overall greenhouse gases is a bit of a myth. Page 204 of the Stern report attributes the historic reduction in greenhouse gas emissions in the UK to the dash for gas. The real trend now is rather more worrying. An examination of CO_2 emissions, rather than of the basket of greenhouse gases, shows that the Government's record since taking office is an increase of 2.4 per cent. If we compare the provisional figures for 2006 with those for 2002, the trend since 2002 is an increase in CO_2 emissions of 3.3 per cent., and an increase of 0.6 per cent of greenhouse gas emissions as a whole. We have to accept that the figures on which the Government are working are inadequate, and that in continuing to claim that they are on course to meet the Kyoto targets, they are displaying worrying complacency. In a sense, they are fiddling while Rome burns—along with, potentially, the rest of us.

There were some interesting initiatives. I hope that the Minister for Climate Change and the Environment will make available to his own Department the carbon calculator that he referred to. A recent report by the National Audit Office on the Government estate states:

"There is widespread failure to meet targets for sustainable construction and refurbishment…Departments and agencies are not assessing the environmental sustainability of projects despite instructions to do so…Departments and agencies are failing to achieve the required assessment ratings…Eighty per cent of projects would fail to meet the required environmental assessment standards".

It is therefore no wonder that, as other Members have pointed out, DEFRA's own record for its own estate shows an increase in carbon emissions and an 11 per cent. reduction in energy efficiency. The Minister said that that is because it is in a transitional stage—aren't we all?—but the transition that the Government must make is from carbon complacency to urgent action. That attitude is typified in the briefing given to the Joint Committee on the Climate Change Bill. I should say at this point that we Liberal Democrats would not have bothered with that stage; the more urgent need is to get a Bill before this House. However, the Government suggested that the Joint Committee address the briefing, which asked what the main aims and purposes of the Bill should be and why it is needed. I thought that we had got beyond the stage of worrying about why the Bill is needed; surely we all know the answer to that by now. We need to inject a much greater degree of urgency.

The hon. Member for Bexhill and Battle (Gregory Barker) praised both the Prime Minister and Mrs. Thatcher, obviously two of his political role models. Mrs. Thatcher is a warning from history. Twenty years ago, she called the Conservatives the real friends of the earth and raised, in her own way, green issues high up the agenda, just as the right hon. Member for Witney is doing at the moment. However, in the subsequent 20 years, Governments of both colours have presided over spiralling emissions, a poverty of investment in renewable energy, increasing car use and increased aviation.

Gregory Barker: For the record, can the hon. Gentleman tell us what happened to carbon emissions under the last Conservative Government from 1992 to 1997?

Martin Horwood: The problem is the same as the Government have had with the Kyoto targets, because other factors are at play. In that case, it was the Conservative Government's mismanagement of the economy and the recession. Russia has achieved one of the best carbon reductions of any European country, for similar reasons. The hon. Gentleman lamented the lack of cross-party agreement and specifically mentioned transport and the quality of life commission that is working on the issue. I tried to look up the Conservatives' quality of life commission's policies on transport before the debate. They have obviously spent a lot of time on the website, which is very beautiful with pictures of green grass. One can find the introduction and the terms of reference, but the policy is a little thin. There are three paragraphs—

Gregory Barker: That could possibly be because we do not report until the summer.

Martin Horwood: So there are no actual policies. It is difficult to maintain a cross-party consensus on policy because the Conservative party does not actually have any. The hon. Gentleman also accused us of begrudging people expensive cars. We do not, but we begrudge them the most polluting cars and will reward those who have the least polluting cars. We have specifically agreed a policy of raising green taxes to change behaviour and to give tax breaks to the least well off with the proceeds.

I have great respect for the right hon. Member for Scunthorpe, and I agree with some of his remarks about Government and local government procurement and the idea of feed-in tariffs as a more useful policy tool. However, he strangely defended five-year targets on the basis that they give more flexibility to Government, but that is the fundamental problem with them. They give far too much flexibility and apply too little pressure. How are we to judge the performance of the Government at the next general election when the five-year target will be on the other side of it? If voters cannot judge that performance, how can we expect human politicians to take the actions necessary?

The right hon. Gentleman also raised another important issue, which is the need to address those nations that do not take part in the Kyoto, or even the post-Kyoto, process. That point was also raised by Sir Nicholas Stern. It is interesting to note the remarks by Nicolas Sarkozy, who has just been elected President of France. He may be a soul mate for the new Labour leadership. He said of the US:

> "I want to tell them that France will always be by their side when they need it, but I also want to tell them that friendship means accepting that your friends may think differently and that a great nation-such as the United States has a duty not to put obstacles in the way of the fight against global warming, but on the contrary to take the lead in this fight, because what is at stake is the fate of humanity as a whole."

That is the kind of constructive but critical approach that allies need to take. I fear that this Government have sometimes taken too relaxed an approach to the White House and its attitude to global warming.

My hon. Friend the Member for Cheadle (Mark Hunter) combined green idealism with a practical grasp of the problems associated with the low carbon buildings programme, which he rightly described as a fiasco and which is still suspended. He paid tribute to the pioneering work of Stockport Liberal Democrat council and its record on recycling, which I happily applaud.

The hon. Member for Gateshead, East and Washington, West (Mrs. Hodgson) called for a ban on incandescent light bulbs, and I would be happy to support that in due course. She appeared to think that green mortgages were likely to prove an arbitrary cost to consumers, but the whole point of the warm homes package that we propose is that it will save consumers money. It would not work otherwise on a voluntary basis.

The hon. Member for Scarborough and Whitby (Mr. Goodwill) spoke from great experience about biofuels, and the virtues of miscanthus and other biofuels that are actually energy efficient and lead to a substantial reduction in global warming if used. That underlines the need for the Government to get on with a proper certification scheme, so that we can tell the difference between those biofuels that are making a contribution to fighting global warming and those that are not.

The hon. Member for Ellesmere Port and Neston (Andrew Miller) talked about security of supply. It is true that green generation is also often secure. It is much more difficult to bomb a tidal array or 1,000 microgeneration sites than it is to bomb a nuclear power station. He also criticised China, as he appeared to believe that it is outside the Kyoto framework, but it is not. In some ways, the Chinese Government have made radical moves towards carbon neutrality in the community at Dongtan.

The Liberal Democrats have set out a radical and coherent plan. We want to see powerful, long-term incentives for renewable energy; a green tax switch; annual targets for CO_2 reduction; a tax on flights, not people; no new runways at Heathrow, Gatwick or Stansted in order to constrain the supply of aviation; smaller, more efficient cars paying much less in excise duty than urban 4x4s; green mortgages; greener homes sooner; more community heat and power; and more pressure on the White House. We want clear green policies, not blue sky waffle or Brown fudge.

6.46 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Barry Gardiner): In the global battle to combat climate change, no Government have done more than this Labour Government, both domestically and internationally, to reduce emissions of greenhouse gases or raise the level of international consensus that is required if we are to hold anthropogenic climate change below 2°C. I say that not as a complacent boast, but as a warning to the world. If we who are acknowledged to lead internationally have still so much more to do to change our domestic consumption of energy—and we have—those nations which have so far failed to address climate change may find that the distance they have to travel cannot be covered in the time that the planet is prepared to allow them.

Such a mistake is more than bad timing, it is injustice—injustice between the generations and a shameful disregard for the security and future well-being of our children. It is injustice too in that it is we

in the developed world who have contributed most to the current 430 ppm concentration of CO_2 equivalent in the atmosphere, but it is those living in the developing world who stand to lose most should those concentrations rise to push temperatures up by more than 2°. The poorest people in the world will suffer most, as Africa loses 4 per cent. of its GDP for every 1° rise in temperature; as India loses 17 per cent. of its wheat yield in tropical areas for the 2° rise in temperature predicted above 450 ppm; and as the populations of China, India and south-east Asia experience drought because the seven great river systems originating in the glacial plateau of the Himalayas run dry. Within the next half century, 40 per cent. of the world's population could face the loss of half of all their drinking water.

It is because of the injustice of that greater threat to the livelihood of the poor that we have developed the notion of common but differentiated responsibilities for all countries. Developed nations, who bear greater responsibility for the problem, must bear a greater share of the costs of tackling it. Let us all hope that that is a principle to which the planet's richest country will soon subscribe.

It used to be thought that there was an environment agenda and a development agenda, both good but separate. Climate change has taught us above all that that is a lie. The environment and the development agenda are one, indivisible. Climate change has taught us that the proper name for development without sustainability is extinction.

Mr. Graham Stuart (Beverley and Holderness) (Con): Will the Minister give way?

Barry Gardiner: I would like to do so, but I cannot, given the plethora of responses that I need to make to points raised in the debate. I do not believe that the hon. Gentleman was here for the entirety of it.

The Environmental Audit Committee did this House a great service when it produced its report on the millennium ecosystems assessment. It highlighted the degradation of whole ecosystems. Throughout the entire history of life on our planet, species extinction has occurred at the rate of one every 1,000 years. That was until now. During the past few hundred years, the rate has accelerated to the extent that we lose one species each and every year. Fluctuations in climate that evolution could accommodate when they happened over millennia now happen so fast that species cannot adapt. The result is the loss of biodiversity and habitat that provide the very ecosystem services on which we as a species depend.

My right hon. Friend the Chancellor of the Exchequer announced in the Budget earlier this year a new fund worth £800 million over three years to support development and poverty reduction through environmental protection, and to help developing countries respond to climate change. The fund will be governed jointly by my Department and the Department for International Development. The first £50 million of the environmental transformation has been earmarked for a multilateral fund to reduce unsustainable deforestation in the Congo basin.

The fund will not divert money away from our existing spending on overseas development. It is additional to current aid and will be used to fund development activities with local as well as global benefits.

The proposed title of this debate was "Action on Climate Change begins at Home". Some Opposition Members have tried to present a false dichotomy between domestic policy and international action, but they have lacked either understanding or vision, or both. Some have made narrow party attacks, as cheap as they were wrong. In truth, we have but one, fragile home—this planet. The Government must act to ensure that four things are done domestically to tackle emissions. We must reduce demand for energy, improve efficiency, use lower-carbon technologies, and tackle non-energy emissions from waste, agriculture and land use.

We are doing all that in statute, in the most detailed and comprehensive way ever attempted by any Government. The Climate Change Bill provides the framework, and is the start, rather than the end, of this Government's ambitions. We will modify and improve the targets and methods as the science and the economics change.

Internationally, we are working towards the Bali conference at the end of this year, at which the UN framework convention on climate change needs to begin negotiating the elements of a long-term framework after 2012. We are acutely aware that we must reach agreement by 2009, at the latest, if we are to avoid a gap between the first Kyoto period and the second.

It was action by this Government in 2005 placing climate change at the centre of the G8 agenda at Gleneagles that broke through the stalemate that had developed around Kyoto. The G8 summit at Heiligendamm in June will continue the Gleneagles initiative by trying to secure a package of measures that could be used to achieve consensus at Bali.

In Paris earlier this year, the intergovernmental panel on climate change established the scientific argument for anthropogenic climate change beyond doubt. Last week in Thailand scientists went further than ever before in quantifying the effects, and last year's Stern report commissioned by my right hon. Friend the Chancellor set out the economic basis for action. At Bali, the UK would wish the UNFCCC to agree long-term stabilisation goals. In our view, that means securing a CO_2 equivalent of no greater than 550 parts per million, and an average global temperature rise no greater than 2°.

I turn now to some of the issues raised in the debate. The energy standards for new homes in England and Wales have been raised steadily, by about 40 per cent. from pre-2002 levels and by 70 per cent. from pre-1990 levels. A new home now uses about a quarter of the average energy for space heating. In December, my right hon. Friend the Secretary of State for Communities and Local Government announced the Government's proposal for further improvements in 2010 and 2013, with the aim of reaching zero carbon by 2016. The new buildings will be energy efficient and highly insulated, drawing their energy from zero or low-carbon technologies and therefore producing no net carbon emissions from all energy use over the course of a year. The buildings will help to reduce carbon emissions as well as lowering fuel bills for households.

[Barry Gardiner]

That is a very ambitious goal, and the Government have taken several steps to help the industry prepare to deliver the transition. We have published the code for sustainable homes, which will assess new homes against a six-level star rating, giving homeowners better information about the sustainability of their homes. From April 2008, we are minded that all new homes should be required to have the mandatory code rating, indicating whether they have been assessed and their home's performance against the code. In this year's Budget, my right hon. Friend the Chancellor announced that from October this year all new homes that reach the zero carbon level will be exempt from stamp duty up to a maximum of £15,000.

The Government have set up a zero carbon 2016 taskforce and are also working with English Partnerships to deliver a carbon challenge, to encourage developers to raise design and construction standards to deliver high-quality zero and near-zero carbon communities that are both affordable and sustainable.

We recognise that tackling new homes is only part of the picture. The Government also have an ambitious programme to improve the energy performance of existing homes. Building regulations apply to replacement boilers and windows. Around 70 per cent. of a home's energy use is for heating and hot water, so the requirement for all replacement boilers to be the most efficient condensing type will have a huge impact as the stock is replaced.

Under the energy efficiency commitment, energy suppliers are making substantial investment in consumers' homes. We think that the current phase of the EEC will deliver more than £1 billion of investment, which will more than double under the EEC's third phase that starts next year. The Warm Front programme targets the fuel poor, with more than £800 million being invested in the current spending period. The decent homes programme is also delivering real improvements in the energy standards of social housing. Energy companies will be required to give customers real-time energy displays on demand from January 2008, enabling consumers to have better information about their home's electricity consumption.

I want to pay tribute to the remarks made by my right hon. Friend the Member for Scunthorpe (Mr. Morley). His contribution was as informed and imaginative as we would expect, and it proposed real solutions to the problems that we face. Like him, I do not want the carbon tax on imports to ensure no free riders, but we are working to ensure the international consensus that we both desire and which will mean that such a tax would be unnecessary after 2012. However, it was characteristic of my right hon. Friend to raise such an interesting, imaginative and technical point.

My right hon. Friend also talked about feed-in tariffs. He may know that energy suppliers are developing a scheme to reward household microgeneration better. The Government have said that they will impose such a scheme if they are not satisfied with the outcome of the development by suppliers. Feed-in tariffs are a recognised form of renewable support, but they represent an approach that is fundamentally different from the UK's market-based renewables obligation.

My hon. Friend the Member for Gateshead, East and Washington, West (Mrs. Hodgson) alluded to her early-day motion about outlawing incandescent light bulbs. I congratulate her on the success of her campaign, and even more I welcome her realism in warning about the effects of tackling climate change on some of the poorest people in our society, and about the disproportionate amount of their resources that goes to heating and basic insulation.

My hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller) rightly talked about climate change as a security issue. There will be significant impacts as a result of climate change, even if we take urgent action to mitigate the effects. That is why the Government are taking the lead in adaptation. The welfare, economic and environmental outcomes between now and the middle of the century will depend on our ability to adapt to the impact of climate change, as my hon. Friend suggested.

The most significant phrase in the motion is

"offset by other tax cuts".

The hon. Member for Eastleigh has made it clear in his recent speeches what those other tax cuts would be and where they would occur: 2p off income tax and 2 million low earners out of tax altogether. To give that commitment there has to be an element of certainty. To achieve that certainty the green taxes have to keep rolling into the Exchequer. To keep the revenues rolling in people have to keep doing the polluting activity that generates the tax income. The perverse message put out by the Liberal Democrats is that their policy undermines itself: go green and force taxes up. Green taxes should be used to change public behaviour, not to provide alternative sources of core Government revenue.

It is a fact that climate change is an international problem. It is a fact that 98 per cent. of emissions arise in the international community outside the UK. It seems pretty clear to all but a party of political dinosaurs that if we are to avoid the same fate as the dinosaurs we must focus on solutions that can be agreed by the international community, and not just on action in the domestic policy arena. That is why, alongside the UNFCCC and the Gleneagles dialogue, the Government have concluded in the past year bilateral partnerships with China on clean coal and with Brazil, Mozambique and South Africa on biofuels. We have agreed clean energy investment with India and co-operation with Norway on carbon capture and storage.

Domestic policy initiatives give us the moral basis to provide strong international leadership but they address only a fraction of the 2 per cent. of global emissions produced by the UK. We are the generation of politicians to whom has fallen the greatest political and moral challenge since the abolition of slavery 200 years ago. I welcome that opportunity and acknowledge the deep responsibility it places on us all.

Our responsibility is to work together, setting aside narrow party faction to ensure that the UK realises its domestic targets by 2020 and 2050. More than that, we have a responsibility to engage the world community, to make it seize the problem and to encourage, cajole, caution, facilitate and inspire all the nations that share our true and only home—this planet—to rise to the challenge together.

Question put, That the original words stand part of the Question:—

The House proceeded to a Division.

Mr. Deputy Speaker: I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 59, Noes 298.

Division No. 107] **[7.1 pm**

AYES

Alexander, Danny
Baker, Norman
Barrett, John
Beith, rh Mr. Alan
Breed, Mr. Colin
Brooke, Annette
Burstow, Mr. Paul
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Clegg, Mr. Nick
Davey, Mr. Edward
Farron, Tim
Foster, Mr. Don
Goldsworthy, Julia
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Holmes, Paul
Horwood, Martin
Hosie, Stewart
Howarth, David
Huhne, Chris
Hunter, Mark
Keetch, Mr. Paul
Kramer, Susan
Lamb, Norman
Leech, Mr. John
Lloyd, Mr. Elfyn
Moore, Mr. Michael
Mulholland, Greg
Oaten, Mr. Mark
Öpik, Lembit
Pugh, Dr. John
Reid, Mr. Alan
Rennie, Willie
Robertson, Angus
Rogerson, Mr. Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Spink, Bob
Stunell, Andrew
Swinson, Jo
Taylor, Matthew
Teather, Sarah
Thurso, John
Webb, Steve
Weir, Mr. Mike
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wishart, Pete
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Jeremy Browne and
Mr. Roger Williams

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Efford, Clive
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael

Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Dr. Richard
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vis, Dr. Rudi
Walley, Joan
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and
Mr. Dave Watts

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes publication of the draft Climate Change Bill, which will make the UK the first country in the world to establish a long term legal framework for managing the transition to a low carbon economy, setting ambitious binding targets to cut carbon emissions by 26 to 32 per cent. from the 1990 level by 2020 and at least 60 per cent. by 2050, which can be revised in light of significant developments in international policy and climate science, and establishing an independent Committee on Climate Change to advise on setting statutory five year carbon budgets and to report to Parliament annually on progress; further welcomes the Government's comprehensive approach to reducing emissions from all sectors of the economy and the proposals in the energy review to cut carbon emissions by up to a further 25 million tonnes of carbon per year by 2020; recognises that home energy use for heating, lighting and appliances accounts for more than a quarter of domestic UK carbon emissions; applauds the Government's proposals to improve building standards so that from 2016 all new housing developments must be zero carbon; recognises the Government's commitment to improving the energy efficiency of existing homes and tackling fuel poverty through Warm Front and the Energy Efficiency Commitment; welcomes the Budget 2007 report statement that by the end of the next decade all householders will have been offered help to introduce energy efficiency measures; and looks forward to further development of policies in this area.

Mental Health Services

Mr. Deputy Speaker (Sir Alan Haselhurst): I must inform the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

7.17 pm

Norman Lamb (North Norfolk) (LD): I beg to move,

That this House is concerned that despite mental illness affecting one in six adults in the UK the proportion of NHS spending allocated to mental health has decreased in the last 10 years, despite the growing burden on the disability benefit system and criminal justice system of dealing with mental illness; recognises that historic under-funding of mental health services has been exacerbated by the Government's top-slicing of budgets in order to bring the NHS out of deficit; notes the damaging impact that this has had on providing access to mental health services, with particular regard to the unacceptably poor state of many acute mental health wards in providing appropriate settings for the treatment of children and young people, addressing the race inequalities in the mental health system and improving patient safety through, for example, the eradication of mixed sex wards; further notes the warning in last year's Health Select Committee Report on NHS deficits that cuts in mental health services are simply unacceptable; calls on the Government to deliver on its promise to ensure that trusts whose budgets were top-sliced in the last financial year will get their money back this year and to take active steps to ensure that within each health economy mental health trusts receive their fair allocation of funding; and further urges the Government to accelerate its implementation of Lord Layard's report, which says that expanding therapy services could be paid for by the savings this would create for expenditure on benefits.

Another Opposition day and another debate on health—we have been getting rather used to them in recent months. I was particularly keen to use this opportunity to raise concerns about mental health services. It is something of a paradox that, although mental health problems touch one in three families, mental health still does not get nearly enough attention in this place or in the broader public debate. One in six of us will be diagnosed as having depression or a chronic anxiety disorder at some time in our lives, and yet in many respects mental health remains a Cinderella service. Mental health problems bring misery and deprivation. In many families, someone who suffers from mental health problems can end up being excluded from the job market, meaning that the whole family suffers in poverty, particularly if that person is the breadwinner. I hope that the debate will be constructive and that the Government will respond positively to the concerns that I and no doubt many others will raise. The subject is far too important for cheap political point scoring.

The timing of the debate is interesting. The Mental Health Bill is going through Committee and it is fair to say that there are fundamental disagreements. I do not in any sense seek to undermine the Government's genuine position on the Bill, but none the less there are genuine disagreements between the Government and both Opposition parties and the Mental Health Alliance—a pretty remarkable alliance, which represents many people who work in the mental health field. I do not want to spend time today talking about the issues that are central to the Mental Health Bill. Suffice it to say that in our view the best approach to safeguarding the interests of people with mental health problems and to protecting the public is to ensure that those who need help can access the services that they need.

It is worth noting that one in three people who are sectioned report that they were previously turned away when they sought help from mental health services. Recently, I heard from an eminent psychiatrist that the people at the extreme end—those who are most likely to demonstrate violence—are those who are not accessing services at all. It is thus important that we use the debate to focus on access to services. I remain disappointed that the Government seem to focus on compulsion when there is a real risk that that approach will divert resources into acute services and away from the services that provide the critical early intervention that can do so much good. That would be damaging for patients and would put the public at greater risk.

Simon Hughes (North Southwark and Bermondsey) (LD): My hon. Friend might be aware that the 24-hour emergency clinic at the Maudsley hospital, which is the main psychiatric hospital in the country, will be closed next week. Since the last general election, no Health Minister has visited the clinic. People have specifically said that there is a risk that that closure will make the difference to them between being in control of their own life and losing their life through taking their own life. Does my hon. Friend agree that people's access to the services that they need is the practical aspect of today's debate? While the Government might often say warm words, they do not take the right decisions.

Norman Lamb: I will be saying more about the fact that deficits throughout the country are leading to the loss of key services. Sadly, the example that my hon. Friend cites is one of too many from around the country.

I acknowledge that the Government have invested extra resources in mental health services. Since 1999, investment in specialist mental health services has increased by £1.5 billion.

David Taylor (North-West Leicestershire) (Lab/Co-op): If the hon. Gentleman is acknowledging that there has been a growth in resources, at least until 2006, why does the motion suggest that

"historic under-funding...has been exacerbated by...top-slicing"

in the most recent year? Is that not rather harsh?

Norman Lamb: There is no inconsistency at all. I am sure that the hon. Gentleman agrees that there has been historical underfunding of mental health services over decades. This has been a Cinderella service for a long time. However, I am trying to be open and straightforward by saying that I acknowledge the extra investment that was put in place until deficits and top-slicing in many parts of the health economy caused real problems over the past year or two. There is no inconsistency in my argument.

The Lib Dems supported the extra investment—*[Interruption.]* We voted in favour of the increase and argued the case for it—*[Interruption.]* I am being heckled.

Mr. Deputy Speaker: Order. The hon. Gentleman is right that he is being heckled. There is a crossfire of sedentary comments that the debate would do better without.

Norman Lamb: I am grateful to you, Mr. Deputy Speaker, for rescuing me from my rather disorderly colleagues.

The Lib Dems argued the case for extra investment. When the Government proposed an increase in national insurance to fund investment in the health service, we supported them. No argument of inconsistency or opportunism can be made against us. We have argued our case consistently.

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): The motion implies that the Liberal Democrats would make additional resources available for mental health services, rather than support the existing resource base that the Government have created. Where would those resources come from?

Norman Lamb: I am grateful for the Minister's intervention, but he will get the answer as my speech develops.

Robert Key (Salisbury) (Con): Let me attempt to find some cross-party common ground in this debate, which started promisingly. Does the hon. Gentleman agree that Parliament should be examining carefully the way in which this country treats people with dementia? Alzheimer's sufferers often find themselves without resources and in acute hospitals in which there are no personnel who are trained to cope with Alzheimer's patients. We are putting too great a burden on hard-pressed families and not giving patients with dementia the opportunity to live the dignified life that they deserve.

Norman Lamb: I absolutely agree with the hon. Gentleman. Many of my elderly constituents have to look after loved ones suffering from dementia, even though they are often frail. They are often isolated, and we do not have the support infrastructure in place to help them to cope with the real pressures that they face.

There are several reasons why we should not be complacent about the situation. First, while we supported the real-terms increase in investment, the proportion of total NHS spending going to mental health services has decreased at a time when need is clearly increasing. Secondly, despite the extra investment, services throughout the country remain inconsistent and are often inadequate. Thirdly, the deficits of the past two years have had a damaging impact on core mental health services.

Mr. Dan Rogerson (North Cornwall) (LD): My hon. Friend makes an excellent point. Reform and change have been planned and put into effect, but the deficits have had a negative impact on the change process. In the hospital in Bodmin, which is in my constituency, in-patient wards were amalgamated on the basis that more support would be available for people in the community. There is now a worry that the change in the financial set-up will mean that the resources in the community will not materialise, so a ward will be lost without the alternative benefit being put in place.

Norman Lamb: My hon. Friend's concern will be shared by many people throughout the country, especially, I suspect, those in rural areas. We in Norfolk have the same worry.

Let me deal with the areas to which I referred. Although real-terms spending has increased, the proportion of NHS spending given to mental health services has fallen from 14 per cent. of the total spend in 1997 to 11 per cent. today. I appreciate that the situation presents real challenges, but I am trying, in a mature way, to point out that at a time when concern about the need for mental health services is rising and there is an increased prevalence of mental health problems in our society, we should collectively be worried that the proportion of total health spending going to mental health is going down. For example, the mental health of children and teenagers in this country has declined over the past 30 years, although, interestingly, the prevalence has remained relatively stable in other areas. The Nuffield Foundation has found that the prevalence of behavioural problems has doubled over 25 years while that of emotional problems such as depression and anxiety has soared by some 70 per cent. It is especially striking that the prevalence of mental health problems has increased at a time when economic conditions and physical health have improved. It appears that this is the emerging health problem of our age.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): I am interested in the hon. Gentleman's comments about the figures on the prevalence of mental health problems among teenagers. Is he suggesting that such problems have increased by the amount that he mentions, or has the recording of problems among people of that age group increased? Also, what would his party do to increase funding for mental health? Which area of health funding would he take the money from to increase funding for mental health?

Norman Lamb: The hon. Lady makes a fair point; in part, the increase may be down to an increased recording of problems, but certainly the Nuffield Foundation concluded that there was increasing prevalence. I am not here to suggest any simplistic solutions. If there is an increase in the prevalence of such problems among teenagers, I should have thought that we could agree, across the parties, that we all ought to try to address it.

Chris Bryant (Rhondda) (Lab): Will the hon. Gentleman give way?

Norman Lamb: I have tried to be generous in giving way, but I would prefer to make a little progress. I will perhaps give way later. I shall come back to the issue of teenagers later, but surely it is tragic that youngsters often do not get access to the support that they need. We know all too well the price that we pay, and more particularly that they pay, if they do not get effective early intervention. We need only look at the problems in our prisons and consider the fact that 80 per cent. of women in prison suffer from mental health problems. That is quite apart from the reduced life chances, in terms of education, for youngsters who suffer from mental health problems in their teenage years.

The second and related point is that despite the increased investment, which we acknowledge, we have a long way to go if we are to ensure consistent access to high-quality services across the country in both rural and urban Britain, and for all sections of society, including ethnic minorities.

Mr. Jim Devine (Livingston) (Lab): I am grateful to the hon. Gentleman for giving way; he has been very generous. He talks about access. I was part of a primary care psychiatric team in a previous job, and I was allowed to admit and see patients. Why does his party support giving that role back to doctors? If the role is given to the whole mental health team, that would deal with the issue of access.

Norman Lamb: I am not sure that what the hon. Gentleman says is entirely accurate, but I note the point that he makes, and I take it seriously. He obviously speaks from experience.

Julia Goldsworthy (Falmouth and Camborne) (LD): My experience contrasts completely with that of the hon. Member for Livingston (Mr. Devine); outreach teams have real difficulty reaching people. A friend of mine had a daughter who was suicidal. That daughter was at home and in serious danger of injuring herself—she subsequently committed suicide—and her husband, who also has mental health difficulties, was told to try to restrain her for a minimum of two hours, because that was how long it would take to send someone out, as a shift change was taking place. That is the kind of difficulty that is being faced on a day-to-day basis. There is a real difficulty in terms of capacity.

Norman Lamb: I am grateful for that telling intervention. My hon. Friend tells an incredibly depressing story about her friend's circumstances. My experience is of North Norfolk, a very rural area. For people with mental health problems who live in a village, the support that is on offer is often threadbare or non-existent, and the sense of isolation is very real. That experience is common to many parts of rural Britain, where people who suffer mental ill-health have problems accessing support services.

There is clear evidence of unequal access to services for ethnic minorities. The Sainsbury Centre for Mental Health concluded that investment in community-based services would free up millions of pounds that is currently spent on African and Caribbean people in psychiatric hospitals and secure units. Such people are six times more likely to be in medium-secure units than white people in our capital city. There are all sorts of reasons for that discrimination within health services—*[Interruption.]* Well, it does amount to discrimination, because those people are far more likely to suffer compulsion than white people are. We need to find the reasons for that and to address the issue. We have to ensure that the early intervention services, which ethnic minority communities often cannot access, are there for them.

The Government have rightly made a commitment to securing race equality in mental health services, but progress has been too slow. There is evidence that mental health facilities continue to be the poor relation to acute services, not just in relation to ethnic minorities, but generally. A Mind survey found dissatisfaction with the state of repair on wards, and the Healthcare Commission found that mental health facilities had markedly poorer standards of cleanliness than acute hospitals. There can be no justification for mental health patients being treated less favourably than patients in any other acute unit.

Steve Webb (Northavon) (LD): To reinforce my hon. Friend's point, does he share my concern that people with mental health problems often have worse problems with their physical health than people who do not have mental health problems? Their mental health problems often mean that they do not access physical health services, and that reinforces the disadvantage that they already have.

Norman Lamb: There is a clear correlation between mental health problems and physical health problems, and I am grateful to my hon. Friend for reinforcing that point.

One of the most serious continuing failings of mental health services is that services for children and teenagers are too often inadequate. Last summer, it was revealed that the Government's key targets for children and young people accessing psychiatric care would be missed. In a quarter of the country there is no emergency help for teenagers suffering a psychotic crisis or severe depression. Far too many 16 and 17-year-olds continue to end up in adult psychiatric wards when they are compulsorily sectioned, and I realise that Ministers agree with me on that point. I am sure that we can all agree that that is completely unacceptable in this day and age, but it is still happening.

Meg Hillier: The hon. Gentleman did not have the advantage of attending the Mental Health Bill Committee this afternoon. We heard the Minister of State, Department of Health, my right hon. Friend the Member for Doncaster, Central (Ms Winterton), give serious assurances that the Government would come back to the House with amendments on how to tackle precisely the issue that he mentions. It is a shame that this debate curtailed debate on the Mental Health Bill this evening.

Tim Loughton (East Worthing and Shoreham) (Con): That is not what the Minister promised.

Norman Lamb: I am grateful for the intervention of the hon. Member for Hackney, South and Shoreditch (Meg Hillier). There seems to be some dispute about exactly what the Minister did commit to, but perhaps we will hear from the Minister herself later. I will address the issue of the massive under-provision of psychological therapies in detail later.

My third concern relates to what the Select Committee on Health described last December as the "simply unacceptable" cuts that have resulted from the financial crisis that has afflicted many parts of the NHS. In many parts of the country, valuable support services have been lost, and that has affected some of the most vulnerable members of our society. Rethink has estimated that some £60 million of cuts have been made to mental health services, not as a result of financial crises within mental health trusts, but as a result of primary care trusts cutting block grant funding for mental health.

Mr. David Anderson (Blaydon) (Lab): On cuts, does the hon. Gentleman agree that local authorities are key providers of mental health services, yet authorities such as Newcastle city council, which is controlled by the Liberal Democrats, have deliberately taken the party political decision not to increase council tax above inflation, and have therefore cut social services budgets, including the budget for mental health funding?

Norman Lamb: I said earlier that I hoped we would all take the view that the issue was too important for cheap political point-scoring. My concern is about the funding of mental health services within the NHS; that is what the debate is all about. I want to raise a specific and important point about the impact of payment by results. In a survey by the Sainsbury Centre for Mental Health last year, two thirds of mental health trusts said that the introduction of payment by results for acute services was causing a diversion of funds from mental health. Acute trusts are now incentivised to do more work because of payment by results—payment following patients—but that does not apply in mental health services, and primary care trusts therefore seek to make savings elsewhere. Mental health is exactly the sort of soft target, which the Select Committee on Health identified in its report last December, that has suffered cuts as a result of the crises experienced by many PCTs. The Committee was right to criticise the impact on soft targets such as mental health. Surely, it is unacceptable that people suffering from mental health problems should pay the price for financial crises in the health service.

As for my own experience of the impact of cuts in Norfolk, the mental health trust has suffered a cut in funding from Norfolk PCT. Recently, I met some GPs who told me that they had referred a number of youngsters so that they could receive mental health support such as anger management, cognitive behavioural therapy and so on. In each case, they were told that there was no service available for those people. They said that the situation was the worst that they had ever experienced in their time working as GPs, which is surely a cause of concern. The Heron coach was a wonderful initiative that provided a movable drop-in service for people in rural North Norfolk. It moved around rural areas during the week, providing a local access point for people suffering from depression, anxiety and so on.

I was looking at the internet today, and I discovered that in 2003, the mental health trust lauded the initiative as something that provided services to people in remote rural areas. In 2006, the service was lost because of the cut in funding, again making people in remote rural areas more isolated. I remember a woman who came to see me in my village advice surgery last September. She had struggled just to drive up to the village in her car, and she was at a loss to know what she would do without the support of that service, which had provided such valuable support until then.

May I move on to the fourth issue that I wish to raise—the economic impact of mental health problems for both the individual and society, and the need for Government Departments to work together much more effectively to ensure that resources are used to optimum effect? May I respond to interventions from Government Members, by saying that to a large extent that is about using resources more effectively, rather than simply increasing them? Lord Layard focused on that in "The Depression Report" last June. He highlighted the waste of talent and the loss to the economy of the extraordinary numbers of people who are left stranded on incapacity benefits—people who could be successfully treated but who do not gain access to psychological therapies. One million people are on incapacity benefits as a result of mental health problems, and 30 per cent. of new applicants for incapacity benefits have a mental illness. Half the people on long-term incapacity benefit suffer from depression. Those are extraordinary figures: the human cost is massive, not just for the person suffering but for their families, too, and there is distress and deprivation. For children and teenagers, depression and anxiety often stop them learning, and condemn many of them to limited life chances as a result.

The Minister of State, Department of Health (Ms Rosie Winterton): May I just press the hon. Gentleman again on that point, because he will know that Lord Layard's report calls for 10,000 more psychologists? Why, therefore, did he vote against the Government proposals to give more powers and responsibilities to people such as psychologists? He voted against that, so I cannot understand how he ties it in with supporting Lord Layard's report.

Norman Lamb: That is a complete confusion of the issues, and the Minister knows that. It has nothing at all to do with the case for increasing investment to provide the therapies that people simply do not receive at the moment. The Minister does herself an injustice by making that somewhat disingenuous point.

Tim Loughton: May I uncharacteristically help the hon. Gentleman, because the situation is slightly unfair? The Minister mentioned things that have come up in our debates on the Mental Health Bill. The hon. Gentleman may well wish to ask her why she is not prepared to give psychologists the additional powers necessary to enact sectioning in the first place, only to renew sectioning after the statutory period. She is the one who should answer those questions, not someone who has not been privy to proceedings on the Bill in Committee.

Norman Lamb: I am grateful to the hon. Gentleman for coming to my aid. I will be interested to hear what the Minister has to say in response to the point that he made.

Chris Bryant: I wholly agree with the hon. Gentleman's point about incapacity benefit, and the way in which it weighs down in particular constituencies. In my own area, 21 per cent. of people of working age are on incapacity benefit, more than 50 per cent. of them for mental health reasons. I am concerned about how we are going to raise the capacity of mental health services fast enough to be able to meet demand so that we stop people just popping pills to deal with mental health problems, and provide more talking therapies, as we find it very difficult to fill vacancies.

Norman Lamb: I appreciate the hon. Gentleman's intervention, and he makes a valid point. Our case is simply that a great deal of priority needs to be given to expanding capacity, because—I shall come to this later—the National Institute for Health and Clinical Excellence itself concluded that we can make a real difference if we can increase capacity.

I want to focus on not just the cost to individuals but the cost to the economy. Layard estimates that the total loss of output as a result of depression and chronic anxiety is £12 billion a year or 1 per cent. of national

income. Despite that, however, people are not receiving the help that they need. What is missing? As I said in response to the hon. Member for Rhondda (Chris Bryant), NICE has issued guidelines stating that psychological therapies should be available to all people with depression and anxiety disorders or schizophrenia, unless the problem is very mild or recent. However, there are not enough therapists, as the hon. Gentleman highlighted. As a result of the inadequate number of therapists, waiting times are often very long—nine months is common—and often there is no therapy available at all, so GPs in those circumstances have no option but to prescribe drugs or to offer no help at all. GPs themselves acknowledge that they over-prescribe drugs in circumstances in which they would prefer to refer their patient for therapy which, however, is not available. Only one in four people suffering from depression or chronic anxiety receive any kind of treatment. That is a scandal in this day and age, and it needs to be addressed.

The Government make much of their commitment to choice in health care, yet for those people there is no choice at all, unless they can afford to opt out. If they can afford to do so, they can gain access to the therapies that we are discussing. We are spending a fortune on benefits, and the economy is suffering a loss of billions of pounds in lost output. Therapies are available that have a proven track record and which are recommended by NICE, yet most people who could benefit and who could be helped back to work cannot get the help that they need. Lord Layard estimates that an effective course of therapy costs about £750, which is about what it costs in benefits and lost taxes every month that someone remains out of work.

I acknowledge that the Government are pursuing pilots—the Minister referred to that in a recent Westminster Hall debate—and that the number of those pilots is expanding, but progress is too slow. Imagine the outcry that there would be if there were NICE guidelines on, for example, cancer treatment that were being ignored across much of the country. There would be an enormous outcry—rightly so—and it would achieve a response. We owe it to people with mental health problems to demand exactly the same response that people who suffer from cancer and other physical conditions can get from their politicians. This demonstrates yet again the extent to which this is a Cinderella service. Implementing the guidelines requires a significant increase in the number of therapists—Layard estimates a figure of about 10,000. It will take time—he reckoned seven years—but he argues that the cost would be totally offset by savings in benefits and increases in tax revenues.

Another area that the Government need to deal with relates to stigma associated with mental health. In New Zealand, a Government programme to tackle stigma appears to have been very successful. They have invested in the job of reducing the stigma of mental illness. Persuading employers to take on people who have had mental health problems is sometimes a significant challenge, but it has had some effect in New Zealand. I urge the Government to look closely at what they have done and to pursue a similar route in this country.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): Instead of looking as far away as New Zealand, would the hon. Gentleman care to look at what is happening in Hull? Mind in Hull runs a project working with employers to get alongside them and persuade them to take on people with mental health difficulties. It works with employers for a considerable amount of time to support them and the person concerned. That is an excellent example of the voluntary sector working alongside the NHS in the wider sense of mental health services.

Norman Lamb: I am grateful for the hon. Lady's intervention. She makes a valuable point about the enormously beneficial and positive role that the voluntary sector can perform in working together with employers and statutory agencies, for example to reduce stigma in mental illness. It sounds like an extremely impressive project, and I am grateful to her for alerting me to it.

David Taylor: The hon. Gentleman refers to stigma. Does he accept that there is still a great deal that the national media can do in terms of how they describe and portray the problems associated with mental ill health? It is not that long since *The Sun* described a crisis that Frank Bruno was going through with the headline, "Barmy Bruno lashes out", or something similar. The outcry from the population and their readership was such that they had to pull that headline, and later editions of the paper were rather more balanced in tone. Does he think that the media can do a lot more to address the stigma that still exists in society?

Norman Lamb: That is an extremely important point. There is often enormous hypocrisy in the media when they, on the one hand, argue the case for better resources for mental health but, on the other hand, behave in that pretty disreputable way. The challenge is there for all of us to work to reduce stigma, and the media are very much part of that.

We need a renewed focus on mental health. The Government need to remedy the damage that has been done in the past two years as a result of deficits.

Mr. Ivan Lewis: I agree with most of what the hon. Gentleman has said, which is extremely reasonable. However, as he reaches the end of his remarks, the question that he still has not dealt with is where the additional resources are coming from, which taxes will be put up, and which parts of the NHS will be reduced to take account of the additional resources needed.

Norman Lamb: The Minister is suffering from the problem of having left the Chamber for a short while; perhaps he can consult with his colleagues. The argument that Layard put forward is one example of how resources can be better used to achieve beneficial results.

The Government need to remedy the damage done by deficits over the past two years and to acknowledge that and to commit to ensuring that that damage is remedied. They also need to be honest enough to recognise that there is a long way to go before we achieve consistent access to services and choice for people in the treatment that they receive. That must be a priority. The Government have to be much smarter at joined-up government. We can achieve the great prize of helping so many people to get better, helping them back to work, and benefiting the economy by ensuring that they have access to the therapy that NICE recommends. Surely we have a duty to those people who suffer in silence and in isolation.

7.55 pm

The Minister of State, Department of Health (Ms Rosie Winterton): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the extra £1.65 billion spent on mental health services since 2001; supports the record number of staff working in mental health since 1997 including almost 9,400 more psychiatric nurses and over 1,300 more consultant psychiatrists; further welcomes the lowest suicide rates since records began; recognises the work of the 700 new mental health teams in the community; notes the national patient survey, which shows that 77 per cent. of community patients rate their care as good, very good or excellent; recognises that between 2001 and 2005 £1.6 billion capital was spent by mental health trusts on improvements to mental health wards; further welcomes the Government's commitment to expanding access to psychological therapies; and further welcomes the Government's Mental Health Bill, which will update the legislation to reflect advances in knowledge and new ways of treating people, particularly in the community."

I notice that, unfortunately, lots of Liberal Democrat Members, including their leader, have flooded out of the Chamber. I was rather hoping that I might be able to say something that would cheer him up a little.

Despite this being an Opposition day debate, I think that there is a certain amount of consensus about the fact that, first, there has been considerable investment in the NHS over the past decade; secondly, mental health services have been modernised and reformed; and thirdly, a large part of the credit for making services better for patients is due to a willingness for staff working in mental health services to maximise the use of that extra investment by adopting new ways of working and using their skills to the full, whether that be by working in new community teams or by taking on more responsibilities.

Mr. Devine: Will my right hon. Friend confirm that the Mental Health Bill is about expanding the role and responsibilities of professionals, while the Opposition's policy is about contracting the role and responsibilities of professionals?

Ms Winterton: My hon. Friend is right. I shall come on to discuss the Mental Health Bill later. It is important that the Liberal Democrat spokesman should be aware of everything that his party is doing with regard to that Bill. Given his remarks, I would be surprised if he was in favour of some of the positions that are being taken.

Mental health services have changed considerably over the past decade. Of course, we are not saying that they are perfect, but we are making real progress, particularly in specialist mental health services, which are relied upon by more than 1 million people every year. That progress did not happen by accident, or just by putting the extra money in; it happened because this Government put mental health at the top of their list of priorities. In 1998 we set out our view of modern mental health services in a White Paper, and by the following year we published the national service framework for mental health, which defined for the first time a set of standards that mental health services are expected to attain.

In 2000 the NHS plan spelled out an ambitious modernisation agenda, with new community teams, secure beds and additional funding. We now have strong multidisciplinary networks for supporting people in the community. In total, more than 700 crisis resolution, assertive outreach and early intervention teams are in place in England. Those teams work to keep people out of hospital, supporting them in the community and providing care in the least restrictive environment consistent with their individual needs.

Tim Loughton: If that is the aim of the Minister's policy and she believes that she has achieved it, why, in more than 10 years of a Labour Government, has the number of people sectioned under the Mental Health Act 1983 doubled?

Ms Winterton: First, the number of in-patient stays has decreased. We are trying to ensure that we get treatment to people when they need it. The number of people sectioned under the Act every year has remained fairly stable; I do not know where the hon. Gentleman got the idea of its having doubled. However, we continue to want to make changes, and community teams are part of that process, to ensure that we can provide help early, as the hon. Member for North Norfolk (Norman Lamb) said, to prevent the deterioration that too often leads to sectioning.

Traditionally, a view developed that removing people with mental health problems from their families and their home environment was the best road to recovery. However, that is often not what people want. They have repeatedly told us to give them help and support in the community, often in their homes, and that is what we have done. In the past four years, I—I am sure that I speak for other hon. Members too—have visited many community-based teams and seen first-hand evidence of the difference that they make in transforming people's lives. That applies not only to service users but to carers. The teams help maintain social networks, help people take control of their treatment and, crucially, provide timely support at times of crisis. In addition to the 700 new teams, we have 1,500 new community gateway staff to improve patients' access to specialised services.

Norman Lamb: I agree with the Minister's point about the value of the outreach work. However, does she accept that one effect of the deficits is that some of that work has suffered? I have witnessed that in my county of Norfolk, where cuts have occurred.

Ms Winterton: I shall deal with deficits later. It is important to stress that we are not aware of redundancies, but I shall revert to that matter shortly because I want to cover the hon. Gentleman's point.

Chris Bryant: The Minister has outlined various things that the Government have done to increase the resources for mental health services. However, the proportion of health spending on mental health has fallen in the past 10 years. There are two ways of tackling that if one believes that the proportion is too low. First, other spending in the NHS could be cut. Secondly, the spending on mental health services could be increased faster than other health spending. Does the Minister hope that the proportion that we spend on mental health services will increase in the years ahead?

Ms Winterton: I challenge some of my hon. Friend's points. The proportion of spending has not fallen. Some figures show that the proportion for in-patient care has fallen, but the overall spend has increased. However, I shall deal with that later.

We also recognised the need to modernise in-patient services, so that when people must go into hospital, they have access to more therapeutic opportunities and make a speedy recovery. That is why, on top of the capital allocations made available to trusts, we have provided an additional £190 million in the past five years.

The national service framework was accompanied by record investment. There has been an increase every year since we published the framework. According to the European Commission, the UK devotes one of the highest proportions of its overall health budget to mental health of any EU member state. We now spend £1 billion more in real terms on mental health services than we did six years ago; that is £1.65 billion in cash terms.

The motion states that the proportion of NHS spending on mental health has decreased over the past 10 years. In 1996-97, expenditure on specialist mental health services was 8.03 per cent. of the total net NHS spend. By 2005-06, that had risen to 8.41 per cent. It is important to see the overall picture. In 1996-97, we were spending 8.03 per cent. of a net budget of almost £33 billion on mental health services, whereas in 2005-06, the figure had risen to 8.41 per cent. of a net budget of well over £76 billion. The figures must therefore be viewed in the context of increased overall expenditure from £33 billion to £76 billion. The real-terms increase in investment is clear. That has not been disputed by any party for some time. The increase has happened, and made some genuine differences.

Such unprecedented investment has allowed us to make significant staff changes. Compared with 1997, we have almost 9,400 more psychiatric nurses, more than 1,300 more consultant psychiatrists and 2,700 clinical psychologists. The suicide rate—again, something against which to measure the success of our policies—has fallen to its lowest recorded level. According to the European Commission, it is one of the lowest in Europe, thanks to our national suicide prevention strategy.

Simon Hughes: I do not want to go into detail about statistics; the Minister and I have discussed those in other contexts. However, does she accept that short-term reductions in funds have occurred in some areas? My part of south London is one of those, because of the top-slicing of primary care trusts that are less able to give money to our South London and Maudsley NHS Foundation Trust—with adverse effects. However, if the Minister accepts that need is increasing, have she and her colleagues put in a bid to the Chancellor? In the comprehensive spending review announcement that we expect in the next couple of months, will there be an additional real-terms significant allocation of money for mental health services for the next three years?

Ms Winterton: It would not be appropriate to give all the details of our bid in the comprehensive spending review. However, let me consider deficits and their effect on mental health services. We have made it clear that we would not tolerate any mental health trust being asked to contribute more in financial savings or cost improvement plans than any other service in the local health economy, unless that trust contributed to the deficit. My Department has investigated a small number of allegations in the past year, and found that in each case the savings required of mental health trusts were not disproportionate compared with the rest of the local health economy. I assure the hon. Gentleman that if any similar cases are brought to our attention, we will investigate them.

Mr. Rogerson: I am grateful for the Minister's reassurances. In my intervention on my hon. Friend the Member for North Norfolk (Norman Lamb), I was trying to emphasise the great change that is taking place. The Minister has already alluded to the refocusing from in-patient services to services in the community. At such times, services may be even more vulnerable to an overall re-examination of funding. If all trusts are being asked to examine where they spend their money, it may be especially important to examine closely those that offer mental health services to ensure that the impacts on them are not adverse.

Ms Winterton: As I said, we have made it very clear that we do not expect mental health trusts to have to make any disproportionate contribution. I recall an hon. Member coming to see me about the proposed withdrawal of an early intervention team. Because that related to one of the very clear targets that we had set, we pointed out that it would not be the right approach, and the health authority did things slightly differently. We were able to ensure that the early intervention team remained in place.

When I meet mental health staff, I always find that they want us to ensure that financial deficits are sorted; it is important to recognise that. Although mental health trusts have historically often kept their finances in good order, they have always felt slightly vulnerable in the event of financial problems. One thing that mental health staff often say to me is, "We just want the overall situation sorted out. You are quite right to go down the road of doing that, because in mental health, we worry that if things are not right, people will come back to us and ask for more cuts in services." We are on the right track there, but with the proviso that we ensure that mental health services are not asked for disproportionate amounts of money.

The Opposition motion also calls for appropriate settings to be provided for young people who need to go into hospital for a mental health problem. My hon. Friend the Under-Secretary of State has made a commitment to eliminate within two years the use of adult psychiatric wards for children younger than 16. We are writing to strategic health authorities, informing them that if a child younger than 16 is placed on an adult psychiatric ward, it should be reported as a serious untoward incident. That is against a background of massively improved spending on child and adolescent mental health services—CAMHS—from £284 million in 2002 to something like £513 million in 2005, which is a rise of more than 80 per cent.

I was asked to look again at the Mental Health Bill with particular regard to age-appropriate accommodation. I said in Committee this morning that I would look at whether it was possible to amend the Mental Health

[Ms Rosie Winterton]

Bill along the lines put forward by YoungMinds about age-appropriate settings. Bearing in mind what was said about political point scoring, I have to say that I was disappointed to find that the Conservative Opposition put out a press release saying that all Labour Members had voted against this, when I specifically said that I would take the amendments away. We discussed why they were not appropriate at the time and I undertook to keep the Opposition informed about any decisions in order to involve them in the issues. I am therefore very disappointed that they have decided to act in this way.

David Taylor: The decision announced by the Under-Secretary is certainly a step forward, but does not the national service framework for children and young people refer—in standard 9, I believe—to the need for the broader group, not just under-16s, to receive care and attention appropriate to their age? What progress can we look forward to for the wider group? That is fine for under-16s, but there are still far too many adolescents older than 16 in adult wards. That cannot be tolerated much longer.

Ms Winterton: That is absolutely right—but it is all about ensuring that the correct assessment is made. We have to recognise that sometimes circumstances will be difficult, as in the case of emergencies, and we need to be clear that we can deliver treatment where it is necessary rather than turn a child away. However, we have made particular commitments about how best to handle that situation. I want to ensure that we get the services right, and that any legislation that we introduce does not create a perverse incentive for children not to get treatment because a clinician feels that what he wants to do is unlawful. It is a delicate balance and, as I said, we are looking further into the position. We were all agreed in Committee along the lines that I have outlined—that we want to see the change happen, but we want to ensure that we get it right.

Tim Loughton *rose—*

Ms Winterton: I shall give way to the hon. Gentleman, who I expect wants to apologise.

Tim Loughton: Far from apologising, I want to challenge the Minister's sanctimonious claptrap. She knows full well that all 12 of her colleagues in Committee voted against a provision in the Mental Health Bill, added in the other place, that would have given guarantees for age-appropriate treatment to some of our most vulnerable children. She knows that that is what they did. Furthermore she—along with her mental health tsar and colleagues in the Lords—has been talking for months and months and months about looking into the problem and doing something about it, but at no point has she promised to come back with a new amendment that will specifically address those concerns. She has said only that she will have a look at the problem, which is far removed from promising to do something about it.

Ms Winterton: The hon. Gentleman knows very well that the debate in Committee this morning was quite reasonable and sensible. We agreed that there were some real issues that needed to be looked at. Particular points were raised under one of the amendments to the amendment, which again put the doctor in charge by referring to registered medical practitioners. That was different from what we wanted, which is to give more powers to people such as psychologists and nurse consultants. The hon. Gentleman knows that that is why we said that we would take the amendment away. His comments are purely for political point scoring: he well knows that, and he is being slightly disingenuous if he fails to admit it.

I am glad that the Opposition motion mentions our work on improving access to talking therapies. As the hon. Member for North Norfolk said, the Government will expand its programme to gather more evidence to support the hypothesis put forward by Lord Layard and his colleagues at the London School of Economics. We are also working very closely with colleagues in the Department for Work and Pensions and the Health and Safety Executive, particularly looking at the connections between the pathways to work condition management programme and our work on improving access to psychological therapies. It is important for the various strands to work closely together to ensure that we can provide holistic support for those who really need it. I think that the Treasury recognises the importance of the work that we are doing, particularly in the two pilot sites. That has been a major part of the Government's cross-cutting review of mental health and employment.

It is right to talk about the importance of getting employers to take responsibility and help employees who are having mental health problems. Some of that is also about the Government and others providing the right kind of information and support, of which our "action on stigma" programme forms an important part. Organisations such as Royal Mail and BT have put forward some good policies and we should ensure that others are made aware of them. We should gradually get people to sign up to that kind of approach. My hon. Friend the Member for Kingston upon Hull, North (Ms Johnson) said that there were good examples around the country, and my hon. Friend the Member for North-West Leicestershire (David Taylor), who is no longer in his place, pointed out that the media also have an important part to play.

Barbara Keeley (Worsley) (Lab): My hon. Friend mentioned holistic working. Bolton, Salford and Trafford have a single mental health trust, and I recently attended a meeting with GPs in Salford and Trafford at which they raised the significant differences in access to psychological services in the different areas. Their conclusion was that services were better in Salford precisely because of the things that my hon. Friend has described, such as improved counselling—the service is keen to shift resources around the city to improve access—and the fact that people are prepared to work outside silos and to prepare maps of counselling services to try to provide access. They highlighted projects such as Salford women's centre, which has very good counselling services that can be made available. Apart, possibly, from certain bigger factors, the difference seemed to be made entirely by those things. People in Salford are getting right those holistic approaches and different ways of working. Waiting times and access to psychological services are considerably better in Salford than in Trafford.

Ms Winterton: My hon. Friend is right. I invite her to come to Doncaster to look at the pilot there, which has been incredibly successful. To date, about 4,000 people have benefited from access to psychological therapies. The Minister of State, Department of Health, my hon. Friend the Member for Don Valley (Caroline Flint), and I would be more than happy to entertain her in Doncaster and to show her all the good things there.

Norman Lamb: The Minister referred to the pilots. Will she tell us whether she is fighting to speed up the process to ensure that the NICE guidelines, which have been in place for some time, can be met? At the moment, progress seems very slow.

Ms Winterton: It is a great step forward that we have the NICE guidelines. Computerised cognitive behavioural therapy is also coming on stream. We still need to make progress, however; there is no doubt about that. The important thing about our approach is that we are demonstrating through the pilot sites that these methods can quickly have a real effect. In such circumstances, we often need to convince commissioners that this is a good approach and that it will help to get care to a large number of people. That is why we are pushing in that direction. There is certainly a commitment; indeed, that was in our manifesto.

It is also right to say that there are some very real issues that we need to tackle, and we are doing so. Those include the experiences of people from black and ethnic minority communities when using and accessing mental health services. However, our national director for mental health, Professor Appleby, recently gave his summary of the progress made in the past 10 years, and he concluded that removing the inequalities of patient experience between ethnic groups through more responsive services, community engagement and staff training was a central part of the agenda and a key priority for the coming years. We are making progress with implementing the "delivering race equality" programme. We now have 160 community development workers in post and we are working with local services to employ the full complement of 500 workers as planned.

I also recommend the very good work in the focused implementation sites, which are looking particularly at why people do not come forward to access services, the experiences of people from BME communities when they get into the services, and what problems are involved in ensuring that people receiving those services are treated with respect for their cultural background. That work is about looking at how we can deliver our race equality programme in practice.

The Government have spent 10 years improving the mental health service and rescuing it from being the Cinderella service that it was during the Conservative years. As the Under-Secretary of State for Health, my hon. Friend the Member for Bury, South (Mr. Lewis), pointed out, there has been a great deal of talk from the Liberal Democrats about all the changes that are necessary, but very little illumination of where all the money would come from. On the Mental Health Bill, they have turned fence-sitting into a fine art.

As part of our changes to the delivery of high-quality mental health services, we must ensure that we update our mental health legislation so that it not only reflects current service delivery but deals with problems involving human rights and court judgments. That is why we decided to update the legislation. Our work has not been helped by scaremongering from certain organisations and, indeed, from the hon. Member for East Worthing and Shoreham (Tim Loughton). One of his more bizarre comments was that the Bill would make lobotomies more widespread. He also said that anyone addicted to cigarettes could be detained under the Bill. Such depictions of legislation are the one thing that puts people off using services. The aim of the Bill is to ensure that people are treated; to paint it as some have painted it is quite wrong and unfair to some very vulnerable people.

The Opposition parties now claim to be the champions of mental health, but time and again they vote against measures that would ensure provision of treatment for those who desperately need it in order to prevent harm to themselves or to others. As I have said, I am not sure that the hon. Member for North Norfolk is aware of everything that his party is voting for, but I can give an example.

The Opposition parties want to introduce an impaired decision-making test. That would mean that the use of detention was no longer determined by a patient's needs and by risk to self or others. The first question would be whether the patient's capacity to make decisions about treatment was impaired. If their capacity could not be shown to be impaired, detention would be forbidden, however much the patient needed treatment and however much the patient or others would be at risk without it. The hon. Members for East Worthing and Shoreham and for North Norfolk argue that we are wrongly detaining people who have the ability to make a decision about their treatment. The hon. Member for East Worthing and Shoreham said that many people under section retained the capacity to determine their treatment. The implications of the impaired decision-making test are clear, however. Not all suicidal patients have impaired judgment.

The Opposition parties have taken a very libertarian view. If someone has been through all the options and, although seriously ill, understands the treatment and does not pass the impaired decision-making test, who—they ask—are we to ensure that that person is treated? Given that people can refuse physical treatment, why should those with a mental disorder be given treatment? I have been given examples of young women suffering from borderline personality disorder—women who are suicidal and have had a terrible time in life as a result of physical, emotional or sexual abuse, but who, when all the options are explained to them, will still say, "I want to commit suicide." The impaired decision-making test would mean our saying "That is okay. You go and do that." I do not think we are helping anyone by not enabling clinicians to give treatment to such people.

Lynne Jones (Birmingham, Selly Oak) (Lab): Will my right hon. Friend enlighten the House as to the precise definition of impaired decision making? If somebody has gone through traumatic experiences and wants to commit suicide, that implies to me that they have impaired decision making.

Ms Winterton: One of the problems in this respect is that there is no definition of impaired decision making.

[Ms Rosie Winterton]

My hon. Friend should ask Opposition Members what they mean by that. If they are saying what they said in Committee and elsewhere, which is that many people under section retain the capacity to determine their treatment, then presumably those people will not get treatment if an impaired decision-making test is introduced.

Let me return to the case of young women with a personality disorder. Do Opposition Members feel that it is fine to say, "Well, you know all the options and you've still decided that this is what you want to do, but we cannot treat you now as you have understood all the options"? If Opposition Members are content to take that view, I am surprised, but that is their position at present. That is the position that the Liberal Democrats take.

Lynne Jones: What does my right hon. Friend mean by understanding all the options? Is it not the case that someone might understand their options—although I am unsure whether there is a great array of options in such circumstances—but that they can still have impaired decision making if they want to commit suicide?

Ms Winterton: They can have impaired decision making if they want to commit suicide, but it does not always follow that such people necessarily do have impaired decision making. I refer my hon. Friend to the comments of the British Psychological Society. It has said, "Yes, there will be people who do not pass the impaired decision-making test." I wonder what is my hon. Friend's position in respect of those people who, once the options and the effects of treatment have been explained, do not pass the test. It is important to remember that mental health measures currently have a simple test: is the person concerned a danger to themself or to others? Introducing another test trumps that, so that even if the individual is a danger to themself it still follows, if there is an impaired decision-making test, that that person may have to be let go without having treatment—indeed, that they must not be given treatment. That is the big problem with the impaired decision-making test. We should consider what the experts have said. The hon. Member for East Worthing and Shoreham said that many people will not pass the test. That means that they will not get treatment.

The Government also believe that people who need mental health care should be able to access it. That is why we will change legislation to cover the significant number of people who under the current legislation cannot be treated because of the treatability test. The hon. Member for North Norfolk mentioned women who had not received the mental health care that they needed ending up in prison. If he looks at Jean Corston's report on women in prison he will see that many of them have personality disorders and have been turned away from having treatment. Jean Corston is very clear that an amendment should be made to mental health legislation to remove the treatability test, because there is no doubt that that has pervaded mental health services and has meant that people with personality disorders have been turned away time and again. The Opposition know that that is the case, but they keep rejecting it.

The hon. Member for East Worthing and Shoreham said that it would be a better idea to have special legislation that comes under the Home Office for people with personality disorders. Those many people who have not committed a single crime and who are not necessarily a danger to others but might be a danger to themselves would suddenly be dealt with under criminal justice legislation. That is not the way to reduce stigma and discrimination. The hon. Gentleman should be aware that his party's proposal to restore the treatability test would perpetuate the situation whereby people with personality disorders are refused treatment. I am surprised that he does not know that from his constituency experience, because I know it from mine.

The Opposition also want to introduce all sorts of exclusions into the legislation. They propose that people should not be detained for their political beliefs, for example, or for their religious or cultural beliefs. Of course, we agree with that. The exclusions under the Act, however, relate to people who have a mental disorder. Political and cultural beliefs, however, are not a mental disorder. The Opposition are creating a lawyer's paradise. As for their argument that some terrible future Government—not the present Government or perhaps the next—might lock people up for their political, cultural or religious beliefs, one would be unlikely to wave the Mental Health Act at such a Government.

The Opposition also want to amend the Bill to restrict supervised community treatment to patients who have been detained as compulsory admissions at least twice. That will benefit fewer patients, restrict clinicians, exclude patients whose first compulsory admission has been preceded by several voluntary admissions, and make patients wait until a further crisis and a further compulsory hospitalisation have occurred. As a supporter of the Zito Trust wrote in March,

> "What possible benefit can the mentally ill person gain by obtaining a CTO only after being hospitalised twice? Once is enough".

It is beyond belief that the Opposition are supporting that—*[Interruption.]* Stranger still is the Opposition amendment to restrict supervised community treatment to those who are a risk to others—

Tim Loughton: We have not got on to that yet.

Ms Winterton: I am referring to what the hon. Gentleman said on Second Reading, and what his party supported in the other place. If he is resiling from what his party did in the other place, that is fine, but that is the current situation—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. We cannot have sedentary interventions. If the hon. Member for East Worthing and Shoreham (Tim Loughton) wants to intervene, he ought to do so in the usual way.

Ms Winterton: The Opposition's approach is completely wrong and would deny patients treatment that they should get.

Dr. John Pugh (Southport) (LD): In the past 10 minutes or so, the Minister has been talking about the Mental Health Bill and various amendments to it. She has not been talking about the motion before the House. Will she get round to that?

Ms Winterton: I talked a lot about the motion, and made points relating specifically to it. Perhaps the hon. Gentleman was not in the Chamber at the time.

I have addressed the points made about deficits, employment and the need to ensure a multidisciplinary approach. That brings me to the point made about teamwork in mental health care being essential, with which the Government obviously agree. But when we introduce legislation that will improve the working of mental health teams and help to ensure continuity of care for patients, the Opposition consistently vote against it. In relation to professional roles, the Opposition fundamentally undermine the role of the responsible clinician by expecting a doctor to be involved at key points, and requiring the responsible clinician to get permission from the doctor. That would keep mental health services rooted in the past. Their approach is about paternalism and protection.

I am astonished that the hon. Member for North Norfolk can talk so freely about psychological therapies and the importance of getting more psychologists to work in mental health, given that the reality of the amendments to the Mental Health Bill that he supports, which are against the role of the responsible clinician, mean that psychologists will be unable to have such powers and responsibilities. I suggest that he talk to organisations such as the British Psychological Society, the Royal College of Nursing and Unison, which represent 85 per cent. of staff working in mental health services and which vigorously oppose those amendments.

Norman Lamb: I have made it clear that I will talk to all those organisations, but this is a completely different point. The amendments to the Mental Health Bill have nothing to do, as the Minister knows, with the case for increasing the number of therapists available for psychological therapies.

Ms Winterton: The hon. Gentleman does not understand that we have spent 10 years devising new ways of working and a multidisciplinary approach, the point of which is to allow people other than psychiatrists to take responsibility for patients. We are trying to reflect that in legislation, so that this House sends a clear message about ensuring that we can recruit more psychologists, for example. The hon. Gentleman has obviously set his face against that, and I suggest that he think about the real implications of his position, which does not help and would set back all the work that has been done in achieving a multidisciplinary approach to delivering health care and in encouraging more people into the profession of psychology.

We are updating the Mental Health Act 1983 because the world has moved on in the last 24 years. The Mental Health Bill is relevant to the Liberal Democrats' motion, in that it is important in ensuring that the people who need treatment get it. The Liberal Democrats, however, are supporting amendments that would prevent that from happening.

Let me finish by reminding Members of a recent statement by Dr. Matt Muijen, the World Health Organisation's head of mental health in Europe. Dr Muijen, who spent many years in the UK mental health sector, pointed out that England has the best mental health services in Europe and that this is acknowledged in other countries. Interestingly, despite having spent quite a long time in the campaigning part of mental health services, he also said that we had a "culture of criticism" that prevented that fact from being acknowledged here. I know that there is still more to do, but I invite Members to free themselves from that culture and to join me in paying tribute to the many thousands of people who work in mental health services. Without them, we would have been unable to make the improvements that mean that high-quality services can be, and will continue to be, provided under this Government to some of the most vulnerable people in our society.

8.43 pm

Tim Loughton (East Worthing and Shoreham) (Con): Forty-eight minutes later, it is safe to come out from behind the sofa. What a bizarre speech by the Minister! She has been re-running debates that we have had, or might still have to come, in Committee, and has tried to make up for the paucity and confusion of her logic there by resorting to complete caricature and rather bizarre claims, in response to a motion that does not actually mention the Mental Health Bill anyway and is supposed to be about mental health services. I shall not discuss what she said in detail, other than to say that I shall be fascinated to see the record of where I have said that the Mental Health Bill will lead to an increase in lobotomies, because that is news to me. I seem to recall raising with her the subject of whether lobotomies are still permissible under certain circumstances, regardless of the Mental Health Bill.

I also challenge the Minister on the hoary old chestnut that she has trooped out for some months now about the prevention of suicide by community treatment orders and other provisions of the Mental Health Bill. She has not provided a shred of evidence to back that up, but she is already going on about how suicide rates have fallen. Even so, she still requires, apparently, some of the most coercive mental health legislation of any country in the world.

I was delighted to receive so many mentions by the Minister—rather more than by the Liberal Democrats whose debate this is, and five of whom remain in their places. I am glad that they did not all head for the door when I started to speak, unlike the Minister of State, Department of Health, the hon. Member for Don Valley (Caroline Flint).

The arguments I make are not just my arguments or those of my colleagues in the House of Lords. They are the arguments of 80 members of the Mental Health Alliance, occasionally including members of the British Psychological Society and a couple of others that the Minister mentioned several times. I welcome this debate. I am glad that the Liberals are following the Conservative example of trying to raise the profile of mental health issues at Westminster. I have to say, however, that this is the only debate that the Liberal Democrats have had on health matters in this Parliament and only the second since the last election. However, converts late to the party are welcome.

[Tim Loughton]

The timing of the debate is curious. As the Minister said, it curtailed the debate that we were having—more rationally than she suggested in Committee on the Bill. Bill. It is good to raise the profile of mental health. The Mental Health Bill has attracted much publicity, much of it negative because of its controversial contents. I make no apology for my role in raising those objections, but it is important that we also raise the profile of the positive developments in the mental health world and the dedication of all the staff working in difficult circumstances, something that the Minister just managed to squeeze in in the 48th minute of her contribution. We should also mention the contribution of the excellent voluntary organisations and support groups such as Mind, Rethink, the Sainsbury Centre for Mental Health, YoungMinds and so on, as well as the carers of all those living with mental illness, on whom much of the responsibility for care falls, however good or not the legislation is. Not least among the carers are young carers, and the estimate is that some 20 per cent. of the 175,000 young carers are living with someone, usually a relative, who has a mental illness.

While the Liberal Democrat motion is right to flag up the problems and we can support those sentiments, the tenor of the Government amendment is far too complacent. That was borne out by the rather self-congratulatory tone of the Minister's introductory remarks. The amendment paints a far too rosy picture of what most people still agree is the Cinderella service of the NHS, and CAMHS is the Cinderella service of that Cinderella service—*[Interruption.]* Well, I fear that my definition of a rosy picture is rather different from the Minister's and perhaps we should put that into the lexicon of how this Government look at things differently from reality and from the experiences of our constituents.

I also query why, in a motion about mental health services, one of the co-signatories to the Government's amendment—alongside the Secretary of State for Health and the Minister, the right hon. Member for Doncaster, Central (Ms Winterton), whom one would expect—is the Home Secretary. That says a lot about the way in which the Government view mental health and the pitch of the Mental Health Bill. It is about locking people up rather than providing therapeutic benefit for a health problem.

Meg Hillier: I would point out that the Prime Minister and the Chancellor of the Exchequer are also on the list of signatories. That is just joined-up government and perhaps the hon. Gentleman will withdraw that comment.

The hon. Gentleman raised an important point about mental health services often being seen as the Cinderella services, but he is being limited in his congratulations to the Government. I will raise later the many issues that still need to be tackled in mental health services, but he must acknowledge the huge improvements in investment and increases in psychiatric nurse and consultant numbers that are making a big difference on the ground, even though we could always do more.

Tim Loughton: If the hon. Lady will forgive me, I am about to deal with that. If she will allow me to make my speech, there will be time for her to make her own.

Mr. Ivan Lewis: Will the hon. Gentleman give way?

Tim Loughton: I was not planning to speak for the 48 minutes that the Minister of State took, but I will give way to the Under-Secretary of State before he bashes the Dispatch Box to bits.

Mr. Lewis: I thank the hon. Gentleman, but does he stand by the proposition that separate, Home Office legislation should be used to deal with people with personality disorders? If so, that would be slightly inconsistent with what he said about the Home Secretary simply signing an order in this House.

Tim Loughton: No, because the proposition does not refer to people with a personality disorder—it refers only to people with a dangerous and severe personality disorder, which was the position adopted by the pre-legislative scrutiny committee. It is the position to which I signed up, and the one to which every Labour Member from the Lords and this place who formed the majority in that committee signed up. It remains relevant today, so it is up to the Minister to explain why Labour members of the Public Bill Committee—including those who were members of the pre-legislative scrutiny committee—now appear to have changed their minds.

The Minister of State was happy to trot out figures released by her mental health tsar last week in a report entitled "Mental Health Ten Years On: Progress on Mental Health Care Reform". The tone was self-congratulatory, but in that litany of statistics there was a heavy dependence on head-count figures. I shall therefore give the right hon. Lady some more statistics.

The Government have admitted that, under the previous Conservative Government, the proportion of NHS spending devoted to mental health was in double figures. We could argue about the exact figure, but it was between 11 and 14 per cent. According to the document released by the Government's mental health tsar, the proportion has been reduced over the past 10 years to just 8 to 9 per cent. That figure does not refer to in-patient spend, as the Minister claimed: that is total mental health spend, as the figures on page 4 of Lewis Appleby's document show.

We need to be consistent about those figures. The proportion of funding that has gone to mental health in this country over the past 10 years is lower than it was in the previous 10 years under the last Conservative Government. By the Minister's logic, therefore, the spending on mental health by the previous Conservative Government must have exceeded that of other European countries by an amount even greater than that achieved by this Government.

Ms Rosie Winterton: The figures can be a little confusing. When we talk about the proportion falling from 14 to 11 per cent., we are talking about the spend in secondary mental health services as a proportion of all secondary NHS spend. Therefore, that figure does not take account of the new services based in primary care trusts.

Tim Loughton: I do not think that anyone is convinced. The Government can spin and fudge the figures as much as they like, and we may all agree that the spend has gone up by £1.5 billion since the national

service framework was established, but there is no doubt that spending has fallen in percentage terms. That is because mental health has been a lower priority under this Government than it used to be previously. There is no getting away from the fact that the absence of a level playing field can result only in promoting the stigma felt by people involved in mental health in this country.

Other figures counter some of the claims made by Lewis Appleby. Last year's report from the Sainsbury Centre for Mental Health found that nearly two thirds of mental health trusts had been asked to cut their budgets to cover overspending in other areas of the NHS. Since 1997, the number of NHS beds in the mental illness sector has declined by 6,799—almost one fifth of capacity—yet, as I said earlier, twice as many people have been sectioned in the same period. More people are requiring mental health services. The King's Fund report showed that vacancy rates for psychiatrists were over 10 per cent., compared with 4 per cent. across other disciplines. It also showed that vacancy rate for mental health nurses was double that for all nurses.

The Rethink reports "A Cut Too Far" and "A Cut Too Far: Six Months On" gave a catalogue of cuts, both planned and potential, worth £67 million. They included proposed cuts of £5 million to older people's mental health day hospitals and other services in Suffolk. In Westmorland, proposed cuts involve the closure of two mental health wards at Westmorland general hospital. In the South West London and St. George's mental health trust, which the hon. Member for North Southwark and Bermondsey (Simon Hughes) mentioned, Yew ward has been closed and Bluebell ward, previously women only, is now mixed. The drug addiction ward has been closed and in-patient provision for eating disorders has been closed.

The list goes on and on. Most recently, in Milton Keynes the PCT is to cut £1.4 million from mental health services, including drug and alcohol treatment and a memory screening clinic. Those are rather different figures from the rosy picture that the Minister's mental health tsar has trotted out. I am sure that she will agree that the National Institute of Mental Health is not partisan. Its report, published in 2005, found that the bed occupancy rate was 100 per cent. on average and in London the average was 107 per cent.; that staff in a quarter of wards had to work unpaid overtime; and that half of wards lack a lead consultant, 13 per cent. have no ward manager, 12 per cent. have no administrative support and three quarters have no housekeeper.

The Mind ward watch survey of 2004 found that 53 per cent. of in-patients said that the ward environment did not help their recovery; 27 per cent. of patients felt unsafe in hospital and 51 per cent. had been verbally or physically abused. The "Count me in" survey, which did not see the light of day for some while, was produced earlier this year. Far from repeating the Government's assertion—repeated even by the Minister in Committee this morning, remarkably—that 99 per cent. of hospitals were complying with the requirement for no mixed-sex wards, the survey showed that this year 55 per cent. of patients were not in single-sex accommodation.

The situation is getting worse and it is worst of all in mental health hospitals. That is particularly frightening for young people, inappropriately placed in adult wards, in mixed-sex wards. It is a frightening prospect for a 15 or 16-year-old girl who has undergone a psychotic incident; many have given evidence to people interested in the Mental Health Bill.

The Commission for Healthcare Audit and Inspection and the Department of Health use the same criteria to classify exactly what a mixed-sex ward is, so the Department really must explain how it has come up with such extraordinary figures that are completely out of touch with reality. I could go into detail about the situation for children and young people, which we debated at length in Committee this morning, and the alarming report by the Mental Health Act Commission, relayed by its chairman, Lord Patel, in the House of Lords. The report revealed that between April 2003 and October 2006, no fewer than 1,308 under-18s were detained in adult psychiatric units with no special safeguards—that is one a day. When the commissioners asked ward staff whether there were any plans to transfer the young person or child to more appropriate surroundings within the next seven days, they were told that there were no such plans for nearly three quarters of the children. Those are not short-term emergency measures; such things are happening day in, day out and the situation is getting worse. It is getting worse under the Labour Government, on the Minister's watch.

Angela Browning (Tiverton and Honiton) (Con): We had a long discussion in Committee about that situation. It is an indictment of any part of the health system, but particularly in the mental health sector, that children and young people are not kept safe.

Tim Loughton: My hon. Friend is entirely right. Such provision is a stipulation of the UN convention on the rights of the child, to which the Minister—I thought—adhered.

When the Minister was giving her figures, she did not mention that the Government have failed to meet their target for a public service agreement for CAMH services in every authority area by December 2006—nor was it mentioned in the mental health tsar's report. The scandal of age-inappropriate treatment for our vulnerable children and young people should be a source of shame to the Government, not a source of self-congratulation as they trot out headline figures that bear no reality to the alarming and deeply harrowing experiences that many of our young people continue to suffer. Today, the Government, the Minister and her 11 colleagues voted out of the Mental Health Bill assurances that would give some succour, security and hope to those vulnerable young people.

Meg Hillier: Will the hon. Gentleman give way?

Tim Loughton: If the hon. Lady will forgive me, I will not, because I want to allow her and others time to speak later in the debate.

The hon. Member for North Norfolk (Norman Lamb) repeated the figures for the number of people on benefits by reason of a mental health disorder. The number has risen from 732,100 in 1997 to 1,092,910 last year. There has been a 194 per cent. increase in severe stress and an 82 per cent. increase in depressive episodes. Of course Lord Layard's proposals make sense. They make economic sense, but they also make sense in relation to the health of people who suffer

[Tim Loughton]

from depression, who would be able to get back to being viable members of a community and of society, contributing through jobs and taxes.

The Pulse report last year revealed that 93 per cent. of GPs had been forced to prescribe anti-depressants because of long waiting times, against their better medical judgment and against best clinical practice. Three quarters of those GPs were dissatisfied or strongly dissatisfied with their local services for depression. Patients were waiting on average 94 days for assessment and treatment in primary care and 249 days in secondary care, with the worst waiting times, again, for children. At least 50,000 children—some as young as six—are on anti-depressants. What a start in life for those vulnerable individuals. They are being fed powerful chemicals that, in many cases, are not the most appropriate way of treating them. There has been an enormous explosion in drug prescriptions for attention deficit hyperactivity disorder.

When it comes to taking Lord Layard's experiments and proposals seriously, there is not only a clear economic payback, but there is a clear social and personal health payback. We have had two pilots, in Newham and in the Minister's city of Doncaster. Perhaps her colleague, the Under-Secretary of State for Health, the hon. Member for Bury, South (Mr. Lewis), can enlighten us as to what will happen to the findings of those pilots and whether there is going to be a full roll-out. My visit to Newham to speak to the staff who are running that excellent project certainly suggested that it had been a great success.

There is also the issue of the disproportionate effect of the lack of mental health care on the black and minority ethnic community. That is another area that we have discussed at length in the Mental Health Bill Committee. It is no surprise that the BME community is perhaps most alarmed of all at the disproportionate effect the Bill's provisions will have on its members. There is a fear that, given the disproportionate number of people with a mental illness in the BME community, the proposals in the Mental Health Bill and particularly community treatment orders—which I will not prejudge because we have not debated them yet—will drive people away from presenting for services in the first place, and that their condition will therefore fester under the clinical radar, which is the worst of all worlds.

I will not go into great detail about the importance of dealing with mental health problems in the workplace. We have a lot more to do in that respect. Certain examples of good practice among certain companies were mentioned, but the Government have to do a lot more to get the work-life balance right and to achieve an approach to the work force that considers their general well-being, so that people work in partnership with their companies, companies benefit from a healthy work force and the work force benefit from good mental health.

At the last election, my party produced a mental health manifesto. We talked about making mental health a national priority in our health policy and about public health being a key feature of our future Government's health policy. Mental health is one of the most worrying ticking time bombs when it comes to the health of our nation, and, not least, the health of our children. We want greater choice for service users in mental health. That choice does not exist in mental health services at the moment. We want urgently to tackle the recruitment crisis, which the Government seem to be in denial over. The figures do not back them up. We want to see an increase in CAMHS beds and we want to place duties on health providers to admit children and young people to age-appropriate facilities. We voted for that in the Mental Health Bill Committee today. We want to see better help for black and ethnic minorities, who face particular difficulties, and we want to have more appropriate services targeted at getting them to present to mental health services in the first place. We want help for carers dealing with mental health issues and we need to address the mental health crisis in our prisons. The Conservative party signed up to all those things at the last election and we will continue to put them at the forefront of our health policy because not doing so would be a false economy.

Conservatives will continue to move mental health up the political agenda. It is important that the Mental Health Bill is not used as a substitute for inadequate mental health services, as the Minister seems to wish to do all too often. There are no grounds for the sort of complacency about which we heard from her in ranting form. I fear that professionals throughout the country, the 80 members of the Mental Health Alliance, service users and voluntary organisations do not agree with the rosy picture that the Minister and the Government paint.

The most vulnerable in our society deserve better. They deserve a better response to this important debate than that given by the Minister. We need a level playing field for mental health, at least to prevent the mental health time bomb from getting worse. We need to do something at last to shift the stigma attached to people with a mental illness. Addressing that fate is still one of the biggest challenges that we face, but I fear that the Government's complacency has only served to make it bigger.

9.6 pm

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): First, I must tackle some of the comments made by the hon. Member for East Worthing and Shoreham (Tim Loughton). It is frankly an insult for him to suggest that Labour Members are complacent. I, like others, represent a constituency in which there are severe mental health needs. I remind him that under the watch of the previous Conservative Government, it was the first time that more young black men were in prison than in university. Such inequality and the inequalities that we still see in the mental health service started under that Conservative Government. It is disingenuous for the hon. Gentleman to suggest that there are problems that are down to this Government alone. Such an approach does not help to solve the problems that affect many of my constituents and others. Even if there is nit-picking and the issuing of petty press releases as part of the shilly-shallying on the important matter of the Mental Health Bill, I had hoped for an acknowledgment that we have a joint responsibility to tackle some of the problems. We do the people who use mental health services no favours by caricaturing things in such a way.

After hearing the hon. Gentleman's speech, I have much nicer things to say about the hon. Member for North Norfolk (Norman Lamb). However, he was disingenuous about the percentage fall in health funding. As my right hon. Friend the Minister said, overall NHS funding increased from £44 billion to £76 billion over the period in which there was the drop in funding that the hon. Gentleman highlighted. However, that drop in funding relates to hospital services. If I have time, I will mention some of the issues surrounding hospital and community services.

The hon. Gentleman also talked about the important issue of the incidence of teenage mental health problems, which we have discussed during our consideration of the Mental Health Bill. However, surely the situation is arising because there is a greater recognition of the problems among young people, for which we should all be grateful. I hope that we can reach a consensus on tackling the situation.

During today's Committee proceedings on the Mental Health Bill, we had an interesting and informed debate about children on adult mental health wards. Among the Labour Committee members who spoke—forgive me, Mr. Deputy Speaker, if my memory is not entirely accurate at this late hour—were my hon. Friends the Members for Rhondda (Chris Bryant), for Bolton, South-East (Dr. Iddon) and for Stafford (Mr. Kidney). They put it on the record—many of us who did not speak agreed with them—that they were firmly in favour of children not being put on adult mental health wards, but indicated that they trusted my right hon. Friend the Minister following her promise to consider the matter again. They listened sensibly to her comments about why simply accepting the Opposition proposals would cause difficulties. It is easy to make cheap points, but being in government is about delivering real results for children on adult mental health wards, the mental health service users in my constituency and any of us who might need to use mental health services in the future.

The hon. Member for East Worthing and Shoreham talked about the use of mixed wards. I have met mental health service users in my constituency a couple of times. When the question of mixed wards came up during my most recent discussion with them, I was surprised that everyone in the room—men and women from a range of backgrounds—indicated that they were in favour of mixed wards. They said that it meant that their lifestyle while detained was more normal, as they mixed with people of the opposite gender; being segregated and separated added an extra difference to their already different lifestyle while on the hospital ward. That may not be a universal view, but we should listen to the service users. As I have said before in debates in the House, we too often do not hear the voice of the user. We may be here to legislate, but in this debate we should listen to the voice of the user.

Adam Afriyie (Windsor) (Con): Sadly, I am not a member of the Committee that is examining the Mental Health Bill in detail, but I have written many articles and a chapter of a book on the subject of mental health. Is the hon. Lady seriously suggesting that mental health patients would prefer to be in mixed wards with other patients with specific mental health conditions? Is she really suggesting that that should happen? That is certainly not a reflection of anything that I have learned on the subject.

Meg Hillier: I am not suggesting anything; I am telling the House what mental health service users said to me. They did not mean sleeping in beds next to each other. They meant being on mixed wards, but a mixed ward very rarely means people of different sexes sleeping next to each other in a bay, or sharing a bathroom. They specifically said that they wanted to socialise and mix with people of the opposite gender during their detention period. They have said that to me as their MP, and I think that it is right to pass those comments on to the House.

Tim Loughton: On that logic, does the hon. Lady think that the Government's boast of having achieved 99 per cent. single-sex wards—that figure is wrong anyway—is a sign of failure?

Meg Hillier: I will not get drawn into a debate about mixed and single-sex wards; I am simply reporting the views put to me by mental health service users in my constituency, and I think that it is important that those views are put to the House. The hon. Gentleman may want to make mischief with that, but I am simply reporting the views of one group of mental health service users to whom I spoke.

It is important to put on the record once again the many challenges that face residents and mental health service users in my constituency. People in Hackney are three times more likely to be admitted to hospital with schizophrenia than people across England as a whole. Some 40 to 45 per cent. of people detained in the City and Hackney mental health services area, mainly male, are from African and Caribbean groups, yet those groups represent only 22 per cent. of the population. Black people in England and Wales are three times more likely than the rest of the population to be admitted to hospital. Overall, African and Caribbean people, and particularly black people born in London, are 10 times more likely to be given a diagnosis of schizophrenia. We know that there are many factors involved in that. Like the hon. Member for East Worthing and Shoreham, I do not believe that the Mental Health Bill will tackle the problem; that is not what the Bill is about. There are many issues that we need to address if we are to tackle the problem. In Hackney, the problem is partly unemployment, but it is also the issue of there being many migrant communities, lots of single people, a high population density and a high turnover of population. People are without the social and support networks that there are in other parts of the country.

The 2006 "Count me in" census survey found that black and mixed race in-patients were 85 per cent. more likely to be detained, and Asian, Chinese and other in-patients were 50 per cent. more likely to be detained than white people. White people made up 43 per cent. of the total in-patient population but only 30 per cent. of the detained population. Black people were 35 per cent. of the total in-patient population, but 46 per cent. of the detained population. To put it another way, rather starkly, there were 50 per cent. more black detained in-patients than white detained in-patients, despite there being more than 24 per cent. more white people. We should all ask ourselves why that is, and we need to recognise in this debate that there are challenging issues. The issue is not about what

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was done by one Government or another, but about service provision, social and health care provision, and tackling the barriers.

I am a race equality champion for the Commission for Racial Equality, and the commission says that there are a number of barriers. It highlights user ignorance, which can be due to language and literacy difficulties—which I often come across in my constituency—cultural differences related to religion, gender and work patterns, or different needs. In some areas, the location of service delivery is a factor. That is probably not so much the case in Hackney, where everything is on the doorstep, but I hear what hon. Members have said about rural areas; I can imagine the many difficulties that are faced there. Again, I stress the fact that many of those problems will not be solved by the Mental Health Bill, and it is not on to suggest that they will be or to conflate the issues. I started to look at the Bill precisely because of my serious concern about the huge impact on many of my constituents of those inequalities, and I concluded that it will not solve them. Nevertheless, it is an important Bill, which is why I became involved in the Committee considering it.

I join my right hon. Friend the Minister in congratulating the crisis and early intervention teams, whose work in Hackney and elsewhere is critical in tackling the long-term, challenging issues that people with mental health problems face. We should reach people before they are admitted to hospital. As I said today in a speech in Committee, more advocacy support is needed for mental health users and patients so that they can access services. I commend my local mental health trust, which is working to make sure that users are better empowered to be their own advocates. The Mind mental health user group meets fortnightly to raise issues directly with everyone from service providers to people such as me, their MP, about what needs to be done. It is right that we should recognise that people are people: they have their own views, and are not just users of mental health services.

Mrs. Madeleine Moon (Bridgend) (Lab): Does my hon. Friend agree that there has been tremendous progress in the past four years in the way in which mental health service users regard their MP as someone who works for them and is an advocate for them? Many people with mental health problems would never have dreamed of approaching their MP before, but the advocacy groups in our communities have given them strength and the belief that, yes, they can move forward and campaign for themselves.

Meg Hillier: I hope that that is the case but, overall, an MP's role in the life of someone with a mental health problem is probably less useful than the other services to which I have alluded. Clearly, however, we all have a role to play.

Advocacy services in my constituency include Derman, which works with Turkish and Kurdish groups, and plays a particularly useful role in dealing with both language and cultural issues. It helps psychiatrists meet mental health service users in situ with their families so that they can better understand the cultural and familial set-up. The Revolving Doors agency is not in my constituency, but it is renowned for dealing with difficult issues and chaotic lives to make sure that people reach services that they might not otherwise reach. The Psychiatric Rehabilitation Association is based in my constituency and was set up in 1959—it is no coincidence that that was when the first Mental Health Act was introduced. The Chinese Mental Health Association, too, is important.

Time is short, so I shall not go into the investment that the Government have put into mental health services. I shall merely put it on the record, as my right hon. Friend the Minister dealt with it. However, I wanted to pick up the issue of incapacity benefit, which was raised by the hon. Member for North Norfolk. He was right to highlight it, because it is an important issue. Hackney, South and Shoreditch is the constituency with the second highest number of incapacity benefit claimants in London, and it has the 31st highest number nationally. In my constituency alone, 7,500 people are on incapacity benefit, 63 per cent. of whom are under 50, which clearly indicates that a significant number of people have problems that are not connected with being old and tired from work, or worn out and disabled in that way. Their mental health problems often stem from other problems such as substance abuse. We need to consider the way in which jobcentres deal with people with mental health issues. The time scales involved in requiring people to return to work and the understanding of episodic mental health problems are often severely lacking. I spoke to a user who told me that if they went along on a good day, the person at the jobcentre would say, "You're fine. Why can't you work?" Understanding is not always forthcoming, and we all need to work to highlight the issue and encourage employers in our constituencies to recognise that they can employ someone with a mental health problem, as long as they make sure that they have the right support.

A report by the Office of the Deputy Prime Minister on mental health and social exclusion highlighted the need for services to support people with mental health problems back into employment, and it discussed the need to provide a supportive environment with flexible schedules. In the United States, which is not always a model for good practice in mental health services, a project of individual placement and support programmes succeeded in placing more than 50 per cent. of people with severe mental health problems in employment. It was not rolled out more widely, but it compares favourably with the UK, where only 21 per cent. of people with mental health problems are in employment. That is a shocking figure, and we should all think about it—how can we raise the profile of the problem and tackle it? In my constituency we have Routes 2 Employment, which is a project—the first of its kind in the UK—to help people with mental health problems back into work. It works with employers to ensure that they know how to support such people.

While we are looking, rightly, at putting more into community services, we must not take our eye off the ball of the important and sometimes necessary provision in a psychiatric ward. For some patients, that is the best option. I look forward to community treatment orders, which, interestingly, have received widespread support among professionals and users in my constituency, but we must be careful not to view them as an alternative to proper hospital provision.

Psychiatrists should not have to release people before they are ready, because that only exacerbates the problems that they can face in the future.

I cannot finish without highlighting the fact that although my local primary trust, City and Hackney Teaching PCT, and my local trust, Homerton University Hospital NHS Trust, have each balanced their budgets in every year since their inception, save for a small deficit of less than 1 per cent. for Homerton hospital in the last financial year—Hackney had its budget top-sliced because a small percentage overall of other NHS trusts did not balance their budgets. Last time I raised this on the Floor of the House, the Minister of State, my hon. Friend the Member for Leigh (Andy Burnham), promised that the money would be returned to Hackney sooner than expected. I wrote to him but I still have no precise date. It may be a tough call to ask him to give me a date here and now, but I am still pursuing getting that money back for Hackney so that we can spend it on, among other things, the decent mental health services that people in my area deserve.

9.21 pm

Mr. Geoffrey Cox (Torridge and West Devon) (Con): Like the hon. Member for North Norfolk (Norman Lamb), I speak from a rural perspective. Not for the first time, I am standing in this House, having just listened to a Labour Member talking about the services available in her constituency, and feeling that I inhabit a different world. The Minister has been very helpful in the past when I have had cause to raise issues relating to different health problems in my constituency. I know from that contact with her and with Ministers generally that they are invariably decent and well-intentioned people. I make no bones about conceding that I am sure that the Government intend to try to raise standards in this field, to promote its profile and to invest in it.

However, I have to say to the Minister, with great respect, that as I listened to her speech I was struck by the enormous gulf between the tone and tenor of her remarks and the urgency of the problems that I experience in the surgeries that I conduct every week in my constituency. These are all real cases. There is the frightened child with anorexia who finds herself in a ward with adults. There is the schizophrenic 19-year-old who will not take the drugs to control his condition and is living at home with his mother, who cannot find help at the weekend as she watches him decline into despair. Does the Minister think that it is good enough to have crisis intervention between 9 o'clock and 5 o'clock at weekends? Those are the hours at weekends when the crisis team operates in Tavistock, in my constituency. Someone who rings up at 10 past 5 will not get anybody at the crisis team and will have to ring DevonDoc, the out-of-hours doctors' service. When this mother rang up DevonDoc, she was told, "Take him to A and E." The A and E department is 25 miles away. She received no support at the weekend, and as a consequence, like some kind of fatal unravelling, that young man was eventually sectioned and found himself in hospital.

There is the anguished father whose son is drinking himself to death in front of his young children and an exhausted wife who has patiently tried through love and care to bring him round but can find no permanent and sustained assistance in my constituency or in my area. There is the autistic 30-year-old who, after school and college, has received no help, no provision and precious little understanding, and who is beginning to become depressed about the way in which he is treated, isolated in a small rural village. There are the families of autistic children, for whom every day is a battle to secure the education, speech therapy and occupational therapy that their child needs. Sometimes, there is no support even in the basic task of communicating with their children, who are insulated in a world that is impossible to penetrate. Those are the experiences of my constituents. I noted similar experiences of similar problems from the contributions of Liberal Democrat Members who represent rural areas such as mine, some just across the border in Cornwall.

To those watching from a distance in Cornwall and in Devon, the Minister's speech will not have risen to the height of their problems and daily experiences. They simply do not have the services, or access to the services, about which the hon. Member for Hackney, South and Shoreditch (Meg Hillier) spoke a moment ago. They feel isolated, abandoned and alone. It is not good enough.

My constituents have begun to take into their own hands the power to do something about their problems. I am proud to be a trustee of a charity called "Make a Difference" in Tavistock. It is trying to fill the gap in provision that the service users whom I represent experience daily. It runs a café, a support group and a social network. That provision is barely supported by the responsible trust. Those who use the services and the volunteers who support them, often in their spare time from working for the trust, have taken the initiatives. I am therefore proud to be a part of that and proud of all those who are beginning to construct the foundations of recovery by taking into their own hands the power to do something about their problems.

However, the support for them is not there. The initiatives are the result of good will and voluntary action by people in the community who care. The Bubbly project provides a day centre for those with learning disabilities. Two desperate parents of a child with learning disabilities raised their banner in Torridge, in the part of north Devon that I represent, because day centres there have closed. Integration into community hubs and supported living initiatives have simply meant village halls, pubs and cafés. There is a groundswell of opinion that the policy is not working and is causing a large expansion of mental health problems.

One cannot close day centres, which were centres of excellence, energy and activity, and the hub of a social network for those with learning disabilities, and simply believe that, without providing huge amounts of extra resources for the infrastructure and the communities, there will be no problems. Parents throughout the rural areas that I represent are deeply concerned about the move towards community care and support in the community—it simply does not appear to be there. Those with learning disabilities are deprived of the genuine help that they can get from day centres. The Bubbly project therefore relies on the voluntary action of those who give their time, money and effort to attempt to set up something that should be the county

[Mr. Geoffrey Cox]

council's responsibility and that of the Devon Partnership NHS Trust, which is the mental health trust responsible in my constituency.

Those volunteer actions show the gulf that continues to exist for those with mental health problems in my constituency. It is not only those afflicted by psychiatric problems, but those with autism—as the Minister will understand—and those with a wide spectrum of mental health and learning disabilities whose urgent problems do not appear to be being tackled, at least in the rural area that I represent, by the Government's policies.

I urge the Minister, in her efforts to introduce improvements, to examine specifically the genuine problems in rural areas. She mentioned rural areas almost in passing. I hope that she can pay specific attention to access to services, which constitutes a severe problem in the rural areas that I represent.

9.29 pm

Simon Hughes (North Southwark and Bermondsey) (LD): The pleas for better mental health services have come from across the House. We have just heard, quite rightly, about rural areas, and the hon. Member for Hackney, South and Shoreditch (Meg Hillier) represents an urban area, as do I. The whole of Britain has an interest in this subject.

Nobody knows what the exact figures are. The Library tells me that about one tenth of the world's population suffer from mental illness and about one in six of the population of Great Britain are assessed as having neurotic disorders. The best figure that anyone can come up with is that one in four of us will, during our lifetimes, have mental illness at one time or another. Like, I am sure, other hon. Members, I did not need to become an MP to realise how crucial mental health services are, because I know that from the experience of people among my extended family and friends, and of people whom I associated with at college or worked with. Indeed, we all know the stories of people suffering from mental illness, sometimes with tragic results.

On 5 February, the Minister and I were in our places for an Adjournment debate that I initiated about mental health services in south London. On 12 January, the Secretary of State for Health had taken the decision to close the 24-hour emergency service at the Maudsley. In fact, it should have been closed by now, but its closure has been deferred. I shall return to that subject in a few moments, but I also want to link it to a few further points.

I join others in thanking my hon. Friend the Member for North Norfolk (Norman Lamb) for giving us the opportunity to put this subject on the agenda—and there is no argument but that this subject should appear more regularly on that agenda. I join others in thanking those who work in mental health services, whether in acute services, primary care services or intervention services. Those are all in my constituency: the Chaucer day centre; Guy's hospital, which has mental health wards; and for people out in the community, the Sainsbury Centre for Mental Health is based there too—not to mention many academics working at King's College, which has medical and dental schools.

Even with all that effort, there are some things that we have not sorted. I have a friend called John, whose daughter Alex is just about to take her finals at Liverpool university. She needed a cognitive behavioural therapist—a matter that I have raised in the House before—but it was impossible for her to get that service. For much of her time at university, she struggled on the edge of being able to cope. Happily, she has pulled herself through, but she had months of waiting before she could be properly treated.

I am conscious that we are bidding for more funds, and I make a special plea again for universities and colleges to be given the services that they need, so that young people do not have to wait so long. They are often at their most vulnerable in their late teenage and early adult years—girls as well as boys, although it is apparently more common for boys. Their whole future careers may depend on securing the help that they need.

My brother is a psychologist who works for the Government, specifically in the area of the armed services. He is part of the NHS services for the armed forces. However, we know from what happened at Deepcut and from other experiences that it is vital for the armed services and those in front-line jobs to have the proper back-up services that they need. I hope that in the bids for future funding, when we talk about defence budgets, we will include the facilities needed for all those people, whether they are serving abroad or at home, to have the necessary mental health support.

I hope that we get work force planning right. I accept what the Minister said about there being more psychologists, psychiatrists, and psychiatric and mental health nurses, but we have not been great in nurse work force planning over the last 20 years. We have not been great at doctor work force planning in the NHS either. We need to ensure that we have the people—and we need to include alternative therapies, too. I very much hope that the answer to the question that the Minister ducked is that a bid has been put in for more money for mental health services in the comprehensive spending review.

I want to end where I began. Last week, I attended a meeting at the Camberwell leisure centre, where the community was united in calling for a deferral of the decision to close the Maudsley's 24-hour service. That was the united view of the communities across the political parties, and across both local councils. We have the best service in Britain, in the best mental hospital in Britain, in the area that has the most psychotic illness in Britain, not least because my community in Southwark—like that in the constituency of the hon. Member for Hackney, South and Shoreditch—has a very high number of African and Afro-Caribbean residents, which is one of the factors that add to the numbers.

I want to end with a quote from an e-mail that I received after the meeting that night, from someone who had been there. No one makes the plea for the Maudsley clinic not to be closed better than he does. He sent the e-mail to my office address at 2.47 in the morning of 4 May. He said:

"Simon,

I don't know if you will remember me but I am the young man in the blue shirt from the Maudsley meeting. It's 2.30 in the morning and I am spinning out, and feel in crisis, and the only thing that gives me the strength to hold on and get through this is knowing that in the Maudsley ED, I am not on my own. To know that there is unconditional support, 24 hrs a day, is the strand of

hope that enables me to think there is something to believe in and rely on and trust, and I am not on my own. I can't express in words how scared I will be without this service and I am not the only one. I have tried to kill myself twice before, and therefore I am at high risk of actually completing this act, and believe me this is the last thing I want. I want to be able to have a normal life, with my partner and 5 week old son, and I feel that this decision to close the emergency department has made this a less realistic target."

I shall cut to the end of the e-mail:

"When you have a meeting with Ms Hewitt please show her this email, and if ever she has the bottle to meet service users, I'd welcome the chance to talk to her and explain how life is at the sharp end of the stick, and not in plush offices in Whitehall.

Yours sincerely,

Ruben Nedas."

Here is someone who knows the value of mental health services. I repeat the plea: please do not close one of the most important ones in Britain; the alternative is no substitute.

9.36 pm

Dr. John Pugh (Southport) (LD): It has been a long day, especially for those of us serving on the Mental Health Bill, who have been debating mental health issues for about seven solid hours. However, this does make up slightly for the recent dearth of health debates—*[Interruption.]* I was being ironic.

It is a pleasure to have the opportunity to sum up in this debate. It is not often that the Liberal Democrats find themselves in the position of having the last word and pontificating on other Members' speeches, declaring them to be powerful or well judged or riddled with absurdity. I shall pass up that chance, however, not simply because I cannot remember other people's constituencies, but because I want to focus on what are euphemistically called the service users of a service that no one wants to have to use, and on what this debate has shown about their plight. I am sure that hon. Members can accept that they have made powerful speeches without my having to point it out.

Poor mental health is, in its severest form, the most terrible suffering known to man. No one can ever escape the torture in their own mind. All of us enjoy varying degrees of mental health in our life, including stress, anxiety, depression and unreasoning fear—some of us who are serving on the Mental Health Bill have gone through all those stages just today. Too many people enjoy socially disabling and serious mental conditions, and some live an endless nightmare and a living hell, and experience gnawing fear and enduring despair.

Many hon. Members have talked in the debate about the stigma of mental health problems and the need to remove it. The reality is, however, that people who are in poor mental health cannot cope; their minds are in a mess, and people are right to query their ability to act and judge aright. The stigma is going to be properly addressed only by recognising that mental health is not something that we either have or do not have; it exists in degrees, and it varies, like physical health, over a lifetime. If today's athlete can be tomorrow's invalid, yesterday's service users can be the counsellors of the future. A recent confidential poll established that 11 per cent. of Members of this House claim to have suffered mental health problems at some time in their life. Presumably they are coping better now.

Above all we need an understanding, and an education in mental health, for the whole nation. It was pointed out earlier by the hon. Member for North-West Leicestershire (David Taylor) that the media have an important part to play in that. We need to develop an appreciation of the fact that mental illness is not one illness but many, that being mentally ill is not about being dangerous but often perhaps about being too vulnerable or sensitive, that it is not the grossest form of abnormality but all too common, and that the person who claims to be in perfect mental health is possibly the most sadly deluded.

None of this is much about money, although the debate has focused pretty solidly on that at times. Let me say something about money, however. If we were not in our fairly mad world of politics, we would all admit some plain truths. We would admit that the Government's spending on mental health has increased—we have acknowledged that, although it may not be in the motion—but also that spending as a percentage of total health spending has gone down, which is in the motion. We would admit that there have been forced cuts in mental health spending, as well as top-slicing. As a number of Members have pointed out, the budgets are easy to adjust. Service users are slow to complain when they do not receive their services, because they are slow to draw attention to their condition and how it is being dealt with.

We would also admit, honestly, that some exciting initiatives have been financed. The Minister mentioned computerised cognitive behavioural therapy. What the Minister did not mention, however, was that funding for children's services has risen by only a paltry 4 per cent., and needs are growing by the day. Moreover, there is consensus across the Chamber that there is a problem with black and ethnic minority communities and the way in which the mental health services address their needs.

As has been made clear in the debate, addressing mental health problems means a huge win for society as a whole. Many benefit claimants, including increasing numbers of new claimants—that is quite important—are not at work owing to stress and anxiety. Professor Layard's work, which has been mentioned frequently this evening, has been very helpful both in underlining that key finding and in suggesting remedies, and there is evidence in my constituency that the Department for Work and Pensions is acting on his comments. More provocative and difficult, however, is his suggestion that social planners should be mindful of the mental casualty rate in modern society, and should plan accordingly.

The so-called happiness agenda is attracting the attention of commentators and politicians alike, and I expect it to feature to some extent in the general election, but it is by no means easy to see how the state can conspire to make its citizens happy. Most states that have tried have failed, or have done positive harm. The pursuit of Utopia normally leads to tears; a more modest goal might be to remove some of the more obvious obstacles to public happiness.

If the Government increase funding, stop top-slicing, encourage people back into work, fight discrimination, increase public understanding, and fight stigma through programmes such as their laudable Salford's Health Investment For Tomorrow, or SHIFT, programme—under which £1 million a year

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is being spent on fighting stigma—they will have our support. They will also have our support if they concentrate on providing more good therapies, such as talking therapies, rather than the chemical cosh. However, even according to their own analysis, they should forget about payment by results.

The Department of Health said that introducing payment by results would be "a major achievement", and that

"we are unaware of any country that has been able to implement this type of system".

To introduce it to an NHS system that is weighed down, if not crushed, by change seems in itself to be deeply deluded, if not downright pathological. How would payment by results make it possible to encourage doctors to take on more incorrigible cases? Why would trusts want to devote time and money to expensive talking therapies as opposed to simple drug prescription? How would it be possible to encourage the more imaginative therapies that involve families, use art and drama, and so on? I think that the Government should put payment by results on the back burner, and leave it there.

The Minister did not talk much about our motion. Let us consider it now. Little, apart from its origin, should prevent all Members from voting for it. Do we not all recognise that there has been historic underfunding? Do we not all acknowledge the burden of mental illness on the benefits system? Is not the top-slicing of budgets a fact, and have not the Government promised that the budgets will be reinstated? Are not age-appropriate settings a problem? All that is in the motion. Did not the Select Committee on Health warn that cuts in mental health provision were dangerous? Are we not all for expanding therapy services?

Were we not in this particular institution, which has its own eccentricities, and indeed delusions, we would all agree and go home—but the Chamber is, after all, a peculiar place. It is one of the few places where it is not considered odd to be standing up talking at length to oneself. So we must divide, but before we do so, let me break my initial resolution and congratulate my hon. Friend the Member for North Norfolk (Norman Lamb) on a powerful speech. He drew attention to lack of equity of access—a charge that was not rebutted. He also drew attention to long waiting times—another charge that was not rebutted—and to genuine, although not universal, cuts. Again, that charge was not rebutted.

In the spirit of co-operation, I congratulate the Minister on surviving the day with customary charm and cheerfulness, although also with a peculiar and understandable obsession with amendments to the Mental Health Bill. Finally, I congratulate the hon. Member for East Worthing and Shoreham (Tim Loughton) on his combative manner, and on his marshalling of facts—and on surviving the day as well. I cannot for the life of me see why they should not all vote for this very sensible motion.

9.45 pm

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): Whatever our differences might be on a range of issues, the subject of today's debate should unite Members in all parts of the House. Mental illness is the unspoken, eerie reality that touches many more families in our society than we will ever know. It can be short term or chronic, and affect young and old, affluent and poor, and black and white. It has the capacity to destroy lives—not only those of the individuals with the illness, but those of family members who frequently feel lonely and lost as the person they love changes into a stranger in their midst.

At the beginning of the 21st century, mental illness remains a great stigma, as Members of all parties have said. It is possibly the greatest stigma. To some it is a sign of weakness, to others a source of shame. For far too many, it is a barrier to the life chances and economic activity that most of us take for granted. If we are frank, it fuels fear, sometimes based on ignorance, sometimes on prejudice and sometimes on reality.

The closure of many psychiatric hospitals in the 1980s and '90s represented progressive policy which, sadly, was undermined by inadequate investment and support. By their actions, the then Tory Government tainted community care when, in a modern society, it should have been a beacon of individual human rights and collective civilisation and advance. As has been demonstrated in the debate on the Mental Health Bill, there has been through the ages, and there will always continue to be, a debate about the balance between the human rights of the individual and public protection, between the needs and wants of the service user and the views of family members, and between those whose focus is on the virtues of medication and others who stress the centrality of general well-being.

Balance is important in this debate. Beyond the patient is always a person with emotions, experiences, dreams, aspirations and fears—like the rest of us. Beyond the carer, is a mother, father, husband or wife who is confused, scared, lonely, perhaps hopeful, and sometimes optimistic. Beyond the victim is someone whose life has been shattered by someone with the label "mental illness".

True leadership in this area requires genuine objectivity and a commitment to the following: to attack the stigma that consigns mental illness to the "underground" of our society; to fight for the voice of people with mental illness and their families to be heard above the general din of ignorance, or of a high-profile case that is the exception not the rule; to ensure that in every area of life, from relationships to employment, individuals have the chance to pursue their potential, irrespective of their illness; and to protect society from those who represent a danger to themselves and others, through health and social care—plus, if necessary, secure accommodation and appropriate treatment.

As Members have said, we as a society have a new phenomenon to cope with: the reality among many of our older population of Alzheimer's and dementia, which ask new questions of both the health service and the social care system. Those developments reflect a demographic change that political parties that seek to take responsibility and govern in this country must seriously and fundamentally address.

On occasions such as this we must always celebrate the commitment, professionalism and dedication of front-line staff. They are too often the Cinderella of the health service and social care system. They work every

day of the week, often in challenging and difficult circumstances, to enhance the quality of life of people who they know have lots of potential and talent, which historically has often been suppressed simply because of the label that mental illness brings.

I shall now respond to hon. Members' contributions to the debate. The hon. Member for East Worthing and Shoreham (Tim Loughton) presented his usual humble and gentle self in the course of making his argument. We disagree with his claim that the proportion of overall health spend directed to mental health services has gone down under this Government. As for the record of the Government he supported, where I come from, a percentage of nowt is not very much. People remember the state in which the Conservative party left the mental health system—a Cinderella service in a grossly underfunded and neglected system—and the chaos and tragedies that ensued as a consequence of the Conservative Government's control of our national health service.

The hon. Gentleman asked about psychological therapy pilots. In due course, we will look to expand those pilots, and we are making resources available for additional pathfinder sites this year. He and other Members rightly raised the question of child and adolescent mental health services. Early intervention to prevent deterioration in children and young people's mental health is fundamental. I was amazed, however, that not one Opposition Member mentioned the dreadful state of CAMHS in this country only a few years ago. Significant additional resources and staff have been provided, with a much greater level of multidisciplinary working to bring together psychologists, nurses and professionals of different disciplines and teams. With that investment, at the end of December, 90 per cent. of primary care trusts had achieved the proxy targets that we set to define whether significant progress had been made on CAMHS. We believe that, by the beginning of April, the vast majority will have done so.

David Taylor: My hon. Friend will recall my bringing a delegation of CAMHS professionals from Leicestershire, led by my constituent, Dr. Ingrid Davidson, to meet him just a few weeks ago. Does he remember that their concern was that they felt pushed to the periphery of PCT priorities? As a Minister, how can he encourage PCTs to focus on the CAMHS aspect of mental health in a more positive and productive way?

Mr. Lewis: My hon. Friend did bring a delegation and with those professionals made strong representations about the centrality and importance of CAMHS to the national health service in his area. The message is clear: the progress made in CAMHS in recent years must be sustained; it must remain an NHS priority. The fact that the target has been hit in most areas is no ground for complacency. We must continue the sustained investment and focus on CAMHS. Where sufficient progress has not been made, the message to the commissioners is that they must commission improving services for children and young people.

My hon. Friend the Member for Hackney, South and Shoreditch (Meg Hillier) made an excellent contribution. As she rightly said, it is important that within two years no one aged 16 or younger shall be placed on an adult mental health ward. The reason that we are more hesitant about 17 and 18-year-olds is that the issues are much more complicated. It would be highly irresponsible of Government to make a commitment in Committee or the House that, for all sorts of difficult and complex reasons in the real world, they cannot be sure of fulfilling. That would be dishonest and dishonourable. It is therefore right that my right hon. Friend the Secretary of State is considering the issue further.

My hon. Friend was also right to raise concerns about the disproportionate number of people from black and ethnic minority communities who use mental health services. That is a public policy challenge that every single politician in this House should seek to address. She was also right to draw attention to the innovative and exciting work taking place in her constituency on routes to employment by the Derman group and other organisations in the voluntary sector and in statutory services, which is making a real difference.

The hon. and learned Member for Torridge and West Devon (Mr. Cox) made a thoughtful and passionate speech about the real-life stories at the sharp end of the mental health system, and talked powerfully about the "make a difference" project and its important self-help work. However, I say gently to him that we must not mix up people with learning disabilities and people with mental illness, although some people are in both groups; he was at risk of doing that. I am happy to talk to him separately about issues affecting people with learning disabilities.

Mr. Cox: Will the Minister give way?

Mr. Lewis: No, I cannot. I will speak to the hon. Gentleman separately.

The hon. Member for North South Work— *[Interruption.]* I meant the hon. Member for North Southwark and Bermondsey (Simon Hughes). You can tell that I am not from London, Mr. Speaker, which is not something that I am prepared to apologise for here or anywhere else. The hon. Gentleman was right to make the points that he made about universities and colleges and access to services for our armed forces. As for the emergency clinic in his constituency, his local community referred that issue to the Secretary of State, who asked for it to be looked at afresh and in a sensitive way. Such decisions are made on a local basis, as I understand it, and that is exactly what is happening. We do not control these decisions from offices, plush or otherwise, in Westminster and Whitehall. The Liberal Democrats always claim to be the party of maximum devolution—until it suits them not to be.

The World Health Organisation has stated objectively and independently that England has the best mental health services in Europe. However, we are not complacent;. We recognise that there is still a long way to go, but once again, in their motion and in this debate, the Liberal Democrats have launched an attack on the Government that not only fails to acknowledge the real progress that has been made in the past few years, but demands extra spending without any indication of where the resources would come from. So where would they come from—higher taxes, cuts to other parts of the NHS and social care budgets, or perhaps a combination of the two? The fact is there are no mystery options. That is the reality of responsible

[Mr. Ivan Lewis]

government—not the facile opportunism of "Focus" leaflets and permanent opposition.

Earlier this year, the Liberal Democrats' Front-Bench health spokesperson, the hon. Member for Romsey (Sandra Gidley), gave the game away on their social care policy. She told a shocked Chamber how she regretted that her party had misled people in its last election manifesto by claiming to offer free personal care. Any party that can, by its own admission, so shamelessly exploit and mislead older and disabled people and their families cannot be trusted to champion the very real concerns of people with mental illness and their carers.

The Tories have form on mental health, having put vulnerable people in bed-and-breakfast hotels. Will we ever forget the shame of those consequences of Tory mental health policies in the 1980s and 1990s? In contrast, we will continue step by step to rebuild mental health services that reflect the realities and challenges of our modern society. I urge the House tonight to reject the Liberal Democrat motion and to—

Mr. Jeremy Browne (Taunton) (LD) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House divided: Ayes 86, Noes 290.

Division No. 108] **[9.59 pm**

AYES

Afriyie, Adam
Alexander, Danny
Baker, Norman
Barrett, John
Beith, rh Mr. Alan
Blunt, Mr. Crispin
Brake, Tom
Breed, Mr. Colin
Burns, Mr. Simon
Burstow, Mr. Paul
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Clark, Greg
Clegg, Mr. Nick
Cox, Mr. Geoffrey
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Dorrell, rh Mr. Stephen
Evans, Mr. Nigel
Fallon, Mr. Michael
Farron, Tim
Foster, Mr. Don
Goldsworthy, Julia
Goodwill, Mr. Robert
Gove, Michael
Hancock, Mr. Mike
Hands, Mr. Greg
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Hollobone, Mr. Philip
Holmes, Paul
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunter, Mark
Jackson, Mr. Stewart
Keetch, Mr. Paul
Kramer, Susan
Lamb, Norman
Laws, Mr. David
Leech, Mr. John
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Moore, Mr. Michael
Mulholland, Greg
Oaten, Mr. Mark
Opik, Lembit
Penning, Mike
Pugh, Dr. John
Reid, Mr. Alan
Rennie, Willie
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Spink, Bob
Stunell, Andrew
Swinson, Jo
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Watkinson, Angela
Webb, Steve
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Jeremy Browne and Mr. Dan Rogerson

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Colley, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick

Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Ryan, Joan
Sailer, Martin
Sarwar, Mr. Mohammed
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Speller, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Steele, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Twigg, Derek
Usher, Kitty
Vis, Dr. Rudi
Walley, Joan
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Steve McCabe and Huw Irranca-Davies

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the extra £1.65 billion spent on mental health services since 2001; supports the record number of staff working in mental health since 1997 including almost 9,400 more psychiatric nurses and over 1,300 more consultant psychiatrists; further welcomes the lowest suicide rates since records began; recognises the work of the 700 new mental health teams in the community; notes the national patient survey, which shows that 77 per cent. of community patients rate their care as good, very good or excellent; recognises that between 2001 and 2005 £1.6 billion capital was spent by mental health trusts on improvements to mental health wards; further welcomes the Government's commitment to expanding access to psychological therapies; and further welcomes the Government's Mental Health Bill, which will update the legislation to reflect advances in knowledge and new ways of treating people, particularly in the community.

EUROPEAN UNION DOCUMENTS

LIMITING GLOBAL CLIMATE CHANGE

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

That this House takes note of European Union Document No. 5422/07 and Addenda 1 and 2, Commission Communication: Limiting Global Climate Change to 2 degrees Celsius—the way ahead for 2020 and beyond; endorses the Government's support for the ambitious reduction targets that the EU has put forward; and supports the Government's objective of ensuring that European policy on climate change continues to demonstrate the leadership that is necessary to galvanise the international community to work towards a global and comprehensive post 2012 agreement.—*[Liz Blackman.]*

Question agreed to.

DELEGATED LEGISLATION

CATTLE IDENTIFICATION REGULATIONS

Ordered,

That the Cattle Identification Regulations 2007 (S.I., 2007, No. 529), dated 19th February 2007, be referred to a Delegated Legislation Committee.—*[Liz Blackman.]*

Dog Fighting

Motion made, and Question proposed, That this House do now adjourn.—*[Liz Blackman.]*

10.16 pm

Mr. Greg Hands (Hammersmith and Fulham) (Con) *rose—*

Mr. Speaker: Will hon. Members leave the Chamber quietly? There is an Adjournment debate.

Mr. Hands: Thank you, Mr. Speaker.

I welcome the opportunity to speak about a matter that, in recent years, has been of mounting concern in my constituency and across the UK: organised and impromptu dog fighting. I first became aware of the problem of dog fighting a few years ago during a chance encounter with Val Barker, who is the chairwoman of the Clem Attlee, Maton and Rocque tenants and residents association in my constituency. The Clem Attlee estate is one of the largest estates in Hammersmith and Fulham. Val told me of the growing problem of youths breeding dogs for fighting and then sometimes gambling on the outcome of the contest. My initial reaction was that it was a totally mediaeval practice and must surely be a one-off, but I soon started to hear reports of dog fights from other estates and even leafy streets in south Fulham.

Val Barker tells me that the problem has worsened since she first mentioned it to me. On the Clem Attlee estate, many teenagers are hanging around with—most often—Staffordshire bull terriers. They are often to be seen around the enclosed football pitch. Some dogs are held inside the pitch area and others are held outside. They are encouraged to be aggressive towards each other through the fence. Sometimes full scale fights break out later, which often put an important facility such as an estate football pitch out of action.

I have to confess that I am not the greatest expert on dogs. I have never owned one and I have never had much contact with them. I am not fanatical about animal rights, but I do believe that needless cruelty to animals needs to be stamped out. Over the past 10 years, I have taken a big interest in everything that happens in Hammersmith and Fulham, including—if not especially—on the big estates. The combination of antisocial behaviour, gambling and animal cruelty is probably unique, in our times at least. My views on gambling have become increasingly negative over the years: I know that it is a major cause of family breakdown and indebtedness, especially, but not entirely, among working-class households.

Another good source of local information on the dog phenomenon is Gaye Rose from the Hammersmith and Fulham Federation of Tenants and Residents Associations, which is the umbrella group for social housing tenant groups within the borough. She agrees with me that dog fighting is a problem right across the borough. There is a group of young men who live on Coningham road—not far from where the Minister lives—who train their dogs on the grounds of the White City estate. On the William Church estate, the same problem exhibited itself until effective action was taken by the council's street wardens and the local police. There has been a terrible problem at De Palma Court, near Fulham Broadway, with two pit bull terriers being exercised in the grounds. It is a small, quiet block of about 16 flats—if memory serves correctly—with generally elderly tenants. At a recent tenants' meeting, residents were so concerned that they presented local housing officers with photos of the phenomenon.

I am told that a whole family on Adam walk, a new development in Fulham, is training Staffordshire bull terriers to fight against both dogs and people. It seems that there are outbreaks of such behaviour throughout the borough, but one estate is mentioned more than any other as being perhaps the epicentre of dog fighting in Hammersmith and Fulham: the Flora Gardens estate, where it seems that many of those dogs are kept and trained. Although this is not unique to Hammersmith and Fulham, the police will generally confiscate weapons, but they steer clear of dogs. However, these dogs are a form of weapon. The police generally get a good write up from tenants on the Clem Attlee estate for their work on fighting drugs, but no one has seen much action against dangerous dogs, at least as yet.

Councillor Greg Smith, the council's cabinet member for crime and antisocial behaviour, has briefed me about some of the less obvious problems caused by dogs being trained to fight. Much of the training takes place on parkland with trees. The dogs have their jaws strengthened through the practice of leaving them to hang by their mouths from the branches of trees. The practice is cruel to the dogs and also gravely damages the trees. It is a particular problem in the north of the borough on Wormwood Scrubs, where many trees have been destroyed. Ravenscourt and Marcus Garvey parks are also favoured haunts for the trainers of those fighting dogs.

More dangerously, dogs are sometimes trained to hang from the horizontal bar of children's swings in the borough's play areas. I am not an expert on the safety of play equipment, but swings are certainly not designed to be submitted to such treatment. Children's safety might be at risk, while actual and psychological harm is being done to the dogs.

The council recently introduced a full set of dog control orders. They came in only six weeks ago, so council staff are still being trained to enforce them. I do not have time to describe all the orders, but dogs must now be on a lead at all times in the borough's cemeteries, all its wildlife conservation areas and various parts of its parks.

Councillor Smith tells me that many dogs have been killed through fighting in the borough in recent years, although no one knows quite how many. Last year, a woman walking on Wormwood Scrubs lost a chunk of her ear thanks to one of those dogs and more serious incidents might arise in the future. Additionally, there is a big problem with intimidation. Many walkers and the owners of other dogs are simply afraid to go near any of the more well-known locations for dog fighting. The new council in Hammersmith and Fulham is following a tough approach on antisocial behaviour, although some in the local Labour party say that it is too macho. I know that the council will take a zero-tolerance approach on dog fighting.

I have become increasingly concerned about dogs that are kept as status symbols or fashion accessories. Anyone on the streets of Hammersmith and Fulham

can see the phenomenon. The phrase most often used by residents who contact me about the problem is "blinged-up Staffs". Given the nature of the hours of the House, I often emerge from Fulham Broadway tube station at about 11 pm, or roughly chucking out time. That is often a hazardous time on the broadway because one needs to get past hordes of tipsy or drunken people spilling out of the concentration of pubs there. However, a few months ago, I was surprised to see a new hazard in the late-night scene on Fulham broadway. Two male teenagers were walking their dogs in the dark. The dogs were Staffs and they were blinged up, as it happens. The teenagers were not walking the dogs in the sense that hon. Members would understand, but strutting around with them and looking proud as peacocks with their new and terrible fashion accessories.

In many other cases, the dogs are kept not as fashion accessories, but to intimidate other people, for impromptu dog fights on estates or in parks, or even to guard stashes of illegal substances. Such animals will typically become guard dogs for drugs that are concealed in homes and cars. Thankfully, the Royal Society for the Prevention of Cruelty to Animals is aware of those phenomena. It says that

"these dogs are traditionally—but not exclusively—associated with young people on inner city estates and those involved in criminal activity".

It tells me that the problem exists in all our large cities, but especially in London. The problem is associated with not just white working-class males—the RSPCA tells me that youths of Pakistani origin breed so-called bully cutters for fighting. Those huge dogs are apparently bred and trained for fighting and can be extremely aggressive.

The RSPCA worries especially about the use of dogs as status symbols and participants in impromptu, but none the less illegal, dog fights. It tells me that the phenomenon is growing rapidly throughout the UK. Sometimes the fights are recorded with mobile phone cameras, like the canine equivalent of happy slapping. The RSPCA particularly urges action against the breeding factories, which are most typically located in lock-up garages, warehouses and disused buildings. Smaller versions appear in individual flats on estates or streets across Britain.

Turning to the legislative environment, the Animal Welfare Act 2006 had a number of important provisions on dog fighting that I welcome. It is now an offence for anyone to arrange an animal fight, to knowingly participate in making or carrying out arrangements for an animal fight, to make or accept a bet on the outcome of an animal fight, to take part in an animal fight, to knowingly receive money for admission to an animal fight, to keep or train an animal for use in connection with an animal fight, to keep any premises for use in an animal fight, or to knowingly supply, publish or show a video recording of an animal fight. That list sounds extremely comprehensive, but the key, as ever, is in the enforcement. There are one or two other matters that require legislation, but generally most of the attention should focus on enforcement in future.

One of the weaknesses of the Dangerous Dogs Act 1991 was its focus on breeds rather than behaviour. According to people who know far more about dog breeds than I do, these days, there are very few pure-breed pit bull terriers, but there is a huge and increasing number of cross-bred pit bulls. Pit bulls are bred with Irish bull terriers and other breeds, mainly so that people can get round the law prohibiting pit bulls. I agree with the RSPCA that the legislation needs changing to create more control over the behaviour of dogs and how they are trained. Responsibility should be placed on the owner, and there are strong arguments for specific offences of encouraging a dog to show aggressive and intimidating behaviour.

In the past 10 years, there has been a huge decline in the number of prosecutions under section 2 of the Dogs Act 1871, which relates to having a dog that is dangerous and not kept under control, and under section 1(3) of the Dangerous Dogs Act 1991, which relates to being in possession of a prohibited dog without an exemption. For example, in 1992, there were 209 prosecutions under the Dangerous Dogs Act 1991, but that declined to just one in 2003, before rising to a mere 11 in 2005. As I mentioned, there were new offences relating to fighting in the Animal Welfare Act 2006, but the new offences do not capture the breeding of dogs for fighting. RSPCA officers have raided what could be called breeding factories, where different types of dog commonly used for fighting are being cross-bred to produce stronger and more aggressive animals.

The RSPCA has 80 dogs in kennels in connection with dog fighting offences, and it is rare for cases to come to court less than a year after the intervention. It costs the RSPCA about £300 a month to maintain a dog in kennels while it waits for the case to come to court, and that is before any veterinary fees are taken into consideration. Taking action is expensive for the RSPCA, which is often left to pick up the bill while trials are awaited. Clause 8 of the Animal Welfare Act 2006 does not make it a criminal offence to breed dogs for the sole purpose of fighting, and that means that unscrupulous breeders cannot generally be prosecuted, and that needs to change.

The provisions in the Dogs Act 1871 that make it an offence to possess a dog that is dangerous and out of control cover both private and public places. The Dangerous Dogs Act 1991 applies to public places only. I am not often in favour of the police, or local authority or RSPCA inspectors, having new rights of access to private homes or other private places, but there is an argument for providing such rights in the case of those suspected of training dogs for fighting.

To conclude, I will set out the legislative changes that may be needed. First, we should make breeding dogs for fighting a criminal offence. Secondly, we should provide inspection rights in relation to properties in which it is suspected that dogs are bred and/or trained for fighting. Thirdly, offences should be behaviour-specific, rather than breed-specific. Fourthly, offences should include an element of aggravation if the owner intentionally caused the dog to be aggressive, for example through its training. The latter might be difficult to prove, but punishments should be severe for those who breed and/or train dangerous dogs to fight each other, or even worse, to attack humans. The enforcement of existing laws is more important than creating new laws. The number of prosecutions has fallen dramatically in the past 10 years, and I look forward to hearing what the Government intend to do to combat this terrible and dangerous scourge.

10.29 pm

The Minister for Local Environment, Marine and Animal Welfare (Mr. Ben Bradshaw): I am grateful to the hon. Member for Hammersmith and Fulham (Mr. Hands) for raising the issue of organised dog fighting. It is a barbaric activity, which has no place in a civilised society. Parliament first passed laws to stop it in 1835, and it is a sad reflection that nearly 200 years later we are still debating the same problem.

In many cases, dog fighting is associated with other crime. Organised fights can be highly organised. People may travel hundreds of miles to attend, and large sums of money are placed as bets on the outcome. Fighting dogs may change hands for £1,000 to £2,000. Recordings of fights are often made, and may be supplied to people who either take perverted pleasure in watching animals suffer or are in the business of buying and selling fighting dogs and need evidence of their "gameness" to keep their price high. There are worries, too, that pet dogs are being stolen to be used in the training of fighting dogs, and I should like to thank the Dogs Trust and others for raising public awareness of the issue.

Robust laws are in place to deal with any form of theft, but the loss of a dog always causes immense heartache. I urge dog owners to be vigilant and to make sure that their pets are kept in secure areas as far as possible. I join the hon. Gentleman in applauding the work done by the police and the RSPCA in investigating and prosecuting offences related to fighting. I recognise, too, that a lot of effort, particularly with regard to intelligence gathering, has to be put in to bring the culprits to justice. Recently, the issue of dogs being bred for fighting has been given media attention following the tragic death of Ellie Lawrenson on 1 January after being attacked by a pit bull-type dog in Merseyside. As hon. Members know, dog fights normally involve pit bulls, and the keeping of such dogs is banned under the Dangerous Dogs Acts. The action taken by the police in the wake of Ellie's death to combat the keeping of pit bull-type dogs, which included an amnesty that resulted in 107 dogs being seized, has confirmed that a significant number of those dogs are still held illegally. They are kept for a variety of purposes—not just fighting—and I would not want to draw any rushed conclusions as to whether the problems that have occurred in Merseyside indicate that dog fights are about to become as commonplace as they were in the 1980s before the Dangerous Dogs Acts came into force.

The hon. Gentleman highlighted a number of his constituents' concerns about problems in his area. I have not had the chance to reflect on them, but my initial response is that many of the problems that he outlined sound illegal. They would, in my view, be illegal. If they have not been reported, they should be reported both to the police and the RSPCA. He said that in many cases the police, the RSPCA and his local street wardens had already taken effective action in Hammersmith and Fulham to help to tackle the problem. He said that pit bull terriers were exercised in communal gardens and spaces. The mere possession of such dogs is illegal, so if that phenomenon has not been reported to the police already, I suggest that it should be. If he has not already done so, he may wish to seek a meeting with his local police or, indeed, the Metropolitan police, to press his view that dog fighting and the keeping of illegal dogs should be taken more seriously.

The hon. Gentleman mentioned that dog control orders had been, or were in the process of being, introduced by his local authority, which I very much welcome. Those are new measures that the Government introduced to help local authorities clamp down on problem dogs and problem dog owners in a particular area without having to go through too many bureaucratic hoops and loops. He mentioned the problem of blinged-up Staffs outside Fulham Broadway—I think that that is how he described it—being walked after dark as status symbols. One has to be careful—and he alluded to that later in his speech—not to blame the dogs themselves. Staffs are a perfectly legal breed, and many people tell me—like the hon. Gentleman, I am not a dog owner—that they can make extremely lovely, loyal and well-behaved pets. In the wrong hands, however, they can be intimidating and unpleasant for bystanders. The fact that they are dressed up may be a fashion statement but it does not, in itself, cause offence. Obviously, if the dog then causes problems or the owners behave aggressively, that may contravene the laws to which I have referred. As the hon. Gentleman mentioned, there has been a decrease in the number of prosecutions brought for pit bull ownership under the dangerous dogs legislation, but I would expect that to happen after the Acts were passed. In the immediate aftermath, more prosecutions would be brought in relation to pit bulls and pit bull-type dogs than in relation to other species.

Mr. Hands: The Minister is right, but that does not explain the decline in prosecutions under the Dogs Act 1871, which has obviously been in place for more than 130 years.

Mr. Bradshaw: I will address that issue, because I think that I may have misunderstood one of the hon. Gentleman's points and should correct the record. Under some elements of the 1871 Act, there has been an increase in prosecutions over the past 10 years or so. In 1992, for example, there were 310 prosecutions under the section that makes it an offence to allow a dog to be dangerously out of control in a public place, injuring a person. There were 645 prosecutions in 2005, the last year for which figures are available. Similarly, as regards prosecutions of a person in charge allowing a dog to enter a non-public place and injure a person, there were 20 prosecutions in 1992 and 44 in 2005.

Prosecutions for breeding have indeed declined since 1992, but that is comparable with prosecutions for possessing an illegal breed. One would expect prosecutions to decline as the clampdown kicks in and fewer illegal breeds are bred or owned. That is reflected in the fact that the number of prosecutions for possession of an illegal breed has fallen from 209 in 1992 to 11 in 2005. However, the overall number of prosecutions under the 1871 Act and the Dangerous Dogs Act 1991 are still significant at 1,335 for 2005, the last year for which figures are available.

I hope that the attention that the hon. Gentleman has brought to this issue, and that several recent tragic cases have brought to it, will result in a new vigour by the police and enforcement authorities in taking this issue very seriously. However, I recognise that there are

problems with enforcement, particularly when it comes to recognising pit bull-type dogs. In some areas, that may lead the police to give it a low priority.

The hon. Gentleman will be aware that we are undertaking a complete review of the 1991 Act in light of the recent attacks. That was spurred initially by my concern that under the law in this country, in contrast to that in most other countries, the convictions and punishments available to the authorities for attacks that take place on private property are far less serious than those for attacks that take place on public property. When a human being is injured or killed, as some have been in certain circumstances, many people fail to understand why the matter should be treated much less seriously if it takes place on somebody's private property than it would on public property. I simply draw the House's attention to the fact that the ongoing proceedings in respect of the Liverpool case are for manslaughter, so clearly the Crown Prosecution Service and the police believe that there are existing powers to prosecute for serious offences when an attack takes place on private property.

We have written round to all the police forces, including the Metropolitan police, and to the Association of Chief Police Officers, asking for their views on the operation of the 1991 Act. I urge the hon. Gentleman, and any hon. Member who has an interest in this area, to feed into that review. We have also asked formally for the views of animal welfare organisations such as the RSPCA and the Dogs Trust. For some time, the RSPCA and, in particular, the Dogs Trust have been campaigning against the breed-specific bans contained in the 1991 Act passed by the previous Administration in the belief—I have some sympathy with this—that the deed, not the breed, is the real issue at stake.

I have to tell the House that it would be hugely controversial with the public, who have memories of those terrible cases in the 1980s that involved breeds that were far more terrifying, big and specifically bred for fighting than, for example, a Staffordshire bull terrier, to allow those breeds again. Indeed, most other European countries have followed the UK in introducing some sort of restriction on them. However, that does not mean that I do not fully accept the hon. Gentleman's comments about the need to consider more carefully the behaviour that is associated with the sort of dog fighting that he describes in his constituency. It sounds as if it happens on a more ad hoc, less formal basis, although some of the more serious organised criminal gangs and syndicates are involved. The Animal Welfare Act 2006 is a commoner's Act and it is therefore possible for any Member of Parliament, organisation or institution to take out a prosecution under it. I hope that the police and the courts use the new powers, some of which the hon. Gentleman mentioned, to ensure that the public are aware of how seriously we take the issue.

The penalties that are now available to the courts as a result of the 2006 Act have been increased. The maximum fine has increased from £5,000 to £20,000. The Act also provides for offenders to be jailed for up to 12 months. I hope that the courts will take seriously the offences that the hon. Gentleman described. As he also said, the Act contains improvements, which include repealing the vague and confused rules that enabled culprits to escape justice in the past. The law now clearly defines all the activities associated with dog fighting. They are not confined to people who actively manage the fighting ring or spectators at the fight, but also cover those who may not necessarily be present but are involved in promoting it. The RSPCA and others welcomed such changes to the law.

Like the hon. Gentleman, I deplore the current macho youth culture of keeping dangerous dogs as a status symbol. It is worrying, and clearly the law is being broken if the dog is of a banned breed. As part of our review of the Dangerous Dogs Act 1991, we want to examine whether there should be more training for police in recognising breeds. The hon. Gentleman is right to say that that can be difficult in some circumstances. More publicity is required for the public, a new generation of whom have grown up long since the introduction of that Act almost 20 years ago. They may not even be aware that what they are doing is illegal.

It is also illegal to keep a dog in a way that is incompatible with its welfare. I believe that that would cover some of the issues that the hon. Gentleman mentioned. People who committed such an offence would fall foul of the cruelty provisions of the 2006 Act. Hanging dogs from trees to strengthen their jaws is in that category. It is also illegal to have aggressive dogs that cause harm to the public. It is important to convey the message from the House that those who break the law could be heavily fined and, in the worst cases, sent to prison.

I remind hon. Members that dog fighting, like any other criminal activity, can be effectively tackled only if members of the public are willing to come forward and tell the police when they suspect that a fight is being arranged or has taken place. I urge members of the public who are worried about dog fighting in their local area to do that. However good one's laws, they can work only if we work together to end this abhorrent activity.

Question put and agreed to.

Adjourned accordingly at seventeen minutes to Eleven o'clock.

House of Commons

Wednesday 9 May 2007

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

Democratic Republic of the Congo

4. **Robert Neill** (Bromley and Chislehurst) (Con): What steps he is taking to promote civil society in the Democratic Republic of the Congo. [136209]

The Secretary of State for International Development (Hilary Benn): We have given significant support to civil society in the DRC, both before and during the elections, to enable organisations to undertake civic education and to act as observers, and we are also supporting the media to help improve accountability. More than 30 per cent. of our support goes mostly to international non-governmental organisations to deliver programmes. That support will include £27 million over three years to two large NGOs to provide free basic health care in 20 health areas.

Robert Neill: Does the Secretary of State agree with the continuing concerns highlighted on Radio 4's "Today" programme this morning about arbitrary arrest and violence by President Kabila's regime towards political opponents? There are also problems of rampant corruption, especially in the extractive industries, and a continuing history of a lack of development in the basic infrastructure. Will the Government put renewed pressure on President Kabila to end those autocratic practices, as without a real and meaningful development of civil society all our increased aid budget will be frittered away? Is not a significant civil society a prerequisite for meaningful and long-term economic development?

Hilary Benn: I agree completely with the hon. Gentleman. The DRC is a country where virtually everything is broken. That is the truth, as I saw for myself on my recent visit, and as did the hon. Member for Sutton Coldfield (Mr. Mitchell), the Opposition spokesman on international development, who has also been there recently. I raised precisely that point in my meeting with President Kabila, because the people of the Congo want to see that the Government will reach out and embrace the Opposition there and allow civil society the time and space to acquire a voice. In that way, for the first time in their lives, people will be able to experience good governance. Unless good governance comes to the Congo, none of the problems to which the hon. Gentleman referred will be dealt with, but establishing it will take time.

Jeremy Corbyn (Islington, North) (Lab): I strongly commend the Secretary of State for the huge personal effort that he has made, and the amount of work that he has done, in supporting the Democratic Republic of the Congo and in getting the election process under way. Will he do his best to ensure that the Government of the DRC use the country's enormous mineral wealth, and any aid that is being donated, to develop primary education? I visited the DRC last year as an election observer, and it seemed to me that the illiteracy rate was rising not falling. Unless we address that, all the other development goals will be impossible to achieve.

Hilary Benn: I pay tribute to my hon. Friend and to hon. Members on both sides of the House for the interest that they have taken in the Congo. Indeed, a number of hon. Members acted as observers in the elections to which the UK was proud to be the largest contributor. That was an extraordinary moment in the country's history.

My hon. Friend is right to say that the DRC does not lack natural wealth. The truth is that it has been raped and pillaged—first by its colonial masters, and then by some of the neighbouring countries. That treatment is now being continued by some Congolese, but good governance is the solution, as that will ensure that the natural resources are used in the interests of the people and not of the private pocket.

We are working with the World Bank on a programme to help abolish school fees in part of the country. For the very poorest families, they act as an obstacle to getting children into the classroom, which is where they belong. Education, good governance and an open form of politics are three essential elements that must be secured if the country is to make progress.

Sir Nicholas Winterton (Macclesfield) (Con): I commend the Secretary of State for what he is doing in Africa and in the Democratic Republic of the Congo, but he will be aware that the Government of that country and President Kabila have a unique relationship with President Mugabe in Zimbabwe. Is the right hon. Gentleman able to exert pressure on Zimbabwe, through President Kabila, to promote civil society in that country? I hope that he feels that we should use every avenue open to us to try to bring a change in Zimbabwe, as well as in the Democratic Republic of the Congo.

Hilary Benn: May I simply say that the development of civil society is vital for all countries and communities, including Zimbabwe? As I have said to the hon. Gentleman before, if the countries neighbouring Zimbabwe spoke up more loudly and truthfully about what is going on there we would see faster progress towards enabling the people of Zimbabwe—and of the DRC—to express their views, openly and without fear, about what they want to happen to the future of their country.

Mr. Chris Mullin (Sunderland, South) (Lab): Does my right hon. Friend believe that the Congo's ruling elite has understood that the purpose of government is to benefit the welfare of the people, and that it is not an exercise in looting? What progress has been made towards the integration of the army? As he knows, it does not defend the people but poses a threat to their welfare.

Hilary Benn: The cultural and political change—if I may describe it in that way—to which my hon. Friend refers in the Congo can be described only as work in progress, because it has a long way to go. Army integration is an example of that. There has been some progress, but one of the difficulties is that the large amount of money that comes out of the Exchequer every month to pay for the armed forces does not bear a direct relationship to the number of soldiers who need paying. One of the points that I made to President Kabila both on my recent visit and previously is that if the Government of the DRC want the international community to give more support to army integration—the UK is doing something to provide tents and clean water to those who are part of the integrated brigade—they have to demonstrate that the money that the donors are putting in is being used for the purpose for which it is intended. Army integration is crucial to the future of the country. The country has to stop having separate armed forces representing separate political groups. There is one elected President. The army must come behind that President and act on behalf of the country as a whole.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): In spite of the Congo's awful history and the accurate comments made by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), does the Secretary of State agree that the recent elections, the performance of the United Nations forces, whose mandate must be renewed, and the support of the British taxpayer all give some grounds for optimism in a country whose stability and prosperity is crucial to that of all of Africa? Since it is clear that building space for the Opposition in Parliament there is of vital importance, will he say a little more about his Department's future plans for supporting the promotion of that?

Hilary Benn: I agree with the hon. Gentleman. Despite all the difficulties that we have just been discussing, the transitional Government represented real progress and the elections—the first for 43 years—were extraordinary. I join him in paying tribute to the contribution of the United Nations Mission in the Democratic Republic of the Congo. I agree with him that MONUC has got to stay there for quite some time, because the country needs the security and the reassurance that it provides. I specifically raised with President Kabila the issue of space for the Opposition. I met members of the Opposition both in the National Assembly and separately. It was hoped recently that they would meet President Kabila. I understand that that meeting has not taken place, although they met one of his advisers. Some of the Opposition have now gone back into Parliament, having boycotted it for a while. This issue is the real test. In the end, President Kabila is the President of the whole country and he has a great responsibility, as well as an opportunity, to reach out to all those who won representation in the elections and to show that the Congo will be a country in which people can say what they think and participate in that very fragile democracy, which, if they commit to it, will allow the country to move forward. I can assure the hon. Gentleman and the House that we are going to stick with that process every step of the way.

Judy Mallaber (Amber Valley) (Lab): I also applaud the work of the Secretary of State and the progress that has been made in the DRC. Will he tell us a bit more about what President Kabila said, on the Secretary of State's recent visit, about providing space for the Opposition? We have met Opposition politicians here who have been concerned about that. What support can we continue to give via EUSEC—the EU security sector reform mission in the Democratic Republic of the Congo—in particular in relation to the crucial issue of the security forces and their integration?

Hilary Benn: President Kabila expressed to me his commitment to the democratic process. In the end, the international community should judge the President and the country by what it does, as well as by what it says. Only time will provide the answer. On EUSEC, we have provided support in the form of the secondment of staff and we have provided funding, as I indicated in answer to an earlier question. For the reasons that I set out, it is important that the process of army integration continues.

Water Supplies

2. **Jim Sheridan** (Paisley and Renfrewshire, North) (Lab): What steps his Department is taking to promote the availability of clean drinking water in developing countries. [136206]

3. **Mr. Shailesh Vara** (North-West Cambridgeshire) (Con): What steps his Department is taking to promote clean water and sanitation in the developing world; and if he will make a statement. [136207]

The Secretary of State for International Development (Hilary Benn): We will double our expenditure on water and sanitation in Africa, where the millennium development goal targets are most off-track, to £95 million a year by 2007-08, and then double it again to £200 million a year by 2010-11. Last November, I published a global call to action on water and sanitation. We need both developing country Governments and donors to do more, we need to invest more and to ensure that money is spent effectively, and we need to put the best structures in place to make all of that happen.

Jim Sheridan: Like me, my right hon. Friend will have visited developing countries such as Ghana and Nigeria and seen at first hand the lack of proper drinking water and the poor sanitation. What tangible efforts could be made in terms of the World Bank to assist us in our millennium goals and in solving the problem of poor sanitation in developing countries?

Hilary Benn: It is a question of funding—there needs to be more funding for water and sanitation from the international community, donors, multilateral

institutions and the Governments of developing countries themselves—and giving local authorities in the growing towns and cities of the developing world the resources that they need to provide water and sanitation as their populations increase. It is also about changing cultural attitudes and habits, which is why our support for the community-led total sanitation initiative is a really good thing. The initiative has shown its capacity to change attitudes throughout the world and to get people to realise that if they do not deal with sanitation, they undermine the health of their community. We need more of that.

Mr. Vara: Given that more than 1 billion people throughout the world lack access to clean water, what is the Secretary of State doing to ensure that that important issue is on the agenda of the G8 meeting in June?

Hilary Benn: By our own actions we have increased investment, which I have described to the House. The global call that I issued in November was all about trying to raise the profile of the issue. I am pleased to report to the House that at the recent spring meeting of the World Bank, we reached an agreement that there should in future be one annual report on how the world is doing and one annual meeting at which we can gather to determine what needs to be done next and to divide up the work. The UN has indicated that it is prepared to nominate one lead UN body in-country to be the vehicle through which support for water and sanitation will be provided, which represents real progress. I assure the hon. Gentleman that we will continue to press the matter, including through the G8.

Mrs. Ann Cryer (Keighley) (Lab): To return to my right hon. Friend's comments about changing habits, is he aware that the local authority in Nairobi had well-advanced plans some months ago to pipe water to one of the city's largest slums, but that the plans had to be withdrawn owing to landlords' threats of violence because they were making too much money out of selling water in that slum?

Hilary Benn: The story that my hon. Friend tells draws our attention to the difficulties that countries face as they try to make progress. In the case that she cites, the landlords have a vested interest in the existing system because, as the House knows, the highest prices for water are paid by the people who buy it in plastic bags and buckets from water sellers. In Ghana, such people pay five to six times as much for water as those who get it through the leaky, creaky water supply system. That illustrates that one problem that local authorities face is how they deal with informal settlements. There is a question whether there will be recognition of the fact that millions of people live in an area and whether clean water will be provided, and that shows what a big task local authorities face. That is partly about governance and partly about resources.

Mr. William Cash (Stone) (Con): Will the Secretary of State note that I have tabled an early-day motion, which has been signed by the chairmen of six all-party groups connected with Africa, that calls for support for the "End Water Poverty" campaign? Some 193 Members—soon the number will be more than 200—from all parties have signed the early-day motion, which, as it happens, is supported by Conservative Front Benchers, to call for the problems to which the Secretary of State has just referred to be remedied. Is he aware that we are going to Downing street on Saturday to present a petition about the matter? WaterAid and Tearfund, which have led the campaign, deserve every conceivable support. Does he agree that the £95 million a year that he is proposing might not be adequate and that we need to do more?

Hilary Benn: I agree with the hon. Gentleman's very last point, and that is why we will double the amount again when we reach the £95 million figure, because the problem is greatest in Africa. I am grateful to him for telling me about the petition that will be presented. I join him in paying tribute to the two organisations to which he referred, which we support and work with, because this is a great global cause—frankly, we need all the help that we can get. Above all, the people who do not have clean water and sanitation need all the interest and attention that we together can garner so that progress can be made to improve their lives.

Ms Sally Keeble (Northampton, North) (Lab): What is my right hon. Friend doing to improve access to water and sanitation in the slums? Is his Department working with UN-Habitat to examine the upgrading of slums and the likely impact of that on improving access to these services?

Hilary Benn: I have met Anna Tibaijuka, who heads up UN-Habitat, to discuss the slum upgrading programme and the facility that she is advocating. In the end, the most important thing is to give resources to the people who have responsibility for providing clean water and sanitation in the urban areas of Africa and Asia. This country's history shows that local authorities, as they developed, were principally responsible for putting in place piped water and sewerage systems, which did more than anything else in 19th century Britain to prolong life expectancy. Developing countries are going through exactly the same process, and we need to ensure that they have the means, the political will—that must come from within—and resources at a local and city level, given that that is where the investment must be made.

Mrs. Nadine Dorries (Mid-Bedfordshire) (Con): The Select Committee on International Development's recent report highlighted the fact that sanitation is a poorly performing target within the Department, and it recommended the establishment of a sanitation agency. I cannot support that request. Does the Secretary of State not think that it would be more appropriate for him, his Department and his civil servants to highlight sanitation as an issue, to focus on it and to try to improve the situation?

Hilary Benn: I think that that is what we are doing. In fairness to the Select Committee, it acknowledged that the UK played a leading role in securing a millennium development goal target on sanitation, which was agreed in 2002. Britain deserves credit for having pushed for that. Secondly, our support for the rural hygiene, sanitation and water supply project in Bangladesh has helped 7.7 million people in the first five years, and we are funding a UNICEF programme in India that aims to reach 213 million people. In

addition, the community-led total sanitation initiative is a practical way of dealing with the problem. It is very blunt and direct; it involves going into villages and saying, "We've got to take a decision to stop open defecation in this village because that's the cause of a lot of ill-health," and it works, because it does not have a fixed plan. It works with the community and finds solutions. In some cases, the price of the plates that are needed for pit latrines has come down to as little as a dollar. These are the practical steps that need to be taken if more people are to have clean sanitation.

Mr. Lindsay Hoyle (Chorley) (Lab): What role does my right hon. Friend think that private water companies can play in ensuring clean water and sanitation through charitable work, and what will he do to ensure that our private companies do even more charitable work overseas?

Hilary Benn: I welcome the contribution of any organisation that supports charitable work to provide clean water and sanitation. On the public-private argument, I welcome what the Select Committee report had to say. In the end, we are not having an ideological debate about public or private; the issue that we should be interested in is the most effective way of getting clean water and sanitation to the largest number of people. I am interested in what works.

Mr. Andrew Mitchell (Sutton Coldfield) (Con): The Secretary of State must be acutely aware of the widespread concern, expressed by the Select Committee, numerous non-governmental organisations and many others, that clean water and, in particular, the unglamorous but vital issue of sanitation risk becoming the orphan millennium development goals. On current progress, we will not meet those targets for nearly 70 years. Is not all our work on prioritising health and education undermined if girls have to walk five miles each day to get water for their families, and if children risk death from poor sanitation?

Hilary Benn: The hon. Gentleman is absolutely right, and that is why providing clean water is not just good for the health of children and communities, but very good for getting girls into school. That is why, as I saw for myself on a recent visit to Malawi, providing toilets as well as classrooms is absolutely fundamental in the education work that we support. That maximises the chances of girls coming to school, and, as they get older, staying in school, which they will not do if there are no toilets for them to use. The issue is how we integrate all the approaches to health, education, water and sanitation to ensure the progress that the hon. Gentleman and I both want.

Faith-Based Organisations

4. **Mark Pritchard** (The Wrekin) (Con): What percentage of aid provided by his Department was distributed through faith-based organisations in 2006-07. [136208]

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): In 2005-06 the Department for International Development provided more than £23 million to UK-based faith groups, including Christian Aid, the Catholic Fund for Overseas Development and Islamic Relief. That sum represents about 10 per cent. of funding to UK civil society. It does not include DFID funds that are passed to faith groups through multilateral donors, or through developing country Governments, so the total sum will be much higher.

Mark Pritchard: I thank the Minister for that response, and I congratulate him, the Secretary of State and all officials in his Department on rightly recognising the important work that faith-based organisations such as Tearfund, CAFOD, World Vision and Christian Aid do in delivering aid and development all over the world. Would the Minister like to put on record today a reaffirmation of the importance of faith-based groups delivering such aid?

Mr. Thomas: I am grateful for the opportunity that the hon. Gentleman has provided, because I share his view that faith-based groups do a huge amount of good in the direct provision of services in many developing countries. I had the opportunity to see a superb Christian Aid-funded project in South Africa that is doing a huge amount of good in the Germiston township just outside Johannesburg, helping that community to deal with the impact of HIV and AIDS. Faith-based groups do a lot more than that, too: they advocate efforts to tackle poverty, and they play a huge role in the campaigns that are inevitably mounted in the run-up to G8 conferences to encourage international leaders to do more. We welcome them.

Keith Vaz (Leicester, East) (Lab): Would the Minister join me in congratulating Hindu Aid and its chairman, Arjan Vekaria, on the excellent work that they do in building up relations between our country and India in particular? The Secretary of State will address Hindu Aid shortly. Surely, that is the best way of trying to get those networks working so that aid is properly spent.

Mr. Thomas: I join my right hon. Friend in paying tribute to Arjan Vekaria, the chair of Hindu Aid, and the many other members who support Hindu Aid's work. My right hon. Friend the Secretary of State looks forward to the forthcoming conference with Hindu Aid—indeed, I do too. My right hon. Friend the Member for Leicester, East (Keith Vaz) is right that the development work that we are doing in India is extremely important. Given the huge number of people in India who still live on less than a dollar a day, there is much more to do. Hindu Aid's work both in drawing attention to that and in campaigning for more resources and more progress on poverty in India is hugely important.

Mark Simmonds (Boston and Skegness) (Con): My hon. Friend the Member for The Wrekin (Mark Pritchard) rightly highlighted the important role that UK faith-based organisations and their dedicated volunteers play in alleviating poverty across the developing world, particularly in conflict zones and with vulnerable groups. A recent report by the World Health Organisation identifies the fact that up to 70 per cent. of the health infrastructure in Africa is owned by faith-based organisations, yet it concludes that there is minimal co-operation between them and mainstream

public health programmes. Perhaps the Minister will say what specific proposals DFID has introduced to enhance collaboration with and between faith-based organisations, particularly to ensure that the goal of universal access to HIV prevention and treatment is achieved by the target date of 2010.

Mr. Thomas: The hon. Gentleman is right to draw attention to the need for considerably more effort across the international community by faith-based groups and international donors such as ourselves and other countries attending the forthcoming G8 summit to make progress towards the goal of universal access to HIV prevention, care and treatment. We work closely with a range of faith-based organisations in a number of developing countries, particularly in sub-Saharan Africa. He rightly drew attention to the report that said that more effort is needed to bring those groups together and to link them to mainstream health care services. We are seeking to do more through our investment in health care in Malawi and Sierra Leone to link those faith-based organisations together. We have come a long way but, as he said, we have an awfully long way to go, too.

World Bank

5. **Hugh Bayley** (City of York) (Lab): What representations he has made to the World Bank on the conduct of the bank's president; and if he will make a statement. [136209]

The Secretary of State for International Development (Hilary Benn): I discussed the issue with my fellow governors of the World Bank at the spring meetings on 15 April. We agreed that we have to ensure that the bank can effectively carry out its mandate and maintain its credibility and reputation, as well as the motivation of its staff, and that the current situation is of great concern. We endorsed the bank's actions in looking into this matter, and we asked it to complete its investigation, which is continuing.

Hugh Bayley: The bank's credibility in fighting corruption was severely undermined by the president's decision to increase his partner's salary. The corrupt leaders of many countries now say, "If it's okay for the bank, it's okay for me to channel public funds to my own family." The bank would start to repair its reputation if the president admitted that he had made a mistake and changed the bank's policies so that no bank employee in future will ever again reward a member of his family or a close friend. Will my right hon. Friend tell the president that if he showed a bit of humility and changed the bank's policy there would be fewer people arguing for a change in the bank's leadership?

Hilary Benn: The president of the World Bank said on 12 April:

"I made a mistake, for which I am sorry...I take full responsibility for the details."

A process is investigating what went on. We should let the bank board get on with its work. We will consider its report when it is published.

John Barrett (Edinburgh, West) (LD): How can the World Bank demand an end to corruption in developing countries when many staff in the World Bank feel that there is corruption at the very top of their own organisation?

Hilary Benn: It is very important that all institutions maintain the highest standards. It is for that reason that, as governors, we expressed concern about what has gone on. It must be brought to an end, and to a satisfactory conclusion that maintains the credibility and the reputation of the bank.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [136184] **Simon Hughes** (North Southwark and Bermondsey) (LD): If he will list his official engagements for Wednesday 9 May.

The Prime Minister (Mr. Tony Blair): Before listing my engagements, there are a number of things that I should say. First, I pay tribute to Lord Weatherill, the former Speaker of the House, who died at the weekend. As I said then, he was a real gentleman. He was an outstanding Speaker, someone of impartiality and decency, and he will be missed by Members in all parts of the House.

I am sure the whole House will once again wish to join me in sending our profound condolences to the families and friends of Guardsman Simon Davison from the 1st Battalion Grenadier Guards, who was killed in Afghanistan last Thursday, and Private Kevin Thompson from 19 Combat Service Support Battalion, who died at the weekend from injuries sustained in Iraq. Once again, we salute their courage and their sacrifice.

Finally, I am sure the House would also wish to send our condolences and sympathy to the family and friends of PC Richard Gray, who was tragically shot on Sunday. Our thoughts and prayers are with his family.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Simon Hughes: I associate myself both with the tribute to Lord Weatherill and the expressions of condolence.

In this historic week, I thank the Prime Minister and his Government sincerely for all the work that they, with so many others, have done to bring peace and hope to the 6 million people of Ulster and of Ireland. Before he retires, will the Prime Minister offer some hope also to the hundreds of thousands of people affected by mental illness in our capital city, who fear that if the Government do not change their decision to close the 24-hour emergency clinic at the Maudsley hospital next week, they will be severely affected and the Government will have made a terrible mistake?

The Prime Minister: I thank the hon. Gentleman for his kind words on Northern Ireland.

We have significantly increased mental health funding. It has gone up by a very large amount—hundreds of millions of pounds—over the past few years, but the way in which mental health services are delivered must always be a matter for local decision making. As the hon. Gentleman knows, although I understand the controversy about the Maudsley, there will be a new, designated space at King's hospital, which will provide a safe environment for mental health service users. A massive amount of additional health care investment, including for mental health, is going into not just his constituency but neighbouring constituencies. What we cannot guarantee, at the same time as we are making this investment, is that health services will always be delivered in exactly the same way.

Ian Lucas (Wrexham) (Lab): On Tuesday last week the French pharmaceutical company Ipsen Biopharm announced a £37.5 million investment in Wrexham. Does my right hon. Friend consider that that had anything to do with the fact that, two days later, Wrexham was a Labour gain in the National Assembly elections?

The Prime Minister: I am certainly happy to celebrate Labour gains last Thursday. I congratulate the new Assembly Member. The fact that major investment is still being made in our economy is one reason the British economy is doing so well, why we are still leading the world in foreign and direct investment, and why many of the leading pharmaceutical companies find Britain the place to come and invest.

Mr. David Cameron (Witney) (Con): I join the Prime Minister in paying tribute to Guardsman Simon Davison and Private Kevin Thompson, who died serving their country. Conservative Members also strongly agree with what he said about the serving police officer, Richard Gray in Shrewsbury. We join the Prime Minister in paying tribute to Jack Weatherill. He was a kind man, a dedicated public servant and a great Speaker of this House.

Tomorrow, the Prime Minister will announce his departure. Today, he is announcing the splitting up of the Home Office. The former Home Secretary, the right hon. Member for Norwich, South (Mr. Clarke), says that the splitting of the Home Office is a "completely batty idea" that will "damage our national security". Why is he wrong?

The Prime Minister: He is wrong for this reason: if we want the Home Secretary to focus on terrorism, it is important that we make sure that the Home Office is better able to do so by moving prison and probation services to where the courts are. That makes sense, it is what is done in many other countries, and it is a far better idea, if I may say so, than retaining all those functions in the Home Office and doing what the right hon. Gentleman wants, which is to appoint a special Cabinet Minister under the Home Secretary to take responsibility for terrorism. That would simply confuse the lines of accountability. It is far better, given that this terrorist threat is a new and very dangerous threat that we face, to have the Home Secretary focused on the issue of terrorism to a greater degree. That is the reason for the change.

Mr. Cameron: The last thing a Department in crisis needs is the huge distraction of a big reorganisation. Let us try another former Home Secretary—after all, there are plenty of them about; in fact, some of them might be coming back. The right hon. Member for Sheffield, Brightside (Mr. Blunkett) said that this

"is the wrong move. The last thing this department needs right now is fiddling about with structural changes."

He went on to say:

"It's like re-arranging deckchairs on the Titanic"—

with which the Prime Minister is probably becoming rather familiar. Why does he think that that Home Secretary is wrong as well?

The Prime Minister: I have already explained why I believe it is right to take the prisons and probation out of the Home Office and into a new Ministry of Justice. The right hon. Gentleman says that the Home Office has failed across the board, but whereas crime doubled under the previous Government it has reduced under this Government. When we took office, there was a backlog of about 60,000 asylum claims, whereas the figure is now down to 6,000. Whereas trials frequently used to collapse, the figure has been reduced by 20 per cent; the collection of fines is up; and there are extra numbers of police and community support officers, and antisocial behaviour laws. If we want the Home Office to focus on terrorism—I think everyone agrees that we face a different and new threat today—it is sensible to move part of its functions to a Ministry of Justice. That is why it is the right thing to do.

Mr. Cameron: Of course we want the Home Office to focus on terrorism, but let us take just one example of a Home Office fiasco—the failure to deport foreign criminals; we all remember that one. Under the Prime Minister's plans, one Department will be responsible for putting them in prison and another Department will be responsible for deporting them. How is that going to help co-ordination?

The Prime Minister: As a matter of fact, as a result of the changes that are already being made, the number of foreign prisoners being deported is about 50 per cent. up from last year. *[Interruption.]* The criticism was that we were not deporting them; we now are. Having the prisons and probation with the courts will make a lot more sense, because such cases can be managed from the courts system through to prisons and probation. That is why many other countries have the Ministry of Justice system.

If the right hon. Gentleman wants to talk about deportations and policy, let me bring the House up to date with Tory policy in this area. A couple of months ago—*[Interruption.]*

Mr. Speaker: Order. The Prime Minister and the Leader of the Opposition get leeway; hon. Members know that.

The Prime Minister: The right hon. Gentleman said a couple of months ago that the way to deal with this issue was to say no to ID cards. He also said,

"we are announcing plans for the development of a dedicated border police."

Two days later, the shadow Chancellor said: "until we've made" a

"study...we couldn't be sure it would be a serious proposal we could put in our manifesto."

Better than that—who is to carry out this study? Lord John Stevens, who says:

"I see the absolute benefits of an ID card system."

The right hon. Gentleman should work his policy out before he criticises ours.

Mr. Cameron: The Prime Minister wants to know our policy, so I shall tell him.

"In my view, the fit between immigration... crime and prisons... is a proper fit."—[*Official Report*, 3 May 2006; Vol. 445, c. 964.]

Those are not my words; the Prime Minister said them at the Dispatch Box a year ago. If splitting the Home Office is such a good idea, why is not the Home Secretary hanging around to see it through?

The Prime Minister: The reason is the one I have given. The result of looking at how we best focus the Home Office on fighting terrorism was not to do what the right hon. Gentleman proposes—his foolish idea of having two Cabinet Ministers with the same responsibility—but to move some of the functions out of the Home Office into the Ministry of Justice. If the right hon. Gentleman would move them back, let him say so, but I think it would be a foolish thing to do.

Mr. Cameron: If the Prime Minister wants to stop that happening, he could call an election and we could stop it right away. I asked him about the Home Secretary and he failed to answer. Is not the problem the fact that the Government are now paralysed? The Home Secretary is splitting his Department, but he has already resigned. We have a Foreign Secretary who is negotiating a European treaty that she will not be around to ratify. We have a Prime Minister, who, even after last week's drubbing, simply does not understand that it is over. Everybody knows who the next Labour leader is—thank God he has got out of his blacked-out limo and come to the House of Commons. Why does the country have to put up with another seven weeks of paralysis?

The Prime Minister: I will tell the right hon. Gentleman on what I shall concentrate in the next seven weeks: policy—on the economy, health, education and law and order. Let me give him some advice: if I were him, I would concentrate on policy, too. I have something else of which to inform the House. Yesterday, there was a leading policy speech by the right hon. Member for West Dorset (Mr. Letwin), who is in charge of the Conservatives' policy commission. The speech was entitled:

"Is Cameron Conservatism just a set of attitudes, or is it a political theory?' asks Oliver Letwin".

Here is the answer:

"Cameron Conservatism is... an attempt to shift the theory of the State from a provision-based paradigm to a framework-based paradigm. The provision-theory of the modern State is the successor to socialism in the post-Marxist era."

It concludes with the words:

"It all goes back to Marx."

That is Groucho, I assume.

Mr. Cameron: Soon, the Prime Minister will have plenty of time to read all our speeches, but he just does not get it. How can the Department of Health sort itself out when we all know that the Secretary of State is for the chop? The new Secretary of State for Justice was pathetically pleading for his job on the radio this morning: everyone knows that he will not last five minutes. *[Interruption.]* I do not know why members of the Cabinet are shouting. The Chancellor's spin doctors are wandering around the lobby handing out all their jobs. This is the Government of the living dead. Why do we have to put up with even more paralysis?

The Prime Minister: The Government have run the strongest economy that the country has seen in 10 years. Just last week, health service waiting lists were down again. We have the best school results that the country has ever seen, and living standards for every section of the population are up. The right hon. Gentleman can be as cocky as he likes about the local elections; come a general election, policy counts. On policy, we win and he loses.

Mr. David Anderson (Blaydon) (Lab): Will the Prime Minister join me in sending the best wishes of the House to the people of Northern Ireland on this week's momentous occasion? Will he also send a clear message to the politicians in Northern Ireland that, this time, we expect them to make it work and not let things break down, no matter how hard it gets?

The Prime Minister: One of the most remarkable things about yesterday was not just the fact of the institutions being up and running but what I might call the atmospherics in Northern Ireland. They were an extremely good augury for the future. I accept my hon. Friend's point, but I believe that there is now the will to make things work in Northern Ireland. One of the most interesting things about the recent election is that it was back to the normal bread-and-butter issues of politics. That is a huge advance.

Sir Menzies Campbell (North-East Fife) (LD): I associate myself with the generous tribute that the Prime Minister paid to the former Speaker, Baron Weatherill, who was particularly generous with his hospitality and advice, especially for new Members. May I also associate myself with the Prime Minister's expressions of sympathy and condolence?

Two years ago, the ombudsman produced a report into the tax credit scheme. Why have that report's recommendations not been fully implemented?

The Prime Minister: Many of the report's recommendations are being implemented, which is why the difficulty described today by the National Audit Office is reducing all the time. Let us be quite clear about this. Some 6 million families benefit from tax credit and 10 million children get it; and take-up is way above the old family credit. About 2 million pensioners have been lifted out of acute hardship and about

700,000 children lifted out of relative poverty. That would not have happened without the tax credit system. I do not know whether the right hon. and learned Gentleman is indicating that he is opposed to it, but I can tell him that it has worked miracles for many of the lowest-income people in this country.

Sir Menzies Campbell: It certainly has not worked miracles for everyone. Why are some of the poorest families in this country—38,000 alone last year—being pursued through the courts for money they simply do not have? Why should the most vulnerable pay for the mistakes of the most powerful?

The Prime Minister: If there is a mistake and an overpayment, the Treasury is obliged to try to claim that money back. It would not be fair to the remaining taxpayers if that did not happen. Let us be absolutely clear about the vast majority of the millions of families who have benefited from tax credits as a result of that. That is why the incomes of the poorest 40 per cent. of this population have gone up in percentage terms roughly double what they were in the previous 18 years. It has made an immense difference to many families in this country. We must all know of people in families in our own constituencies who, as a result of the working tax credit, have been able to go out and get a job. The job has paid and they have been able to look after their families properly: it has dramatically transformed their lives. Yes, it is true that we must make sure that we remove some of the problems within the system, but tax credits have brought an enormous amount of social justice and benefit in this country overall.

Margaret Moran (Luton, South) (Lab): Is my right hon. Friend aware that over the past four years Liberal-Tory Luton council has wasted unprecedented millions on temporary and agency staff—and on consultants who told it not to waste money on consultants—while cutting services to the elderly and disabled? Will he ensure that we never see such waste again, that we secure better rights for temporary and agency staff and, most particularly, that we congratulate the people of Luton on showing great wisdom in ensuring a Labour council in Luton?

The Prime Minister: I congratulate all my hon. Friend's constituents who worked so hard for that victory. It is absolutely true that many of the cuts imposed on services are indicative of what would happen if the Conservative central Government got back into power. That is one very good reason why they should not.

Q2. [136185] **Peter Luff** (Mid-Worcestershire) (Con): As someone who voted for the Iraq war, I know that the events leading up to it and its aftermath have substantially reduced trust not just in the Prime Minister but in the whole political process. Given that the Leader of the House seems to have indicated that there will be full Privy Council inquiry "at an appropriate moment", would not the Prime Minister do a lot to restore his reputation if he held that inquiry now, not waiting for his successor, and apologised for the more obvious errors of judgment?

The Prime Minister: I am afraid that I do not agree with that. Let me say this about what has happened, particularly in the last two or three years in Iraq; it is important that people understand it. What is happening in Iraq is essentially that al-Qaeda on the one hand and elements of the Iranian regime on the other are backing terrorism in that country, the purpose of which is to destroy the prospect of that country being able to have the democracy its people have voted for and want. In those circumstances, it is extremely important that we fully support the work that our forces are doing and rebut this idea that somehow people are dying in Iraq as a result of the activities of British or American or other coalition soldiers. They are dying as a result of the activities of terrorists, and our job should be to stand up to them and not give in to them.

John McFall (West Dunbartonshire) (Lab/Co-op): The Prime Minister might well remember our telephone conversation of Saturday 15 August 1998 when, as duty Minister, I had the sad task of informing him that the bomb that had gone off in Omagh 30 minutes earlier was likely to be Northern Ireland's worst atrocity. Does he agree that it is a testament to the courage and will of people in Northern Ireland that we have come a long way from that almost fatal wound of Omagh so that once mortal enemies are now discussing the real stuff of politics—education, jobs, welfare, and, dare I say it, water rates? Will the Prime Minister congratulate Northern Ireland Assembly Members and, more importantly, the people of Northern Ireland, on their courage and indomitable spirit over these many dark and heartbreaking years and wish them well?

The Prime Minister: I do, of course, recall that conversation with my right hon. Friend. The Omagh bomb was a terrible and destructive act of terrorism, and in its aftermath the choice had to be made whether it should be allowed to wreck the peace process or whether it should mean that we redouble our efforts to reach peace. Fortunately, the will of the people in Northern Ireland was that the terrorists should not have their way, and that we should redouble our efforts to find a lasting peace. That is the best thing that we can do to honour properly the memory of those people who died in Omagh on that day.

Q3. [136186] **Mr. Philip Dunne** (Ludlow) (Con): As the Prime Minister knows, Shropshire attracts many retired people. If he plans to spend his retirement there with his family, he will have noticed the spectacular Conservative gains that were achieved there last week. The issue was local democracy, and the Government are consulting the public on a costly reorganisation of local government. The public have spoken through the ballot box. Will the Prime Minister give a parting gift to the people of Shropshire by committing not to put a costly unitary authority in place in Shropshire?

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Hear, hear!

The Prime Minister: The hon. Member for Ludlow (Mr. Dunne) obviously has strong support from his colleague. The same controversy has arisen in County

Durham, and I am afraid that we have to go through a consultation process and a decision will be made. I suspect, however, that in Shropshire—as, indeed, in County Durham—there are different views about the future.

Q4. [136187] **Clive Efford** (Eltham) (Lab): When my right hon. Friend became Prime Minister, pensioners were the most likely section of society to be living in poverty. Today, they are the least likely, sharing in the economic prosperity under Labour. Will he contrast this Government's achievements on behalf of pensioners with the attempts in the House of Lords and the Greater London authority to cut the availability of the freedom pass, which is enjoyed by thousands of London's pensioners? If the Tories will cut the freedom pass for pensioners, what else does my right hon. Friend think they would cut?

The Prime Minister: I thank my hon. Friend for what he said about pensioners in 1997 and now—*[Interruption.]* It is all very well for Tory Members to shout, but we should remember that, over the past 10 years, about 2.5 million pensioners have been lifted out of acute hardship. There has also been a dramatic improvement in the living standards of the poorest pensioners. Many of us remember when every single winter there were stories about pensioners not being able to afford proper heating, but now they have the winter fuel allowance. We have introduced a whole series of benefits for them. The freedom pass is extremely important; it has been a tremendous boon for pensioners and disabled people in London. It has been introduced through partnerships with the Mayor of London and with local councils, and we have managed to ensure that that free local transport is available to pensioners. When the Concessionary Bus Travel Bill comes before the House on Monday, I hope that the Opposition will not put that progress at risk.

Mr. Edward Leigh (Gainsborough) (Con): As someone who voted against the Iraq war, I can still admire the Prime Minister's consistency of purpose. Does he acknowledge, however, that with British and American troops increasingly becoming a magnet for terrorists and therefore often becoming part of the problem rather than the solution, a growing number of people who voted for the war in the United States Senate and in this House, and who think that we have acted with honour, now believe that the time has come for an ordered withdrawal of western troops from the country so that it can find peace and justice according to its own lights?

The Prime Minister: I do not in the least disrespect the sincerity of the hon. Gentleman's views, or the fact that he has held them from the outset. However, I want to tell him why I believe that he is profoundly wrong in saying what he has just said, and why, if there are voices across the Atlantic saying it, I disagree with them as well. The fact is that the people who are in the best position to judge are the Iraqis themselves. They have a proper democratically elected Government today, and there is a unanimous view among all sections in Iraq—Sunnis, Shi'as and Kurds—and the people they have elected, who should not be disfranchised in this debate. With one voice, they are saying, "Yes, we wish you to go when the time is right, but not before." And it is not right yet. We still need to ensure, whether in the south or up in Baghdad, that those people who, through terrorism, are trying to destroy the possibility of Iraq getting on its feet are unable to do so. Of course, it is difficult at the moment—our troops are facing an immensely challenging and difficult time, as are the American troops up in Baghdad. The fact is, however, that they are now working with Iraqi security forces, which, in many cases, are taking the lead—three of the four provinces in the south are now in Iraqi hands—in standing up to those, often linked to outside groups, who are trying to destroy the country. When such carnage is being visited on the country through terrorism, the last thing we should do is get out. Instead, we should stay until the job is done, and the best people to judge that are the Iraqis themselves. At least some credit should be given to the democratically elected voices of the Iraqi people.

Q5. [136188] **Mr. Eric Illsley** (Barnsley, Central) (Lab): At a time when I and a great many others are working hard to attract inward investment to my constituency of Barnsley and make it an attractive place for public sector relocations under the Lyons review, is not it shameful that the Department for Constitutional Affairs has imposed regional pay rates for court staff in this country, which means that Barnsley will be designated to the lowest pay band and designated a low-income area, and court staff in Barnsley will be paid a lower rate than their exact counterparts working in Sheffield, 14 miles way? Alternatively, is my right hon. Friend's legacy to the country to be one of unfairness in the workplace?

The Prime Minister: It is correct that in some cities—London, Manchester, Bristol and Sheffield—higher rates are often paid to attract staff. That is nothing new. We have also done our best to try to make sure that premiums are given to the lowest paid, as is the case with the DCA proposals for Barnsley. My hon. Friend would fully support what we have done for the low paid in this country, in agreeing the minimum wage, the signing of the social chapter, paid holidays, the first rights to trade union recognition and the same treatment for part-time workers as for full-time workers. We can be justifiably proud of the provision for the lowest paid in this country.

Sir Peter Tapsell (Louth and Horncastle) (Con): At this transitory phase in the right hon. Gentleman's political life, may I commend him for managing to portray, despite the deep disillusionment of his fellow countrymen with his premiership, an optimism that eluded King James II and would have delighted Walter Mitty?

The Prime Minister: Some things are never transitory, and the hon. Gentleman is one of them. As my right hon. Friend the Chancellor has just reminded me, King James was not re-elected three times as Prime Minister.

Q6. [136189] **John Robertson** (Glasgow, North-West) (Lab): What can my right hon. Friend do to allay the fears of my constituents about the proposed tax

increases that might be imposed on them? Young families are struggling from day to day to pay the mortgage, never mind an exorbitant tax bill. What can he and the Government do to support those people?

The Prime Minister: It is important to remind people that although, for all sorts of reasons, they do not enjoy paying the council tax, they would enjoy a local income tax a lot less—especially two or three-earner households, who would be very hard hit. The single most important thing that we can do is to keep the economy strong. Fortunately, the economy of Scotland is strong today, and we need to make it even stronger.

Q7. [136191] **Mr. Brian Binley** (Northampton, South) (Con): Last week, a boy of 13 pulled a fake gun on a teacher in Mereway community college in my constituency. Earlier this year, we experienced a spate of vicious attacks on bus drivers. Yesterday, we learned that muggings in Northampton in April exceeded the previous monthly average by a massive 79. Is the Prime Minister happy that my constituents have already defined his legacy as failed on crime, and failed on the causes of crime?

The Prime Minister: According to the information I have here, in Northamptonshire there has been an 8 per cent. fall in overall crime—and, incidentally, an 8 per cent. fall in domestic burglary and a 15 per cent. fall in motor vehicle theft—and there are actually 1,300 more police officers than there were 10 years ago.

Of course I am very sorry about what has happened in the hon. Gentleman's constituency. Crime will still happen, as it will under any Government; but under this Government crime has fallen significantly in the past 10 years, following a Conservative Government under whom it doubled.

Q8. [136192] **Graham Stringer** (Manchester, Blackley) (Lab): When and how will my right hon. Friend insist on the supremacy of this elected House over the other place, and ensure that the 17 casinos to which we agreed are built?

The Prime Minister: We hope very shortly to present proposals to ensure that the regional casinos are agreed and introduced. I entirely understand what my hon. Friend says, and he will know that not only am I extremely sympathetic to the point of constitutional principle—which is that this House should have primacy over the other House—but I have never understood why Blackpool and Manchester should be pitted against each other. If the money is there and the investment is possible, let us have both. *[Interruption.]* I find it extraordinary that the Conservatives have put the Manchester casino in jeopardy, and are going around the streets of Blackpool telling people that they support the casino there. If we had had our way originally, without their intervention, we would have been able to have both.

Northern Ireland

12.31 pm

The Secretary of State for Northern Ireland (Mr. Peter Hain): Mr. Speaker, I wish to make a statement on Northern Ireland.

I do not think it possible to overestimate the significance of yesterday's events at Stormont. In effect, we witnessed the final resolution of what has for centuries been the most intractable source of political conflict in the whole of Europe, and its significance is not confined to relations within these islands. What happened on 8 May 2007 showed the world how "A Shared Future" can emerge from even the most bitterly divided and blood-stricken past—and we must never forget how much misery and suffering that caused.

Many people, including Members in all parts of the House, worked tirelessly to make yesterday possible. The foundations were set by the 1998 Good Friday agreement, with the principles of consent and power-sharing at its core, but seeing the Democratic Unionist party and Sinn Fein going into government together on a fair and equitable basis makes "historic" seem a cliché. The fact that they have done it without the DUP's ceasing to be the DUP, and without Sinn Fein's ceasing to be Sinn Fein, is all the more remarkable.

When we all witnessed that now iconic picture of the leaders of the DUP and Sinn Fein together for the very first time on 26 March, we knew that Northern Ireland and the wider world would never be the same again. Since then, by working together, the DUP and Sinn Fein have shown that the greater good can be served without the sacrifice of either principle or integrity. Indeed, I was delighted that the first letter signed jointly by the First Minister and Deputy First Minister asked me to leave my office in Stormont castle to enable them to move in, in time for yesterday's first meeting of the Assembly and formation of the Executive. Never has an eviction notice been so eagerly anticipated or so warmly received.

Having met the First and Deputy First Ministers together, I have been struck since by their business-like approach to preparing for government and—perhaps even more remarkably—by their cordial and warm personal interaction. Above all, they have shown that age-old enmities can be overcome. That is truly inspirational, as we saw yesterday when they preached together at Stormont a common gospel of healing.

I am convinced that devolution is here to stay. It would now be as unthinkable for Northern Ireland to ask for a return to direct rule in the future as it would be for Scotland or Wales. Indeed, who would have imagined that, as of today, of all the devolved Administrations, Northern Ireland has the only settled Government in place?

The key to the future peace and prosperity of everyone in Northern Ireland lies in the shared future that the new Assembly and Executive epitomise. That shared future must go beyond the "big politics" of Parliament Buildings. Astonishing as the political transformation over the past two years has been, there is much more to be done. We must find a way of dealing with the past and addressing the needs of victims and survivors. Although last summer's marching season went off more peacefully and with greater consultation than ever before, a global solution to parading still needs to be negotiated. I hope that the review team headed by Lord Paddy Ashdown will help to achieve that. There are still too many so-called "peace walls" that divide communities in Northern Ireland, and some parts of Northern Ireland society continue to feel isolated, marginalised, deprived and out of the mainstream. I am thinking especially of loyalism and its place in the shared future.

We have always said that we would support and encourage those who wanted to work to a positive agenda, who wanted to bring about change and who had sustainable mechanisms for doing that. People have a right to have their identity, their culture and their traditions respected, but if loyalism does not get into the mainstream and catch the tide that is taking Northern Ireland forward, there is a real danger that, despite the best intentions, the loyalist community will be left behind and further isolated, because no one will understand why there are groups within loyalism that still cling to an armed past. Last week's declaration by the Ulster Volunteer Force and Red Hand Commando that they will end their paramilitary activity was therefore very welcome.

Guns, drugs and crime have no place within a community whose people want the best for their families, the best for their community and recognition of their core values. I want loyalism to play a full part in the new Northern Ireland—a full part in the shared future—as we should all want it to do, because loyalism anchored to peace, the rule of law and democracy has an honourable place in that future.

Northern Ireland has changed immeasurably since direct rule was introduced in 1972—the year when, as a student, I first visited. Apart from anything else, Northern Ireland is fast becoming a multicultural, multi-faith and forward-looking community, as evidenced by the election of Anna Lo as the first person of Chinese origin to become a member of a legislative body in Europe. That is not the only such first for Northern Ireland; it also had the first civil partnership ceremony anywhere in the UK. That is all part of the shared future.

The whole process demonstrates what relentless attention by Government and persistent negotiations regardless of crises, collapses and depressing stalemates can achieve, and that must give hope to those trying to resolve conflicts the world over. For generations, the politics of Northern Ireland has been a sometimes murderous zero-sum game of winners and losers. Yesterday saw an end to that, and whatever the challenges that lie ahead, they will be played out on the field of politics and democracy.

The Members of the Legislative Assembly who came together in Parliament Buildings yesterday amidst a great joyous mood of reconciliation carry the hopes and aspirations of a people who have yearned for peace, stability and prosperity, and who have waited so terribly long to see it. I know that the whole House will support all of them as we enter this new and exciting era.

Mr. David Lidington (Aylesbury) (Con): May I first thank the Secretary of State for his statement and for giving me advance sight of it? As the restoration of devolution to Stormont has resulted in changes in the

[Mr. David Lidington]

Secretary of State's ministerial team, may I also take this opportunity to say that Conservative Members will miss the right hon. Member for Delyn (Mr. Hanson) and the hon. Member for Inverclyde (David Cairns)? Both of those former Northern Ireland Ministers have always been courteous and good-humoured in their dealings with the Opposition and we wish them both well.

I am happy to associate myself and my right hon. and hon. Friends with the Secretary of State's words about all those whose efforts over the years made possible yesterday's historic and moving ceremony at Stormont. Of course, politicians of all parties did their bit, but I hope that the Secretary of State agrees that peace today would not have been possible without the courage and sacrifice of the police and the armed forces, and the dogged endurance of the people of Northern Ireland over nearly 40 years of violence.

As the Secretary of State acknowledged in his statement, devolution now opens the door to enduring peace and genuine reconciliation, but daunting challenges nevertheless remain. I want to put questions to him about three of those challenges, the first of which concerns loyalism. Last week's declaration by the Ulster Volunteer Force was indeed welcome, but does the Secretary of State agree that it is not enough for the UVF just to declare that it has abandoned violence? It needs to show by its actions that it actually has done so. It must decommission its weapons, and decommissioning needs to be independently verified by General de Chastelain's commission.

The second challenge concerns the future of the Provisional IRA. The Government and the Independent Monitoring Commission say that the IRA is no longer a terrorist threat, which is welcome news indeed, yet it remains a proscribed terrorist organisation on both sides of the Irish border. If we are to consider devolving criminal justice, including decisions about prosecutions, to devolved Ministers in as little as 11 months from now, surely that paradox has to be resolved. Do the Government believe that the IRA has now transformed itself into a kind of old comrades association that no longer needs to be proscribed? On the other hand, if proscription is still right and necessary, do the Government believe that at the same time it is right to entrust the criminal justice system to people who include those who, until recently, were active IRA commanders and who still maintain the strongest of ties to that organisation?

Thirdly, what steps do the Government propose to take to help Northern Ireland come to terms with its past? As the Secretary of State knows, there are nearly 2,000 unsolved murders from the troubles—2,000 families and networks of friends who have had no sense of justice being done. Thousands of victims and bereaved families will carry physical and emotional scars for as long as they live. At present, a number of different types of selective historical inquiry are taking place into particular killings. As the Secretary of State knows, responses to those inquiries are eating up a vast amount of police time and resources, which are having to be diverted from current policing priorities. I acknowledge the acute sensitivity of this issue and I accept that there is unlikely to be a quick or easy answer. However, does the Secretary of State agree with me that coming to terms with the past is essential if we are to build genuine reconciliation in Northern Ireland, and that that should be done in a way that puts the interests of victims and families first? Will he work now with other parties in this House and in Northern Ireland to see if together we can agree on a way forward?

Mr. Hain: I very much welcome the hon. Gentleman's statement in broad terms, but first, with permission, Mr. Speaker, may I send my commiserations to the leader of the Democratic Unionist party, the right hon. Member for North Antrim (Rev. Ian Paisley), at the death over the weekend from cancer, at the age of only 45, of George Dawson, a Member of the Legislative Assembly? He was the grandmaster of the Independent Orange Lodge, and his funeral is tomorrow. Also, I acknowledge that, because MLAs are today running procedures for appointing their committee chairmen and women, vice-chairs and other committee members, DUP Members have been unable to attend the House today as I know they would have wished to do.

In responding to the points made by the hon. Member for Aylesbury (Mr. Lidington), I first thank him for the warm remarks he made about my right hon. Friend the Member for Delyn (Mr. Hanson), who played an outstanding role over the past two years, helped me and the whole process immeasurably and is hugely respected. My hon. Friend the Member for Inverclyde (David Cairns) has also done excellent work over this past year. My right hon. Friend's remaining portfolio of the political process and criminal justice will be taken over by the Under-Secretary of State for Northern Ireland, my hon. Friend the Member for Liverpool, Garston (Maria Eagle), who will do an outstanding job as she has done in the past year in other areas; and by the Under-Secretary of State for Northern Ireland, the hon. Member for Wythenshawe and Sale, East (Paul Goggins), who has gained huge respect. He has been a fantastic security Minister, and he will continue to be so.

I agree with the hon. Member for Aylesbury about the outstanding courage that has been shown by the police and the armed forces over the decades of the troubles. He made the strong point, with which I agree, that loyalism and the loyalist leaders must do more than simply make promises, as the UVF did, in very welcome terms, last week. I have asked the Chief Constable for advice on whether specification is still appropriate for the UVF and I await that advice in due course. It was very important that the leadership of the UVF declared its intention to abandon paramilitarism and criminality in the clearest terms, but the hon. Gentleman was right to say that there has to be delivery on the decommissioning of weapons. There was a certain uncertainty about what that meant exactly, and the only legal way to decommission in the sense that will give confidence to the rest of the community—including this House—is to engage with the Independent International Commission on Decommissioning.

On the question that the hon. Gentleman raised about the future of the Provisional IRA, he will know that the IMC made a particular point of saying not just that it had disbanded its paramilitary capacity and its engineering capacity to wage terror or war or violence in the future, but that the leadership had also, through

the discipline of its organisation, managed to deliver that and get all the members and so-called volunteers to abide by its diktat, including ending criminality. The IMC was clear on that point. Obviously, there need to be further developments, but the intention to devolve policing and justice is an ambition of the Government's, agreed at St. Andrews and repeated since.

We would like to see a target of May next year, by which time the devolution of policing and justice can be achieved. That policy is supported by all the parties in Northern Ireland, although there are disagreements, especially among the DUP and the UUP about whether the target of barely a year's time is achievable. Let us see whether the incredible pace of change over the past few weeks, expressed yesterday—and, in a sense, sanctified yesterday—can see that progress being made. Undoubtedly, that will have to take into account the wider security situation.

The hon. Gentleman mentioned Sinn Fein Ministers, and it was significant yesterday that they willingly and without qualification took the pledge of office, which included an absolute commitment, as the House legislated in the Northern Ireland (St. Andrews Agreement) Act 2006, to support the police and the rule of law.

I agree with the hon. Gentleman's final point about the past, and that is why I said in my statement that the past still has to be addressed. I was very struck, as I know he will have been on his frequent visits—people appreciate the diligence with which he pursues his duties—by the fact that, despite the incredible events that led up to the remarkable nature of yesterday, Northern Ireland still keeps getting dragged back to the past. Although inquiries must naturally reach their end—costing £2 million so far; £100 million has gone to pay lawyers' fees, which are ratcheting up astronomically day by day—I do not think that they will deal with the past, whatever may emerge from the reports that are produced. We need to have a frank debate and I will certainly give the hon. Gentleman a categoric assurance that we are considering the issue. My hon. Friends the Under-Secretaries and I will look into that and consult widely with the parties, and I will certainly talk to other parties about it, including the hon. Gentleman's. We must try to find a way of consulting that enables us to move forward and underpins the developments of yesterday. I am grateful for his support.

Mr. Eddie McGrady (South Down) (SDLP): I very much welcome the wholesome and full statement made by the Secretary of State to reflect what happened at Stormont yesterday. It was a day that I have longed to see throughout the time that I have been in public office—and I have held office for some four decades, during the worst of the troubles. Enormous progress has been made.

Like those who spoke yesterday, the Secretary of State was right to remember the victims and survivors in our society. They must be remembered, as must the fact that some of the people who hold the highest office have been purveyors of hatred and perpetrators of violence. They in turn must do all in their power to undo their evil deeds and attitudes. I hope that the Secretary of State will use his office to facilitate that.

In his statement, the Secretary of State said that we had witnessed the "final resolution" of the problems in Northern Ireland, but does he agree with the First Minister, who said yesterday that we were at the beginning of the resolution of our problems, and that yesterday was a new beginning? Also, does he agree that the shared future to which he referred, and to which we all aspire, is one that must be shared not only by the extremes but by the entire community?

Will the Secretary of State ensure that the Chancellor makes available a reasonable financial package to assist progress in Northern Ireland? We do not have a begging-bowl attitude but, over 35 years of direct rule, much of our infrastructure has been neglected or, at the very least, not been kept up to standard. I hope that the right hon. Gentleman will take on board the points that I have made.

Mr. Hain: I agree with virtually everything that the hon. Gentleman said. Yesterday closed the door on the past and opened the door to a new future, but there are still many challenges ahead. I agree too that the shared future must involve everyone, and not just the most polarised parts of the politics.

I pay special tribute to the role played by the hon. Gentleman and his Social Democratic and Labour party colleagues. They were there right at the beginning of the process, along with members of the Ulster Unionist party. I should also like to pay tribute to the hon. Member for North Down (Lady Hermon) and her colleagues. David Trimble and others showed tremendous courage at the beginning of the process, and took a lot of hits for doing so, but the SDLP deserves particular praise for expressing its support for policing at a time when that was a most difficult thing to do in nationalist communities. That helped to create the circumstances that were signalled and symbolised so momentously yesterday.

The hon. Member for South Down (Mr. McGrady) asked about a financial package, and he is right to say that that has nothing to do with a begging-bowl mentality. It is about giving the new Executive a flying start and the best possible financial platform from which to deliver for the voters, so many of whom made it clear in the elections in February and March that they wanted devolution to be successful and local politicians to take charge. My right hon. Friend the Chancellor is very aware of that, and big progress has been made even over the past few days. I am sure that a satisfactory package can be finalised.

Lembit Öpik (Montgomeryshire) (LD): As the longest serving Northern Ireland spokesperson for any mainland party, I have seen the peace process from its difficult beginning to its happier end. In those 10 years, as the Government's critical friend and ally, I never lost faith. In that context, I applaud the current Secretary of State—and especially his predecessor the late Mo Mowlam, without whom the peace process would never really have got off the ground.

I also add my praise for the contribution made by David Trimble, which has never really been fully appreciated by the House at large. In addition, we should acknowledge that this is a truly valuable part of the Prime Minister's legacy, and something of which he can be proud.

[Lembit Öpik]

The unsung heroes of the peace process are the members of the Alliance party of Northern Ireland. Their contribution far exceeds the size of their party, and it is important to give them the recognition that they are due.

Looking ahead, what changes will there be in the way in which Northern Ireland business is handled here? Will the Secretary of State confirm that important decisions affecting Northern Ireland will no longer be taken after short debates on unamendable orders in Statutory Instrument Committees? Surely they are a thing of the past. What is the Secretary of State's role going to be? Does he intend to continue administering legislation from Westminster, or will he disengage his Department by creating direct links between Whitehall Departments and the Northern Ireland Assembly and its Ministers? Finally, will the Secretary of State make available significant funds to facilitate true progress towards integrated education and health services, and to provide much needed infrastructure?

It is a good time to be generous, now that Northern Ireland politicians have made the hardest investment. They have replaced heartbreak and division with a shared future, where the bombs and gunshots are the echoes of a tragic past that we must never forget, or relive.

Mr. Hain: I welcome what the hon. Gentleman has said, and I thank him for the bipartisan support that he has given to the Government over the years that he has held the Northern Ireland portfolio. I also thank his party colleagues, as their contribution has been extremely valuable.

I agree that the Alliance party politicians have made a big contribution. They continue to do so: it is significant that the party gained at the last election, even though many people had predicted that it would lose members and even be almost extinguished. Earlier, I mentioned the election of Anna Lo, which says something about the new Northern Ireland.

The hon. Gentleman mentioned my predecessors, and I paid tribute to them on Second Reading of the Northern Ireland (St. Andrews Agreement) (No. 2) Bill, and in passing in my statement today. I should like to single out my right hon. Friend the Member for Torfaen (Mr. Murphy), from whom I took over. During a difficult period, he did an enormous amount of the spade work needed to bring people together for the 2004 Leeds Castle talks. Were it not for the Northern Bank robbery and the murder of Robert McCartney and so on, he might have been the one to make the statement that I have made today. We are all in his debt for the work that he did. That work lasted longer than the three years for which he was Secretary of State: my right hon. Friend worked with Mo Mowlam right at the beginning, when the Good Friday agreement was negotiated. Those who know the detail of the period know that he did a great deal of the leg work and heavy lifting at that time.

The hon. Member for Montgomeryshire (Lembit Öpik) asked about Northern Ireland business in the House. Obviously, the ministerial team still has a considerable amount of important business to do. I shall have an overview of security and justice and of the political process, while the Northern Ireland Office will retain responsibility for the Prison Service, the probation service, the Police Service of Northern Ireland and so on. Those are proper matters for us to undertake, and we will continue to engage with our ministerial opposite numbers.

In that connection, I remind the House that I am also Secretary of State for Wales. I believe that the role of the Secretary of State for Northern Ireland, especially once the devolution of policing and justice has taken place, will increasingly resemble the role of the Secretary of State for Wales—that is, being a facilitator and interlocutor for the devolved Governments, and the person who assists them in their ambitions.

The hon. Gentleman also asked about Orders in Council. Obviously, their numbers will diminish to a considerable degree, but some will still be brought forward, for example in the implementation of the devolution of justice and policing provisions that have been passed by this House already. There will be Orders in Council procedures to implement those provisions when the Assembly decides that it wants to accept that devolution. Therefore, Orders in Council will still have a role, and I hope that we will be able to carry on working with the hon. Gentleman. I hope too that he will not suffer an allergic reaction, as it were, to every Order in Council necessary to take Northern Ireland forward. However, I am sure that he will be relieved to know that there will be fewer and fewer of them.

Mr. David Winnick (Walsall, North) (Lab): I congratulate the Secretary of State and many others, not least my right hon. Friend the Member for Torfaen (Mr. Murphy). Is my right hon. Friend the Secretary of State aware that all of us on the Labour Benches are very pleased indeed that the name of Mo Mowlam has been mentioned today? She was a politician of great political courage, as she showed time and again when she was the first Secretary of State for Northern Ireland after we came into office. Does he agree that one other person should be mentioned? John Hume, who initiated the talks between his party—the Social Democratic and Labour party—and Sinn Fein, was often denounced by some people in Northern Ireland and perhaps here, but he pioneered the process that led to what happened yesterday in Northern Ireland.

Mr. Hain: I wholeheartedly agree with everything that my hon. Friend said about Mo Mowlam's crucial and healing response and the role that she played at the beginning and about John Hume's outstanding courage from the moment he engaged with Gerry Adams. The way in which John Hume drove the process through, and his vision and eloquence, helped to get us to where we are. On the Second Reading of the emergency legislation on 27 March, I paid tribute to all the individuals that my hon. Friend has mentioned and to John Major, the Prime Minister and many others who played a crucial role. I did not think it was right to repeat what I said, but I agree with my hon. Friend.

Lady Hermon (North Down) (UUP): May I say on behalf of the remaining Ulster Unionist Members in the House that I am unanimous in welcoming what

happened yesterday? The Secretary of State is correct: we did take hits. But, having said that, I welcome enormously the events of yesterday at Stormont. I would like to place on the record thanks on behalf of the Ulster Unionist party to various and successive Secretaries of State and direct rule Ministers, who may be leaving us on account of the restoration of devolution. I am most grateful to the Secretary of State for putting on the record a tribute to George Dawson MLA and for sending his condolences to the family. His death was a very sad loss to the Democratic Unionist party—the alternative Unionist party—and a huge loss to his wife and two daughters.

I need an assurance on one particular matter, please. I am talking about the fact, and it is a fact, that the new First Minister, whom I welcome warmly to his position, as I do the Deputy First Minister—I look forward with great expectation and interest to seeing how they work together—is the Moderator of the Free Presbyterian Church. That Church teaches that homosexuality is evil. Will the Secretary of State kindly give assurances to the many young and not so young gay and lesbian people and transsexuals in Northern Ireland that, in the forthcoming new, rosy Northern Ireland, there will be no diminution or erosion of the rights and protections that are extended to them?

Mr. Hain: On the hon. Lady's latter point, the legislation, including the somewhat controversial legislation that I and my ministerial team took through Parliament earlier this year, makes it completely impossible to exercise any discrimination against people on the grounds of sexuality, adding to the other grounds already in the statute in Northern Ireland. That answers her point.

The hon. Lady said that, representing the UUP, she was unanimous. I have to say that she is unanimously admired and held in affection by all Members of the House. I thank her for what she said about George Dawson. I remember him being at the first ever meeting of the loyal orders with any Secretary of State—I think he was helpful in facilitating that—which I held with them last year. He helped to achieve a situation in which greater trust was built around parading.

Mr. Paul Murphy (Torfaen) (Lab): May I add my words of condolence about George Dawson and tell my right hon. Friend the Secretary of State and his team, and my right hon. Friend the Prime Minister, how much I have admired the work that they have put in, particularly in the last year or so, on what has now been achieved in Northern Ireland? May I also mention those members of the Conservative party, including Sir John Major and the Ministers who handed their baton to me when we took over in 1997, who worked to bring about peace in Northern Ireland? Does my right hon. Friend agree that, as my hon. Friend the Member for South Down (Mr. McGrady) and the hon. Member for Montgomeryshire (Lembit Öpik) said, although it is absolutely right to pay particular tribute to Sinn Fein and the DUP for the enormous amount of work that they have put into the settlement, the Good Friday agreement was about the inclusivity of all parties in Northern Ireland, including the SDLP and the Ulster Unionist party, because they hold ministries, the Alliance party and the Progressive Unionist party? In this new devolved Northern Ireland, they too will play an important role in making Northern Ireland a more prosperous and stable place in which to live.

Mr. Hain: I am grateful to my right hon. Friend for all that he has said. I want to echo and underline the points that he made about the inclusivity of the process in relation to all the parties, including the SDLP and the UUP—which are in government with Sinn Fein and the DUP—the Alliance party, the Greens and everybody else, although people will not think I am churlish when I say I am glad that that does not include the independent Unionist party anymore. He is right to say that the Good Friday agreement included all parties, and that is very important. That spirit should be taken forward. I think that this situation will stick because the two most polarised parties have agreed. The problem that the SDLP and the UUP faced in the past was that there were people further away from the centre on both sides who in one way or another undermined what they were trying to do and were not in the tent. What is good about the current situation—this is why I believe this is the political end game in a real sense—is that the two most polarised parties are included. They must remember that all parties are part of the Good Friday process, as my right hon. Friend has emphasised.

Mr. Andrew Mackay (Bracknell) (Con): In this momentous and splendid week for Northern Ireland—a week that many of us, in the bleakest moments, thought would never actually happen—does the Secretary of State think that it is worth reflecting that patience really has been a virtue? It would have been all too easy at times to have compromised with the men of violence. The fact that that did not happen has meant that this can now be a lasting peace. He and his Ministers are to be congratulated on their patience.

Mr. Hain: I am particularly grateful for what the right hon. Gentleman has said, given his role over the years and his interest and experience. Even though I, as the person to whom the baton fell as Secretary of State at this particular time, was increasingly optimistic that things would work over the last few months—the hon. Member for Aylesbury knows that I have been optimistic throughout—nevertheless many of us never believed that we would see what we have seen, in the visual pictures and in every other respect.

The right hon. Gentleman's point about patience being a virtue is right. I made a point, using other terminology, about the doggedness of trying whatever device one could use or opportunity one could find to keep going and keep the process alive, even in the bleakest moments—my right hon. Friend the Member for Torfaen knew many of those during his period as Secretary of State and before as Minister of State. There were high points and there were very low points. This process can be a bit of a model for other processes around the world. People have given the middle east attention from time to time, but there has not been the same relentless forensic attention as there has been in Northern Ireland. That was started by Conservative Governments under Margaret Thatcher and John Major and carried on—I think everybody will agree—by the Prime Minister and his Secretaries of State and Ministers with tremendous verve, dynamism and energy. That needs to be recognised.

Jeremy Corbyn (Islington, North) (Lab): I congratulate the Secretary of State on the achievements yesterday and on the whole process. It really is a quite incredible achievement altogether. Will he acknowledge that those people who managed to maintain a dialogue with all sections of the community, including the nationalist communities, in the 1970s and 1980s played an important part in opening the doors, and that the Hume-Adams accord was an important step towards bringing about the Good Friday agreement? Will he acknowledge that the origins of the troubles in 1968, and all the awful conflict that went on after that and all the deaths that resulted, lie partly in the exclusion of a large proportion of the population from decent employment and decent opportunities? Will he acknowledge that it is important that the Assembly recognises it has to deliver good quality public services, employment and hope to the entire population it serves to ensure that that horrible period never returns?

Mr. Hain: I very much agree with my hon. Friend that the origins of the dispute are historically complex and go back centuries. They include the relationship between the island of Ireland and Britain. However, social exclusion and fierce discrimination against the Catholic population were undoubtedly an important part of what led to the troubles, with all the terror and unacceptable violence that occurred.

I thank my hon. Friend for his continued interest in Northern Ireland and the whole island of Ireland during his time as a Member of Parliament and before that. I agree that dialogue with everyone has been a lesson. John Hume's actions were very unpopular at the time of the Hume-Adams initiative, while Gerry Adams was courageous as well. However, the process triggered the start of the melting of the ice that allowed things to be picked up later on.

Sir Nicholas Winterton (Macclesfield) (Con): As a committed Unionist—I make no bones about that—I warmly welcome the developments in Ulster and the return of peace, stability and devolved government. Does the Secretary of State agree that that has happened partly because of the very brave stance taken by the leader of the Democratic Unionist party, the right hon. Member for North Antrim (Rev. Ian Paisley)? He has perhaps made a great sacrifice to lead, with the support of Sinn Fein, all the people in Northern Ireland back to peace, democracy and stability. Will the Secretary of State assure me that the Government will always be totally even-handed when they deal with the Assembly in Northern Ireland and that they will not in any way put pressure on the Assembly in respect of any particular policy? Surely, allowing Assembly Members to sort out their own problems, as the Government are apparently willing to do, is the best way to achieve future peace, prosperity and success in Ulster.

Mr. Hain: I could not have put the hon. Gentleman's last point better myself—I thank him for it. I have never thought that exerting pressure is a very profitable exercise, especially regarding the right hon. Member for North Antrim (Rev. Ian Paisley), and I think that the same goes for the Deputy First Minister. I intend that we will support the devolved Government in Northern Ireland in whatever way we can, including through a decent financial package, but this is a matter for them. As I said to the First Minister yesterday, "The power has passed to you. Good luck." We will be watching in the wings and giving support, but we will certainly treat everyone even-handedly.

The hon. Member for Macclesfield (Sir Nicholas Winterton) describes himself as a committed Unionist. Committed Unionists have nothing to fear from the future. They have the votes in the referendum behind them. If there is a change in the future, it will occur democratically through the will of the people, if it happens at all. I know that the hon. Gentleman, as a committed Unionist, will respect that, because that is democracy.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I warmly welcome the process, as far as it has now gone, and what looks like a period of stability. Hon. Members should pay tribute to the former Member for Upper Bann, who sacrificed his party by being the flexible Unionist in Northern Ireland and was then crushed between two dominant hard-line forces. I hope that there will be a revival of that flexible Unionism.

The Secretary of State will know that I have been engaged in the process for a number of years, both here and across in Northern Ireland. I thus have many unanswered questions about how we will go forward. The hon. Member for Aylesbury (Mr. Lidington) talked about the unsolved murders. The Secretary of State will know that a member of my extended family was killed by a murder squad from the Ulster Volunteer Force in McGurk's bar in 1973. The driver, Mr. Campbell, admitted his guilt and served time, but the bombers have never been named. Whatever process takes place, I hope that such unsolved crimes will be raised. Philip Garry—we called him Uncle Philly—was killed and his last remaining relative, Eilene Killin, still lives in Belfast. I hope that someday she will get the peace of knowing that the people who did that at least admitted it and felt a sense of sorrow for what they did during those terrible times.

The Secretary of State might be able to answer a question about engagement that remains unanswered. When I was last in South Armagh as part of the armed forces parliamentary scheme, I was told that the police still could not drive into South Armagh and that they had to be brought in by helicopter. Has the situation advanced and will people living in what seems to be a criminal environment in South Armagh admit of the rule of law there?

Finally, will the Secretary of State give the necessary resources—

Mr. Speaker: Order. This is a statement; the hon. Gentleman has had a lot of leeway.

Mr. Hain: I thank my hon. Friend for the interest that he has shown in Northern Ireland over many years and for his activity. It was valuable that he and other hon. Members did that because it brought a wealth of experience and expertise to our debates, which meant that the people and parties of Northern Ireland always knew that there were Members on both sides of the House, including my hon. Friend the

Member for Islington, North (Jeremy Corbyn), to whom they could turn when they wanted to put forward a point of view.

I know about the member of my hon. Friend's extended family who was savagely murdered by the Ulster Volunteer Force because my hon. Friend and I have been in touch about that matter. I hope that there will eventually be a solution to that case and all the others. I am struck by the fact that, as things settle down, it might be a good idea to consider whether hon. Members can develop a relationship with Members of the devolved Assembly in Northern Ireland.

My hon. Friend talks about south Armagh and policing. The Under-Secretary of State for Northern Ireland, my hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins), the Minister with responsibility for security, drove himself into Crossmaglen a few weeks ago, which would have been unthinkable for any security Minister or Secretary of State even last year. The police now do so. I am not saying that there are not dissident republicans around who, though marginalised and isolated, are still dangerous and threatening and that everything is a bed of roses, but the security situation has completely transformed to the point at which soldiers were withdrawn from Crossmaglen at the end of March. The remaining home-based Army soldiers will be withdrawn at the end of July, which will leave still stationed in Northern Ireland only a garrison that can be deployed anywhere in the world, from Afghanistan to Iraq.

Mr. Gerald Howarth (Aldershot) (Con): My hon. Friend the Member for Aylesbury (Mr. Lidington) mentioned in particular the role played by the armed forces. On this momentous day, may I invite the Secretary of State to pay particular tribute to the contribution, courage and determination of all the members of Her Majesty's armed forces who gave their lives in the pursuit of peace in Northern Ireland, which we celebrate today? We should send a message to their families who, perhaps even 30 years on, are feeling hurt and pain after their family members gave their lives for the cause of peace in Northern Ireland.

I heard what the Secretary of State said about inquiries. He knows my view: the Saville inquiry should never have been set up in the first place. To prevent the reopening of old wounds—perhaps this can take place in the context of the other inquiries that my hon. Friend the Member for Aylesbury mentioned—will he ensure that the Saville inquiry is wound up with the lawyers sent off to do more lucrative business, if they can find it?

Mr. Hain: The Saville inquiry is due to report—*[Laughter.]* I hesitate to use the word "shortly", but the inquiry has been going for quite a time and it is in its twilight period. I do not think it would be sensible to wind it up at this point.

I certainly join the hon. Gentleman in wholeheartedly paying tribute to the armed forces and the role that they played over many difficult years. Given your interest in Northern Ireland, Mr. Speaker, I know that you would have been very excited by the joyous mood at Stormont Buildings yesterday. I was struck by the fact that several victims and victims' representatives were present, including one of the most prominent Royal Ulster Constabulary George cross widows, Wilma Carson, who was really pleased by the way things were going. One of the most striking things about what has happened is that a healing process has started, although it still has a long way to go, as I said earlier.

Stephen Pound (Ealing, North) (Lab): In the warm spirit of bipartisanship and cross-party agreement that exists on this occasion, may I mention that the Chairman of the Select Committee on Northern Ireland Affairs, the hon. Member for South Staffordshire (Sir Patrick Cormack), would certainly have been present today if he were not unwell? I am sure that the whole House sends its best wishes to the hon. Gentleman, who, I am sure, has had a radio receiver brought to his bedside so that he can follow our deliberations.

When the Secretary of State referred to the fair following wind that should be given to the newly established Assembly in Northern Ireland, he answered a question that caused many of us concern. It is important that infrastructure in Northern Ireland receives the financial attention it desperately needs. Will he tell the House what the mechanism will be for that fair following financial wind? Will it be a statement, part of the pre-Budget report, or, as is traditional, a report to the Northern Ireland Grand Committee? That is an extremely serious issue on which the House will have to concentrate in the months, and possibly even years, ahead.

Mr. Hain: In respect of the financial package, I agree with my hon. Friend. Let us remember that the Chancellor has already offered £18 billion—an enormous amount for a place the size of Northern Ireland—in infrastructure support over the coming period. That is part of a package worth more than £50 billion over the next four years. It is the only part of the United Kingdom that has some certainty about its budget for the next four years at this relatively early stage of the comprehensive spending review. The Irish Republic has committed £400 million to infrastructure, too, so there is tremendous opportunity and support for taking forward the projects to which my hon. Friend referred.

I received a message from the Chairman of the Northern Ireland Affairs Committee to say that he was indisposed with bronchitis. He was not able to be at Stormont yesterday, although I know that he wanted to be there. He probably not only has a radio next to him, but has the BBC Parliament channel on by his bedside. He is one of the most respected parliamentarians in the House, and I pay tribute to the role of the Committee, which has given us valuable advice, and sometimes valuable criticism, over the period of its work.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): On behalf of the Scottish National party and Plaid of Wales, and as a Scottish nationalist with an Irish mother, I would like to add my voice and express my relief, but overwhelmingly I would like to offer my congratulations on the developments in Northern Ireland yesterday. If ever there was an example of Churchill's maxim

> "To jaw-jaw is better than to war-war",

we are seeing it in Northern Ireland today. We should praise the efforts made over the years by the

[Mr. Angus MacNeil]

Democratic Unionist party and Sinn Fein, but also by the Social Democratic and Labour party, the Ulster Unionist party and, in the Republic, Fianna Fáil and Fine Gael. I know that my aunt in Dungarvan, County Waterford, would want me to recognise the efforts of John Major and the current Prime Minister, which indeed I do. Finally, I add a comment in my native tongue of Scottish Gaelic, which is a first cousin of Irish Gaelic, but without any of the perceived tribal, political or religious overtones: gum bi mile mile beannachd air sluagh Eirinn a Tuath.

Mr. Hain: I do not know what the hon. Gentleman is saying, but I am sure that it is in the spirit of this debate.

Mike Penning (Hemel Hempstead) (Con): I thank the Secretary of State for his kind comments about the servicemen and women who have given so much for Northern Ireland and our country over the years. As a humble Guardsman, I served in Armagh in Northern Ireland in the 1970s, and we sacrificed an awful lot. On that note, before we close the door completely on the past, may I bring up the tragic situation of Captain Robert Nairac, who was my captain from 1st Battalion the Grenadier Guards? He was the first man to break my nose; he was an excellent boxer. His family, quite rightly, would like to know what has happened to his body, and we would all like to put that question to rest. Will the Secretary of State tell the House what is happening in the negotiations to find out what happened to Captain Robert Nairac?

Mr. Hain: I commend the hon. Gentleman's role and that of his colleagues. The predicament experienced by the family of Captain Robert Nairac is appalling and unacceptable. Many relatives of those who have disappeared face the awful situation of not knowing what happened to loved ones or where their remains might be. We have provided the opportunity, through recent legislation, for death certificates to be issued. That is at least something, but it is not sufficient and we will continue to pursue the matter.

In the spirit of the hon. Gentleman's remarks, I talked to a former Ulster Defence Regiment sergeant who had twice suffered horrific attacks by the IRA, in which he narrowly escaped death. I was struck by the fact that despite his being injured, and despite his family having seen the events on at least one occasion, he still wanted the process to work, and he welcomed the fact that Martin McGuinness was the Deputy First Minister. He said, "Look, I may have fought all these people, and they may have tried to take my life away years ago, but I want to see them in government with other parties, democratically pursuing their interests in peace and with respect for the rule of law." I thought that that change of heart by somebody who had suffered what he had suffered boded very well for the future.

Ministry of Justice

1.26 pm

The Minister of State, Ministry of Justice (Mr. David Hanson): Today I am delivering a statement that the Lord Chancellor and Secretary of State for Justice will make in another place at 3.30 pm. Today is the first day of the Ministry of Justice. Creating our new Department is the right thing to do; it is the logical next step, after decades of constitutional and criminal justice reform, in delivering what I believe will be a world-class justice system that has the protection of the public and the reduction of crime and reoffending at its heart.

The independence of the judiciary is paramount to the success of any justice system and vital to the well-being of our nation. I will continue to uphold that independence, as is my constitutional and statutory duty, and so, too, will my successors. The Ministry of Justice deals with all justice issues, in conjunction with other criminal justice Ministers. The Ministry of Justice and the Home Office are engaged in fighting crime and protecting the public, and the two Departments will continue to work closely together to deliver that. Appropriate working arrangements will be put in place at official level to ensure that that happens, particularly on criminal law and sentencing policy—areas in which the relationship between the two Departments will be vital. In addition, my right hon. Friend the Prime Minister has announced the creation of a new Cabinet Committee on criminal justice and crime policy, which he will chair, and on which my right hon. Friends the Home Secretary and the Attorney-General will sit. In addition, the Ministry of Justice has responsibility for the family and civil justice systems, which remain vital.

In this first statement from the Ministry of Justice I want to address and set out our approach to penal policy. Copies of the document, "Penal Policy: a background paper" are available in the Vote Office and the Printed Paper Office. The Government have made significant progress in tackling crime since 1997. Over the past decade, according to the British crime survey, crime has fallen by 35 per cent. Offences brought to justice are up by nearly 40 per cent. since 2002. Ineffective trials have more than halved in the Crown court since 1997. Fine collection is at 91 per cent., up from 74 per cent. in 2003-04. The Government have continued throughout to rebalance the criminal justice system in favour of victims and the community.

The creation of the Ministry of Justice offers a significant opportunity to build on that success with the following three-part programme. First, we will continue to protect the public by ensuring that we provide prison places for people whom the courts determine need custody. The Government have already built 20,000 new prison places over the past 10 years. That is an increase of 33 per cent., and those places were built faster than ever before. Some 8,000 further places will be built by 2012. We want to examine the question of how to modernise the estate to provide more cost-effective facilities that are better equipped to reduce reoffending. We also want to identify whether the resources in our estate can be used to finance new

accommodation, whether that be new large state-of-the-art prisons, or smaller local provision for women and young offenders.

My noble Friend the Secretary of State for Justice has asked Lord Carter of Coles to provide an assessment of the plans for the 8,000 prison places and of the longer-term issues affecting the estate, including the interrelationship between prisons and the rest of the Ministry of Justice estate, to ensure that we have a coherent strategy. Our prison building programme will therefore continue to ensure that we have capacity to lock away the most dangerous prisoners for as long as they are dangerous, and to enable sentencers to send people into custody whenever they think that that is required. The new indeterminate sentence for public protection is now in place, ensuring that the most dangerous prisoners are released only when it is safe for that to be done. Over 2,200 such sentences have been issued so far.

The Government have always recognised that prison must be used for those who need it, and that sentences should be designed to reduce reoffending. However, over decades we have learned that some short custodial sentences are not effective in reducing reoffending. That is why we want greater use to be made of the best community sentences where evidence shows that they reduce reoffending and offer more effective punishment than custodial sentences of less than 12 months. Sentencing policy must support the use of our resources in such a way as best to protect the public, punish offenders and reduce reoffending. Prison should be used to protect the public to the extent and for the periods necessary to deliver the statutory aims of sentencing in accordance with the Criminal Justice Act 2003, with alternatives to custody used when they are more effective in reducing reoffending and providing payback to the community.

We will ask the Sentencing Guidelines Council to review whether its guidelines fully reflect the principles set out in the 2003 Act. We will ask it, too, to look at its processes to ensure that it can operate in the way that it considers best enables it to produce effectively such guidelines as are necessary. We will ensure that where serious and dangerous offenders breach their licence conditions, the punishment is a swift return to custody, for as long as is necessary. For non-dangerous prisoners, we will propose new arrangements for them to be recalled to prison for 28 days. We propose, too, that suspended sentence orders should apply to more serious offences, as we originally intended when they were created in 2003, not to summary ones.

Secondly, we need to increase confidence in community sentences and to support their greater use where they are more effective in reducing reoffending. Offenders will be required to undertake programmes to stop them reoffending, and training to equip them with the skills to get back into work. They will also be required to carry out unpaid work in their local community, organised by the best available providers, whether in the public sector or the private sector—or, indeed, in the voluntary third sector. They will be subject to packages to restrict their liberty and movements, to make them face up to the consequences of their actions, and to pay back to the communities that they have harmed. The individual being punished, the community, and the sentencer all have to understand that if the penalty is breached, punishment will follow, with custody if necessary. We will ensure that prison places are available for that purpose.

Thirdly and finally, we will renew our commitment to delivering in line with the vision set out in the Carter report of December 2003, including end-to-end offender management and public service reform. There is excellence in the public, private and voluntary sectors in the delivery of prison and probation services, and we want to build on that to reduce reoffending further. In particular, that means commissioning the most effective interventions that will best support the management and rehabilitation of offenders, and making use of the fullest range of providers.

I believe that my right hon. and learned Friend the Secretary of State and the ministerial team present today have put in place the framework, the people, the programmes and the knowledge to make a massive difference to the way in which we deal with crime and protect the public in this country. We must make sure that that investment pays off. Above all, that means the right punishment, for the right length of time, for as long as necessary, with the right interventions and the right level of supervision for each offence to prevent reoffending. I commend the statement to the House.

Mr. Oliver Heald (North-East Hertfordshire) (Con): I start by congratulating the Minister of State, Ministry of Justice, the right hon. Member for Delyn (Mr. Hanson) on assuming his new duties after his spell in Northern Ireland—seemingly quite a successful spell. I also congratulate the Under-Secretary of State for Justice, the hon. Member for Bradford, South (Mr. Sutcliffe), who is responsible for prisons and has joined the team. I thank the Minister of State in the usual way for giving me early sight of his statement.

The Opposition have repeatedly said that to put prisons and the courts into a single person's hands is potentially a recipe for constitutional crisis. The Lord Chancellor has tried cajoling judges about sentencing, and he has tried threatening them; now he will simply be able to dictate to them, on the basis that if too many people go to prison, the budget for the courts will be cut. The Lord Chancellor has a constitutional duty to uphold and protect the independence of the judges and the rule of law. However, it is now his Department that poses a threat to the judiciary.

It is no surprise that on 29 March, when the Home Secretary announced that he was donating his problem areas to the new Department, it was the Lord Chief Justice himself who said:

> "The announcement raises important issues of principle...Structures are required which will prevent the additional responsibilities of the new ministry interfering with...the independent administration...of the court service."

A working group has been set up with the judges, but it is clear from the Minister's statement that agreement has not been reached. Will he tell us what areas of agreement there are regarding those important assurances, and what has not yet been agreed by that important working group? He must tell us, because it is absolutely vital that the independence of the judiciary and the rule of law is protected.

The background to the statement is the continuing problem of prison overcrowding. The Lord Chief Justice also said that

[Mr. Oliver Heald]

"there is a risk that the new Ministry will be faced with a situation of recurrent crisis, or judges will be placed under pressure to impose sentences that they do not believe are appropriate."

I believe that the word "pressure" puts it far too lightly. It was the Lord Chancellor himself who, when he was a Home Office Minister, said:

"it is unwise to comment on prisoner projections...as they always turn out to be inaccurate".—[*Official Report, House of Lords*, 2 June 2003; Vol. 648, c. 1046.]

One thing is for sure: the Government have always underestimated the need for prison places, given their home affairs policies. Given that they have passed so many criminal justice Acts—there are now 3,000 extra offences—it is not surprising that they need more prison places. Everyone predicted that, yet the prison places to which the Minister referred were ordered in the time of John Major. We therefore need a bit more joined-up thinking from the Government.

How can those duties be passed to what remains of the Department for Constitutional Affairs—from one failing Department to another? The Magistrates Association says that it is impossible for magistrates courts to perform adequately at present. London's most senior county court judge, Judge Collins, described the county court as being in "chaos". The verdict of the Constitutional Affairs Committee on the legal aid changes was that

"the Government has introduced these plans too quickly...with insufficient evidence."

Who advised on those changes? Oh yes, it was Lord Carter. And what is his job now? He is going to review prisons. My goodness, the prisons should watch out.

The Department for Constitutional Affairs was responsible for all those problems, and for electoral administration; it was the Department in charge of postal voting and electronic counting. Is it really right that these important functions should go from the Home Office to this failing Department?

The last time the Lord Chancellor tried to encourage judges to keep the prison population down we ended up with a convicted sex offender being released on bail. What guarantee can the Minister give that proper safeguards will be put in place to protect the public? What sort of offences will no longer lead to short custodial sentences? What sort of offences will no longer attract suspended sentences? Are we really going to let off sexual offenders, shoplifters who are drug addicts, and people who have committed offences of violence such as assault occasioning actual bodily harm? On the recall of serious offenders, are we really saying on the one hand, "Short custodial sentences are no good"—that is what the statement said—and on the other hand, "Oh, but with serious criminals, we can recall them from licence for 28 days," which is a short custodial sentence? None of that adds up.

The Minister said that he would ask the Sentencing Guidelines Council to review its guidelines, but why is he going to do that? Is it because he thinks that sentences are too long at the moment? What guarantee can he give that prisoners are not going to be released early from prison, as everyone expects? We have hundreds of prisoners in police cells. The prisons are full. It is the Government's fault, but what is the Prime Minister doing about it? He is moving the deckchairs on the Titanic. That is what the right hon. Member for Sheffield, Brightside (Mr. Blunkett) said. The Prime Minister, the Home Secretary and the Lord Chancellor are here today and gone tomorrow. What assurance can the Minister give us that the Chancellor of the Exchequer—the new Prime Minister—goes along with any of this? And as for the Home Secretary, as so often, he is cutting and running, leaving a problem for someone else—talking tough but leaving criminals on our streets.

Mr. Hanson: I am grateful for the hon. Gentleman's welcome to me in my new position, following the success in Northern Ireland. I am grateful also for his welcome to the Under-Secretary of State for Justice, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), who has done a sterling job in the Home Office on these issues.

The Under-Secretary of State for Justice, my hon. Friend the Member for Bradford, South, the Under-Secretary of State for Justice, my hon. Friend the Member for Lewisham, East (Bridget Prentice), the Under-Secretary of State for Justice, my hon. and learned Friend the Member for Redcar (Vera Baird), the Minister of State, Ministry of Justice, my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman) and my right hon. and noble Friend the Secretary of State are a new Department and a new team, taking work from the Home Office and from the Department for Constitutional Affairs and putting together a new Ministry of Justice to tackle the tasks that I hope the hon. Gentleman would want to tackle—reducing reoffending, ensuring punishment for reoffenders, and ensuring that we make Great Britain a safer place for our constituents and our communities. That is the purpose of the Department, and if we are judged on it, my right hon. and hon. Friends will welcome that.

The hon. Gentleman mentioned the judiciary. That is an important issue, and I know that there are concerns about that, from which I will not shy away. We have a statutory duty to ensure the independence of the judiciary, to ensure that it is funded properly, and to make sure that it is accountable to the House of Commons and another place. Let me reassure the hon. Gentleman that we will not shirk those statutory duties. We are willing to continue engagement with the judiciary. There will be discussions over the next few weeks. I assure the hon. Gentleman that that independence will not be compromised, nor will the resourcing. I hope that the judiciary have a shared objective with the Government to reduce offending and ensure the protection of our community.

The hon. Gentleman spoke about prison places. During my party's term of government—which, as I recall, now amounts to 10 years—we have built 20,000 new prison places, and 8,000 prison places are planned between now and 2012 at a cost, through the work of my hon. Friend the Member for Bradford, South, of some £1.7 billion-worth of capital expenditure—expenditure to which I doubt whether a Conservative Government would be able to commit, as they are committed to putting in place tax-cutting policies for the future. When HMP Kennet opens in June this year with 350 places, and when new prisons are opened at

Belmarsh West, Maghull and Rochester in years to come, I will remind the House that they were paid for by the Government, whereas the hon. Gentleman's party opposed every cent, and would not have been able to deliver.

There are issues to do with a range of matters—the penal policy document is published today—but I have every confidence that the Ministry of Justice team, under the Lord Chancellor, our Secretary of State in another place, will deliver to ensure that we reduce offending and provide greater protection for the public. I am willing to debate with the hon. Gentleman, on any occasion that he wishes, in a friendly and joyous manner, the effects of our penal policy on the prison population and on reoffending. Our job is not to put people in prison, but to discourage reoffending. I believe that the community sentencing that we have proposed today, and the extra prison places, will meet the needs of the public.

Keith Vaz (Leicester, East) (Lab): I warmly welcome the creation of the Ministry of Justice and the new ministerial team that has been assembled, and wish them well. However, I have two concerns. First, as regards the judiciary, I do not think that my right hon. Friend has dealt with the matter properly and adequately today. It is our unwritten constitution, not the Government, that is the guarantor of our liberties. Lord Woolf was very specific: he had deep concerns about what the Government were proposing. Has my right hon. Friend met Lord Woolf, and what has Lord Woolf said, subsequent to the decisions that have been made? As for the choice of Lord Carter of Coles for the prison inquiry—he was the man who completely mucked up our legal aid system. Putting him in charge of the prison system was the wrong decision. If that is what the Lord Chancellor is proposing to do on prisons, he is in for a rough ride.

Mr. Hanson: I thank my right hon. Friend for his contribution. He will understand that having been appointed some 12 hours ago, I have not yet had the opportunity to meet Lord Woolf.

Keith Vaz: Why not?

Mr. Hanson: My right hon. Friend will understand that on the first morning in office, we have important duties to undertake. I intend to meet the judiciary, as does my right hon. and noble Friend the Secretary of State. I am willing to engage in discussions with members of the judiciary over the next few weeks and months. I know that they are meeting next Tuesday or Wednesday to discuss their response to the proposals for the Ministry that were published today. I give my right hon. Friend the reassurance that I believe, as my right hon. and noble Friend will emphasise in another place this afternoon, that the judiciary is independent, will be safeguarded by the Department, and will be fully resourced. I know that there are concerns, and with my right hon. and hon. Friends I am happy to meet representatives of the judiciary over the next few weeks to discuss still further the concerns that they have. I hope they will share an agenda with us, and I hope and believe that in due course they will come to welcome the creation of the Ministry of Justice today.

Simon Hughes (North Southwark and Bermondsey) (LD): On behalf of my colleagues, I welcome the government's interest over 10 years in improving the criminal justice system. We welcome the creation of the Ministry of Justice and we welcome the right hon. Gentleman and the the hon. Member for Bradford, South (Mr. Sutcliffe) to the team. Does the right hon. Gentleman accept that he and his colleagues will have to work hard to reassure the public that the decision to create the Ministry has been fully thought through, and in particular to explain how the constitutional and electoral matters fit comfortably in a Ministry of Justice dealing with justice and the criminal justice system?

Can the Minister give an assurance—this picks up some of the questions that he has been asked already—that the new Ministry will have the resources that it needs for the jobs that it has to do? It needs money for the probation service and adequate money for the Prison Service, and must ensure that there are no cuts in courts that are needed around the country, in addition to the many that we have already, or further holding back of the money for legal aid, which has been hugely criticised, not least in the recent report of the Constitutional Affairs Committee, chaired by my right hon. Friend the Member for Berwick-upon-Tweed (Mr. Beith). Will the right hon. Gentleman undertake to review the policy on legal aid, and take the advice from around the House that another contract with Lord Carter to do another job for the renamed Ministry will not add to anybody's confidence in the new team?

On sentencing, there was a welcome recognition in the Minister's remarks that many short custodial sentences are not effective, and that community sentences are under-used. Can he tell us whether, when he introduces his new legal proposals for sentencing policy changes and for sentencing guidelines policy, sentences will in future mean what they say, which is what the public want above all? Do the Government accept, by implication, that their prison policy has failed? Either we have in England and Wales the most criminal population in western Europe, which I do not believe can intrinsically be the case, or there is no logical explanation for 80,000-plus prison places and building, because reoffending prisoners come back so often.

Finally and importantly—a topic picked up by the hon. Member for North-East Hertfordshire (Mr. Heald), on the Conservative Front Bench—there is a welcome commitment to the independence of the judiciary, who are not yet fully on board with the new plans. Can the Minister give an absolute pledge from the Front Bench that during his time in office and that of the Ministry, no Minister in any Department, including the Under-Secretary of State for Justice, the hon. and learned Member for Redcar (Vera Baird), will criticise judges, and that they will be allowed to do their job free of political criticism by the Government of the day?

Mr. Hanson: I am grateful for the support from the hon. Gentleman and the Liberal Democrat party. There is in many ways a synergy with the policy objectives that we seek, and I hope we can consider a range of sentencing options which will provide a greater menu for the judiciary to examine. One of the

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key issues that the hon. Gentleman alluded to was that of community-based sentencing. Yes, the objective in all this has to be punishment, and we need to have strong punishment even in community-based sentencing, but we need to have it with the objective of preventing reoffending. We must ensure that individuals learn from their experience in the community, get better trained, recognise, through reparation work, the damage that they have done, and return to the community as better citizens as a result.

With regard to the financing of the Department, the hon. Gentleman will know that we are in the middle of a comprehensive spending review settlement. I can assure him that the resources from the Home Office and the DCA are there on the table for this year, as planned. Obviously, that will be subject to negotiation. However, he can take the reassurance that the Government are committed to reducing crime, and one of the main methods of doing so will be the work of my right hon. and noble Friend the Secretary of State and my other colleagues in the Ministry of Justice. I very much hope that the CSR settlement will reflect that.

The hon. Gentleman said that we wish sentencing to mean what it says. Obviously, we want greater clarity in sentencing. There will be options to ensure that, as with indeterminate sentences, those who are a danger to the community spend longer in prison, until such time as they are deemed not to be a danger to the community. That is a solid basis for the policy.

I take issue with the hon. Gentleman on the question of the Labour Government's "failure" on prison policy. I do not agree with his statement. We now have an option to look at a wider range of sentencing policies. The 20,000 prison places that have been built over the past 10 years and the 8,000 that are being built between now and 2012 will make a difference. However, at the heart of our whole criminal justice policy must be the objective of preventing reoffending.

Lastly, let me say to the hon. Gentleman that I hope that I have made it clear to the House that the independence of the judges is paramount, and it is part of the role of a criminal justice Ministry to ensure that that independence is maintained. I can never give a blanket guarantee on the issues that he examined, but I would say that our role is to set a framework for a sentencing policy and a prison policy that prevents reoffending, while the judiciary's role is to interpret that on a case-by-case basis. I believe that they do a very good job in the vast majority of cases, and I look forward to working with them to prevent offending still further.

Andrew Miller (Ellesmere Port and Neston) (Lab): I warmly congratulate my right hon. Friend on his new appointment and on his success in his work in Northern Ireland. He knows that I have an interest in issues to do with local justice in my constituency and throughout Cheshire. He may not yet be aware of the close collaboration that I have had with the Under-Secretary of State, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), over certain difficulties that we have faced locally. To enable us to get the maximum confidence of all the professionals and the judiciary, particularly the lay magistracy, as the new system beds down, will my right hon. Friend ensure that mechanisms are in place so that proper feedback can come from the people who practise on our behalf throughout the country at a local level? We do not want filter mechanisms that cut out the words of the people at the coalface; we want them to get their words directly to Ministers in positions of responsibility, such as himself.

Mr. Hanson: I am grateful for my hon. Friend's support. We share a constituency border—although there is a large river in the middle of it—and I know his constituency very well. I give him the assurance that through the proposals on the National Offender Management Service, which we are bringing forward as part of the Home Office responsibilities of my hon. Friend the Member for Bradford, South, we are trying to ensure that we increasingly involve the community in these decisions.

My hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller) will know that we are looking to establish probation trusts in each of the probation areas and to ensure that we have community involvement in those trusts, as well as involvement from local authorities and elected officials. It will be rocky and difficult, but the potential is there to ensure that we have more community involvement in managing the probation service.

Most of all, I want to ensure that when community reparation is undertaken by people through probation and community services, as it now is in my constituency in Flintshire in north Wales, the community is involved in determining those projects, seeing those reparations made, determining the priorities at a local level, and making it known to people who have committed offences that none the less, the work that they are doing is productive to society at large, and giving them back their self-respect. There are great opportunities there for my hon. Friend, and I welcome his comments.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): I welcome the two new Ministers, whom we look forward to questioning in the Select Committee on Constitutional Affairs. Why was this important constitutional change rushed through without any prior parliamentary discussion so that some of the concerns of the judiciary, for example, could have been resolved? That was surely the lesson to be learned from the last round of constitutional changes, which was suddenly sprung upon everybody and had to be modified subsequently. Given that there was no significant new policy on prisons in today's statement, would it not have been better to use this first opportunity to tell the House that the Government are rethinking the proposals that the Select Committee believes will seriously damage access to justice through legal aid?

Mr. Hanson: I welcome the opportunity to go before the Select Committee—although perhaps not today because we have enough on our plates, but certainly in the near future. I am sure that the Select Committee will do what it is supposed to do, namely, to hold Ministers to account and determine input into policy for the House as a whole. The right hon. Gentleman

will know that my right hon. Friend the Prime Minister made a statement to Parliament, as did my right hon. Friend the Home Secretary. These are machinery of government changes, as we have made clear. Time will tell how the Ministry of Justice beds in. He said that there is no new policy direction in my statement. I disagree—there are new policy nuances in the direction of policy on supporting reoffending reductions in the community. No doubt there will be a major opportunity to discuss those over the next few weeks and months.

With regard to legal aid, the Under-Secretary, my hon. and learned Friend the Member for Redcar (Vera Baird), has taken a great deal of interest in that at the DCA and will continue to do so in the new Ministry of Justice. I am confident that the reforms will create a sustainable legal aid system for the future that is fair to clients, to the taxpayer and to practitioners. It will continue to be an integral part of the criminal justice system. I know that my hon. and learned Friend will also relish the opportunity to go before the Select Committee to have a nice friendly chat about those matters over a quiet glass of water.

Mr. David Burrowes (Enfield, Southgate) (Con): Is it not significant that while the first statement from the Ministry of Justice makes passing reference to the independence of the judiciary, the main thrust concerns penal policy, which may end up tying the hands of the judiciary?

On drugs policy, will splitting the Home Office provide a co-ordinated and effective response to drugs enforcement and treatment, stem the tide of drugs flowing into our country and communities—particularly into our prisons—and provide the drugs treatment that our prisons and communities need and deserve?

Mr. Hanson: I am grateful to the hon. Gentleman for highlighting a problem of which I think, even though I have been in post for only 12 hours, my hon. Friend the Member for Bradford, South is very well aware—drugs policy and how that affects prisoners. A large number of prisoners enter prison with drug problems and continue to have them, and we need to take strong action to help them through that. Unless we stop the drugs problem inside prisons, it will continue to drive crime levels in terms of feeding people's habit once they are outside and in the community. We have spent a considerable amount of resources on drug treatment. In fact, over our term in government there has been an increase of some 974 per cent. in spending on drug treatment through the criminal justice system, and we want to focus on that for the future.

Although I am only 12 hours into the job, I do not hide from the fact that there is a very difficult issue as regards the prison population. With growing numbers of people in prison and a need to increase prison places, we need to look at how we manage the prison estate more effectively and stop people going to prison in the first place through reoffending. That is a big task for the Government to undertake, but the prison building programme and the changes in offending behaviour programmes that we have discussed today give us an opportunity to do so. I would welcome the hon. Gentleman's input because there is a common agenda for all parties in this House in ensuring that we protect the public and reduce reoffending.

Mr. Tobias Ellwood (Bournemouth, East) (Con): The Minister said that he wanted to deliver a world-class justice system. However, we clearly do not have a world-class prison system. As my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) said, our prisons are not only full but spilling into our police cells. I saw that with my own eyes when I recently visited Dorchester prison, where not one single cell was spare. Will the Minister elaborate on the way in which we can prevent the dilution of sentencing? More important, when will police cells stop being used for the overflow from prison cells?

Mr. Hanson: I am grateful for the hon. Gentleman's comments about the use of prison cells. Under Operation Safeguard, and through the Under-Secretary, we are implementing policies that we introduced in the days of the Home Office to ensure that we use police cells only as a last resort. Sadly, given the prison population, we have had to use them. In several places, police cells are used as temporary accommodation for prisoners. That is not ideal and I want the practice to be reduced and stopped. We need to take action on that.

I believe that the twin approach of increasing proper prison places—as we are doing in HMP Kennet in June, and in Belmarsh West and in Maghull near Liverpool later this year—and considering community-based sentencing to reduce the number of people who go to prison, is important. Frankly, some people can be better served in terms of punishment and rehabilitation by not serving a prison sentence.

I recognise the problem, which we need to tackle, and I understand the hon. Gentleman's concerns. I hope that, over time, my hon. Friend the Under-Secretary and I can bring better news to the House.

James Brokenshire (Hornchurch) (Con): I join other hon. Members in welcoming the right hon. Gentleman to his new role. I also welcome the Under-Secretary of State for Justice, the hon. Member for Bradford, South (Mr. Sutcliffe), with whom I have had some helpful and positive exchanges in the past few years, to his new position.

The Minister said that the right interventions for offences were necessary. He highlighted the new Cabinet Committee and the new protections that will be introduced at official level for interlinking the Ministry of Justice and the Home Office. When the Lord Chancellor recently gave evidence to the Select Committee about the construction of the new Department, he suggested that it would cover new offences. We are expecting new provisions in the Session on violent offenders. Will the Ministry of Justice or the Home Office take the lead on that? If the answer is the Home Office, what role will the Ministry of Justice play in that context?

Mr. Hanson: The new Department is responsible for criminal law in England and Wales and it will take measures on that through the House. That will involve discussions across government, through the Cabinet

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Committee chaired by my right hon. Friend the Prime Minister, about identifying the priorities for the Government. It will be up to the Home Office to implement existing legislation on policing and a range of similar issues. It will also be the Home Office's role to suggest, if it wishes, legislative options for the Ministry of Justice to consider. Our role is to consider criminal law, pilot criminal law measures through the House of Commons and win the House's support. The Home Office's role is to implement them in due course.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): I add my congratulations to the Ministers. Are the new community punishment arrangements that the Minister outlined his way of describing what is already in the Criminal Justice Act 2003, or does he propose yet more legislation?

Mr. Hanson: Obviously, a considerable amount of activity is undertaken under the 2003 Act. The hon. Gentleman knows that, for example, unpaid work, supervision programmes, drug rehabilitation, alcohol treatment, mental health treatment, residencies, activities, prohibited activities, exclusion and curfew can all be tackled in the community. We want to consider how we can develop that to ensure that, when appropriate—I stress "when appropriate"—and when the punishment fits the crime, we expand the use of the mechanisms in the 2003 Act. We want to ensure that individuals feel punished, but also consider community reparation. To revert to the point that the hon. Member for North Southwark and Bermondsey (Simon Hughes) made, we also want to prevent reoffending.

In 2006, more than 35,000 items of unpaid work constituted sentences. Some 6.5 million hours of work to the value of £35 million were undertaken in the community. I want that to be expanded for the good of the community and to ensure the objectives that, I am sure, the hon. Member for North-West Cambridgeshire (Mr. Vara) and the hon. Member for North Southwark and Bermondsey seek: to punish the individuals responsible, but rehabilitate them in the long term.

Lady Hermon (North Down) (UUP): After the Minister's enormously positive and enthusiastic contribution in the Northern Ireland Office, he will be sadly missed in Northern Ireland. However, I welcome him and all his team members to their new positions.

The statement is interesting. Given that the new Ministry of Justice has at its heart the reduction of crime and reoffending, why does the statement say so little about the valuable work of the probation services? Does not the Minister believe that they are fit for the 21st century?

Mr. Hanson: I am grateful for the hon. Lady's comments about my tenure in Northern Ireland. Not only will—I hope—Northern Ireland miss me, but I will certainly miss Northern Ireland. I had a productive and useful two years there and found the friendship and support of not only Members but the people of Northern Ireland welcome.

Offender management and the probation service are key to delivering the objectives that we set in the overall context of the policy announced today. For that reason, I want the Offender Management Bill, which is currently in another place, to be carried in both Houses. I greatly regret the fact Opposition Members voted against it. I hope that they will realise its benefits and recognise that there is an agenda, which I know the hon. Lady shares, of reducing offending, making community-based sentences more appropriate and ensuring that we protect the public at large and reduce crime. The probation service has a key role to play in that and I know that I have the hon. Lady's support in trying to make that a success.

Point of Order

2.7 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): On a point of order, Mr. Deputy Speaker. Has the Speaker's Office received a request from the Department for Transport for a Minister to come to the House to make a statement about the growing crisis in the Maritime and Coastguard Agency? Yesterday, 81 per cent. of union members voted to take industrial action. For people in coastal and island communities, the coastguard is as important as the fire, police and ambulance services. I cannot believe that we would—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Gentleman must not press his point of order too far. As he knows, strictly speaking it is not a point of order. The short answer to his question is no, but he has had the opportunity to place his concern on the record. I am sure that it will have been noted.

Copyright Term for Performers and Producers

2.7 pm

Michael Connarty (Linlithgow and East Falkirk) (Lab): I beg to move,

That leave be given to bring in a Bill to extend the period of time over which royalties are payable to performers and producers of recorded material; and for connected purposes.

Having met Lonnie Donegan's widow, Sharon, and their son Peter last week, it was suggested to me that I should begin the debate by reminding hon. Members of the words of "Cumberland Gap", which was at the top of the hit parade in 1957 for five weeks. It runs:

"Cumberland Gap, Cumberland Gap,
15 miles to the Cumberland Gap."

It was suggested that the second line should be changed to, "50 years to the copyright gap". Uniquely, we have a position whereby people who record and produce music, which is a single creative act—often not repeated, despite the number of times people try to re-record the same tune—suffer a disproportionate imposition. After 50 years, their music can be taken, put on another CD or included in another collection, sold around the world, often with the revival selling more than the original, with nothing being paid to the recording artist, the producer, the band or the individual's family or estate.

We are not talking about millionaire pop stars. I compliment Sharon Donegan, who opened the books to us. When Lonnie Donegan died aged 71 in 2002, his total estate amounted to £82,000. His income, which also meant that of his wife and children, ran to £30,000 to £40,000 a year from his royalties in a good year. We are talking not about millionaires, but about working musicians. In fact, the Musicians Union has done a detailed analysis and found that the average income from royalties for people who work in the music industry—even someone who may have been well known in their time—is about £15,000 a year, which is not a great deal.

This debate is significant now because it is 50 years since many of the original rock and roll tunes were released. Lonnie Donegan recorded "Rock Island Line" in January 1957—my preference over "Cumberland Gap"—but his family has received no money for it. Tommy Steele recorded "Singing the Blues" and had a hit with it. As a primary school pupil, when I went out for my Halloween, as they called it in Scotland, I had to give a performance to get my treat. It was not like it was in America—where it was trick or treat, but if they did not get a treat they smashed the windows or something like that. We had to sing and I learned "Singing the Blues" for my little treat because it was easier to sing than others.

The late Adam Faith recorded, in the same year, "What do you Want?". I think the line was, "What do you want if you don't want money?" Well, what we want—the people who are supporting this Bill and those who signed the early-day motion, which now has 52 signatures—is equality, fairness and justice for those recording artists and producers. It is not just people such as Adam Faith, Tommy Steele and Lonnie Donegan who are affected. Lonnie Donegan's band—Denny Wright, John Nicholls and Mickey Ashman—do not get anything like the amount of money that they should. Indeed,

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they get only a paltry sum compared with the main recording artists. Their company, Pye Records—which found and cultivated them, advanced their careers and recorded the music—also lose out. We want equality, and the Bill is based on common sense.

On a CD, or an LP as it used to be, the composer, the lyricist and even, believe it not, the photographer and the artwork designer enjoy copyright not just for 70 years, but for 70 years after their deaths. We are not asking for that sort of equality. We would settle for the same situation as that in the USA, where copyright is paid for 95 years. There are many sensible reasons for that, one being that it supports the musicians.

As I said, 90 per cent. of musicians are not millionaires—they earn about £15,000 a year from their royalties. In the UK alone, 7,000 musicians will lose their rights to any payment for the recordings in the next 10 years. Some of them are very well known. In 1961-62 the Beatles came on the scene, but in four or five years' time many of their hits will stop being eligible for royalty payments. People may well say that that is fine because the Beatles are millionaires and can afford it, but that is not true of many of the people who recorded the strings in the studios, for example, or other recording artists. Indeed, whoever played the drums instead of Ringo Starr on the Beatles early records—it is often said that he did not, in fact, play on them—receives only a pittance, and those records will soon cease to be eligible for royalties.

The creative economy of this country is in serious danger. People are now twice as incentivised to record and release a record in America because the right to copyright for the company and the artists applies for 95 years. That makes it twice as intelligent, so to speak, to go to the USA to release a record than anywhere in the EU. That is why 40,000 musicians and 3,500 record companies signed a Phonographic Performance Ltd petition to improve the copyright terms in the UK to the same level as those in the USA. We have already lost some of our creative industry to America because of the mass culture, but our unique musical culture still rests in the independent record labels and is still to be harvested. We should not allow it to be taken from us.

A PricewaterhouseCoopers study concluded, strangely enough, that irrespective of whether a recording is in or out of copyright, it has no impact on the price of the recording. It makes no difference whether people are making a cheap record or a more expensive first release, as the price of the recording is no different. There are massive disparities, of course, in the price that will be paid for the second releases and the compilations, which are not the unique set, as things are taken from here and there and the best parts are often missed out.

We are trying to get the Government on side, which is why we want Parliament to show its support for the Bill. If Parliament supports it, the Government will, hopefully, have a stronger arm when they go to the EU. The matter will be decided in the EU and our group will go to Brussels to argue the case with Commissioner Charles McCreevy on 27 June. There is much to say, but much has already been said, particularly about the mistake in the Gowers report on intellectual property. It treated this unique creative effort the same way as if someone had invented a chemical that would have a shelf life and then something new would be invented to take its place.

As a jazz lover, I know that it is possible to hear two unique versions of the same song. There is the version of Gerry and the Pacemakers' "You'll Never Walk Alone" that has been stolen by the fans on the terraces, but if we listen to Nina Simone singing it as a blues song, we realise that the same music with a different time frame and different singer is a unique experience. I think that Gowers missed that point, because a song cannot be replaced by someone recording it later. My particular favourite recordings of the Bruch and Mendelssohn minor key symphonies are by someone called Grumiaux, a Belgian who recorded in the 1950s. I have three or four versions, but none of them compares with that. That is the uniqueness that we are talking about, which should be paid for, for at least the lifetime and beyond of the recording artist.

Debates took place in the House on 17 May 2006, when the hon. Member for Bath (Mr. Foster) participated, and on 10 March 2007, when the hon. Member for Perth and North Perthshire (Pete Wishart) and my hon. Friend the Member for Glasgow, North-West (John Robertson) took part. I direct anyone who wants to know why they should support my Bill to those two debates, which developed the theme more fully.

The Bill is not an attack on those who say that music should be cheap and accessible to everyone to download on the internet. It is not about that, as we want that too, but we also want the money to go back into the pockets of the recording artists, producers and companies. We want the companies to be incentivised to record and release music in the EU and to spend more money looking for talent in the UK and the EU. If the Bill goes through and we persuade the EU to move forward on it, we would want certain conditions to be attached.

What we are saying is that the copyright gap should be filled. We want the Bill passed and Parliament to tell the Minister to go to Europe to argue for fairness and equality on behalf of the creative industry of this country. It is crucial to argue for fairness in respect of these unique UK recordings of 50 years ago and also for those in the future.

Question put and agreed to.

Bill ordered to be brought in by Michael Connarty, Mr. Bob Blizzard, Peter Luff, John Robertson, Nigel Griffiths, Derek Conway, Mr. Tom Clarke, Bob Russell, Alan Keen, Rosemary McKenna, John Hemming and Pete Wishart.

COPYRIGHT TERM FOR PERFORMERS AND PRODUCERS

Michael Connarty accordingly presented a Bill to extend the period of time over which royalties are payable to performers and producers of recorded material; and for connected purposes: And the same was read First time; and ordered to be read a Second time on Friday 29 June, and to be printed [Bill 101].

PARLIAMENT (JOINT DEPARTMENTS) BILL *[LORDS]*

Order for Second Reading read.

Motion made, and Question put forthwith, pursuant to Standing Order No. 90(1) (Second reading committees), That the Bill be referred to a Second Reading Committee.—*[Huw Irranca-Davies.]*

Question agreed to.

Orders of the Day

UK Borders Bill

As amended in the Public Bill Committee, considered.

New Clause 9

SEARCH FOR EVIDENCE OF NATIONALITY: OTHER PREMISES

'(1) This section applies where an individual—

(a) has been arrested on suspicion of the commission of an offence, and

(b) has not been released without being charged with an offence.

(2) If, on an application made by an immigration officer or a constable, a justice of the peace is satisfied that there are reasonable grounds for believing that—

(a) the individual may not be a British citizen,

(b) nationality documents relating to the individual may be found on premises specified in the application,

(c) the documents would not be exempt from seizure under section 44(2), and

(d) any of the conditions in subsection (3) below applies,

the justice of the peace may issue a warrant authorising an immigration officer or constable to enter and search the premises.

(3) The conditions are that—

(a) it is not practicable to communicate with any person entitled to grant entry to the premises;

(b) it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the nationality documents;

(c) entry to the premises will not be granted unless a warrant is produced;

(d) the purpose of a search may be frustrated or seriously prejudiced unless an immigration officer or constable arriving at the premises can secure immediate entry.

(4) Sections 28J and 28K of the Immigration Act 1971 (c. 77) (warrants: application and execution) apply, with any necessary modifications, to warrants under this section.

(5) In the application of this section to Scotland a reference to a justice of the peace shall be treated as a reference to the sheriff, or a justice of the peace.'—*[Joan Ryan.]*

Brought up, and read the First time.

2.19 pm

The Parliamentary Under-Secretary of State for the Home Department (Joan Ryan): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following:

Government new clause 10—*Police civilians.*

Government amendments Nos. 23 to 26.

Joan Ryan: I should like to preface my remarks on new clauses 9 and 10 and Government amendments Nos. 23 to 26 by noting that we had a productive and thorough debate on these matters in Committee. This group of amendments is one of the results of that. I am grateful to the hon. Member for Ashford (Damian Green) for his scrutiny in Committee of the search for evidence of nationality clause. New clause 9 is designed to address a concern raised in one of the amendments that he tabled in Committee, as I am sure he has recognised.

I should like to emphasise the importance of the power to search for nationality documents, which will assist in ascertaining or confirming the nationality of persons in order to consider cases liable for deportation. This is part of our plan for improving the effectiveness of handling foreign nationals in the criminal justice system. Concerns were raised in Committee that nationality documents might be held on premises other than those set out in clause 43—for example, those belonging to friends or family, or to persons involved in illegal immigration or illegal working.

The effect of the amendments, in addition to the existing clauses, will be that immigration and police officers will have the power to search premises occupied or controlled by the person, premises where the person was arrested, or premises where the person was immediately before being arrested; and to search for and seize relevant documents, so that the person's nationality may be established at an earlier stage of their entering the criminal justice system than at present. Immigration and police officers will also be able to obtain a warrant to search other premises, if they believe that documents relating to the person might be found there.

Paul Rowen (Rochdale) (LD): What steps are being taken to ensure that this new power will not be misused, particularly in cases involving people who are here for a legitimate reason? I am worried about the effect that its over-use could have on community relations.

Joan Ryan: That is an important point, and we have taken some considerable time and effort to think through the safeguards, which I will come to in a moment. I want to reassure all communities that this legislation will be used fairly and for the benefit of all, and not in a disproportionate manner. I am sure that the hon. Gentleman will remember that our debate on this question in Committee, which was identified by the hon. Member for Ashford, centred on the proportionate nature of the power. That is why we are now introducing the need to obtain a warrant to search more widely than was allowed in the original clause. Such a warrant will be required to search other premises where it is believed that documents relating to the person might be found. That should ensure that people do not place relevant documents in someone else's safe keeping in order to avoid their being seized. We did not want inadvertently to create an incentive to avoid detection in that way by leaving the clause as it was.

Safeguards have been put in place to prevent misuse, and I shall give the hon. Gentleman some details. For example, when applying for a warrant, an immigration officer or constable must specify to the magistrate the grounds on which the application is being made, the provision under which the warrant is to be issued, the premises that they wish to search, and the articles for which they are searching. The warrant must specify the name of the person applying for it, the date of issue,

[Joan Ryan]

the premises to be searched, the provision under which it is to be issued, and the articles being sought.

Warrants issued under this provision will authorise entry on one occasion only, and will be valid for one month. Entry and search must be undertaken at a reasonable hour, unless it appears to the officer executing them that the purpose of the search might be frustrated by so doing. The immigration officer or constable must identify themselves to the occupier of the premises—or, in his absence, to another person who appears to be in charge of the premises—and produce identification, show the occupier the warrant and supply him with a copy of it. In the absence of anyone appearing to be in charge of the premises, the warrant should be left in a prominent place on the premises.

A search under such a warrant may be undertaken only to the extent required for the purpose for which the warrant was issued. A warrant must be endorsed, stating whether the object of the search was found and whether anything else was seized. Warrants, whether they have been executed or not, must be returned to the issuing court and retained for 12 months, during which time they will be available for inspection by the occupier of the premises.

I should like to give the House some reassurance on another issue that was raised in Committee, relating to the guidance and training that will be available. Instructions will be issued to immigration and police officers on when the power—with and without warrant—should be used. The guidance will take account of the nationality pilot that is being conducted in three charging areas. Hon. Members will be aware, as we have discussed this matter before, that immigration officers will be arrest trained. Matters relating to good communication with the police, to contamination and to other important issues that need to be taken into account are part of the training that immigration officers undergo. This measure, as applied to immigration officers and the police, will lead to greater and better communication.

Paul Rowen: I am grateful to the Minister for the safeguards that she has just outlined. What monitoring and reporting arrangements relating to the use of this power are to be put in place?

Joan Ryan: The hon. Gentleman will be aware, from our debates in Committee, of the role of the inspectorate. He will also know that many of the issues relating to the identification of nationality are covered by the Police and Criminal Evidence Act 1984—PACE—codes. If immigration or police officers want to conduct a search without a warrant, they have to ensure that they have the authority of a senior officer to do so. I should also like to draw the hon. Gentleman's attention to the two or three pilots that we are undertaking into the use of these powers. The feedback from those pilots will be important when we consider further the issues that he has raised.

Stewart Hosie (Dundee, East) (SNP): New clause 9, when applied to Scotland, will require a sheriff or a justice of the peace to be involved in the issuing of a warrant, and that is right and proper. The Minister mentioned the PACE codes, which are mentioned in clause 44, which is the subject of an amendment in this group. Clause 44(5) refers to provisions for England, Wales and Northern Ireland. There is no reference, however, to the Criminal Law (Consolidation) (Scotland) Act 1995, which details how seized information and evidence should be treated. Should such provisions be included in the Bill, just as similar provisions were recently incorporated into Her Majesty's Revenue and Customs officers' powers in relation to seizures? Is it an oversight that they have not been included?

Joan Ryan: As the hon. Gentleman says, the PACE codes apply to England and Wales. He might know that we are seeking to change the code of practice in relation to code C, which covers the police being able to ask the nationality of a person who has been taken into custody when it is unclear whether they are a UK citizen. It was in that sense that I referred to the PACE codes. I have already talked about all the checks and balances that will apply to the proposed power. In regard to the hon. Gentleman's question about Scottish legislation, however, I undertake to write to him with the details.

Having given the House those reassurances, I hope that hon. Members will be able to accept the new clauses and amendments.

Damian Green (Ashford) (Con): I should like to thank the Minister for the kind remarks that she made at the beginning of her speech. We welcome the thrust of the new clauses and amendments. We made an effort in Committee to ensure that the Bill would have a practical effect and make a significant difference to the practice of immigration control, and to the enforcement of the important laws in this area. That was the intention behind our various amendments to that part of the Bill.

I am glad that Ministers have reflected further and turned our amendments into the new clauses under consideration this afternoon. Not only is that good for the Bill and for the practice and enforcement of immigration control, but it represents a small victory for scrutiny by the House of Commons, which is much abused. It is a textbook example of how scrutiny can work, and of how the Committee stage can improve a Bill in small but important ways, if Ministers are flexible enough to take on board arguments made in good faith by Opposition parties.

2.30 pm

I would like the Minister to return to one detail. Although she has rightly emphasised the issue of proportionality of response—and she has talked a lot about the safeguards over the past few minutes—she said previously that our amendment was unnecessary and potentially disproportionate under article 8 of the European convention on human rights, especially in relation to widening the power to enter and search premises for relevant documents. We suggested expanding the scope of the provision to cover "any other premises", to ensure that those searches were as effective as possible. Clearly, that is an extremely serious consideration for Ministers to take on board. Will she therefore reassure the House that the powers

in the new clauses do not in any way breach article 8 of the ECHR, and explain why they do not?

With that one potential caveat about the new clauses—as I said, they grew out of amendments that we tabled in Committee—we welcome their inclusion in the Bill.

Paul Rowen: Like the hon. Member for Ashford (Damian Green), I welcome the revised amendments submitted by the Minister, notwithstanding her detailed explanation about the safeguards and operation of the Bill.

In that regard, I have a question about the role of the chief inspector of the Border and Immigration Agency. If there is concern about an immigration officer's pursuit of such searches, is it correct that the chief inspector can refuse to co-operate with, say, Her Majesty's inspectorate of prisons, the Independent Police Complaints Commission or other bodies that might be concerned about the operation of the clause? I have no objection to the use of the provision; it is important that the powers that officers have are clearly laid out. As I mentioned, however, I am concerned about the effect on community relations, which is why I asked about monitoring. If there are concerns, is it true that the chief inspector will be able to block any investigation?

Joan Ryan: The hon. Member for Ashford is right that the European convention on human rights was discussed in relation to the proportionality of the legislation. As I understand it, the amendment that he tabled would have extended the powers sought by the clause then in the Bill. The introduction of the seeking of a warrant helps to satisfy the requirement to protect people's rights under the legislation. We are satisfied that the new clauses and amendments are compatible with the convention.

It was interesting to consider the examples given in relation to the new clauses and amendments. Of course, police already have powers to deal with the criminal offence outlined by the hon. Gentleman. The provision is about the seeking of documents relating to nationality, in order to effect removal and deportation at the appropriate time. With regard to that analysis, he had a point. We wished to address that, not leave a loophole in what we all agree is necessary legislation, or create an incentive for people to hide their documents with family, friends and so on. Although the majority of documents are found on the premises where the person is arrested, or on premises under the person's control, we recognise the possibility of creating a perverse incentive for those documents to be stashed away somewhere else, so we wish to extend the powers. Given the analysis that we have undertaken, there is no question but that extending the safeguards to include the seeking of a warrant—which does not apply to the powers to search the premises where the person is found or premises under the person's control—satisfies the requirements.

In response to the question of the hon. Member for Rochdale (Paul Rowen), the chief inspector will have oversight of Border and Immigration Agency activity, and will therefore oversee immigration officers exercising powers. The IPCC will oversee the police. I hope that that clarifies the relationship, but I can write to the hon. Gentleman in more detail if he still has concerns. I thank both hon. Gentlemen, and my hon. Friends, for their support for the measures.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 10

POLICE CIVILIANS

'In Part 2 of Schedule 4 to the Police Reform Act 2002 (c. 30) (powers exercisable by police civilians: investigating officers) after paragraph 18 (entry and search after arrest) insert—

"Entry and search for evidence of nationality after arrest

18A Where a designation applies this paragraph to any person—

(a) sections 43 to 44 of the UK Borders Act 2007 (entry, search and seizure after arrest) shall apply to that person (with any necessary modifications) as if a reference to a constable included a reference to that person, and

(b) a provision of the 1984 Act which applies to constables in connection with any of those sections shall apply (with any necessary modifications) to that person."'.—*[Joan Ryan.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 1

DEPORTATION ORDERS: PROVISION OF INFORMATION

'The Secretary of State shall comply with any request for information from the victim of an offence about a deportation order made under the provisions of section 31(5) in respect of the person convicted of that offence.'.—*[Mr. Kidney.]*

Brought up, and read the First time.

Mr. David Kidney (Stafford) (Lab): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments:

No. 34, in page 16, line 6 Clause 31, leave out from 'whom' to end of line and insert 'the condition under subsection (2) applies.'.

No. 35, in page 16, leave out lines 7 to 13 and insert—

'(2) The Condition is that, in the opinion of the sentencing judge, there is no public interest or other lawful reason why the person should remain in the United Kingdom.'.

No. 15, in page 16, line 7, leave out 'of at least 12 months'.

No. 8, in page 16, line 12, after 'criminal)', insert 'or is an immigration offence under the Immigration Acts'.

No. 2, in page 16, line 37 Clause 32, leave out 'conviction' and insert 'the offence'.

No. 14, in page 17, line 32 Clause 33, leave out from 'requires' to end of line 33 and insert 'the Secretary of State to—

(a) make a deportation order no less than one month before the end of the individual's sentence, and

(b) ensure the deportation of an individual against whom a deportation order has been made occurs not more than six months after the making of the order.'.

No. 9, in page 19, line 21 Clause 37, leave out subsection (1).

No. 10, in page 19, line 23, leave out paragraphs (a) and (b).

Government amendments Nos. 17 to 22 and 27.

Mr. Kidney: New clause 1 is grouped with a large number of amendments, none of which I tabled, so I shall leave their explanation to others.

New clause 1 sets out a simple proposition: when foreign nationals are deported because they have committed relevant crimes, their victims should be entitled to know about the deportation. In the Bill as amended in Committee, clause 31 provides for what the heading calls "Automatic deportation". At its most basic, my argument is that if the deportation is automatic, what is the problem in telling the victim that it has happened?

The truth, however, is that not every foreign national convicted of an offence and sent to prison will be deported. For some offences, there will be a sentence of less than 12 months, which will not trigger the power. Clause 32 provides for a number of exceptions that will mean that others will not be deported. To my mind, the fact that, in some instances, uncertainty remains as to whether a deportation will take place strengthens the case for victims to know what has happened. I want to illustrate that argument with reference to the constituency case that first attracted my interest in the issue.

In 2005, a young female adult was walking home from work on a Saturday night. She was followed by a man for two miles until she was in a road where no one else was about. There she was brutally raped. The offender was arrested. He was a foreign national. He was tried and convicted, and the judge, sentencing him to six years in prison, said that he had shown absolutely no remorse. It was at that point that I was asked by my constituent's family to find out whether the offender would be deported from prison.

The young female was understandably suffering not just physical but mental trauma because of her experiences. She wanted to know whether there was any risk at all that the offender might one day be back on the streets where she lives. For her that is an ever-present, uncomfortable thought. I was quite willing to help to try to put her mind at rest.

I wrote to Home Office Ministers several times to find out about the fate of the foreign national in prison. To my surprise, they responded each time that they could not disclose any information to me. Here is a typical response, in a letter dated 22 August last year:

"As you will appreciate, Home Office records relating to individual overseas nationals are confidential and information from them can only be disclosed to the subject or his appointed representative. This is in accordance with the Home Office's legal obligations under common law, human rights, data protection and the Code of Practice on Access to Government information. Unfortunately, the Home Office has not received any written confirmation from"

the offender

"that"

the victim

"can be treated as such."

For obvious reasons, I have omitted the names of the two people involved.

My response to being told that the offender had the right to block the victim's access to information that she wants only because of the offender's wrongdoing was that it offended my sense of what was right. I double-checked the Home Office's stance by tabling a parliamentary question, believing that an hon. Member asking a parliamentary question would be entitled to information about the deportation. Once again, however, my request was stonewalled, as can be seen at column 1044W of the 16 October edition of *Hansard*.

Not wishing to give up, I spoke in the debate on the Queen's Speech on 23 November 2006, again raising the specific case of my constituent and the point of principle about access to information for victims. That can be seen at column 780 of *Hansard*. The Minister for Immigration, Citizenship and Nationality, my hon. Friend the Member for Birmingham, Hodge Hill (Mr. Byrne), who is in the Chamber today, responded sympathetically, and I subsequently corresponded with him on the subject. However, his reply also relied on human rights and data protection as reasons for his inability to provide the information.

After my contribution to the debate on the Queen's Speech, I learned that I was not alone in experiencing this difficulty. Other Members, and indeed journalists, contacted me about many similar stories. Obviously my research has not been extensive or systematic, but it has left me with the impression that just beneath the surface the problem experienced by my constituent and by me is a common one. That, surely, is a very undesirable state of affairs.

New clause 1 is an attempt to give the Home Office parliamentary authority to break through the obstacles and give victims information to which I believe they should be entitled. In recent years, we have legislated to give more entitlements to victims. The Domestic Violence, Crimes And Victims Act 2004 enables victims of some sexual offences, for instance, to obtain information from the probation service about licence and supervision conditions when an offender is released from prison. New clause 1 is an attempt to nudge the law slightly further in favour of relevant information for victims, in this case on whether a foreign national has been deported.

2.45 pm

In a written statement on 23 May 2006, the present Home Secretary said:

"My first priority has been to protect the public".—[*Official Report*, 23 May 2006; Vol. 446, c. 77WS.]

It is worth recalling that at that time the deportation of foreign nationals who had committed serious offences in the United Kingdom was a topic of intense public interest. In part at least, the furore arose because the record keeping of the Home Office and its agencies was not very good. Perhaps if there were more openness, and more access and exposure to public scrutiny of these matters, there would be fewer problems of this kind. I hope the Minister will tell us what arrangements he envisages in the context of the deportation power in clause 31, not just in respect of access to information

about deportation for victims, but in respect of what information Parliament and individual Members should have.

There are victims of serious crimes who have a legitimate interest in knowing whether a deportation, as directed by clause 31, has indeed taken place. For the sake of those victims and, indeed, for the sake of the public's confidence in our laws, it is in the public interest for the information specified in new clause 1 to be given to those victims. In weighing the interests of the offender and the victim, surely we should give the victim's rights the higher priority. For those reasons, I urge the Minister to respond positively to new clause 1.

Damian Green: I shall concentrate mainly on the four amendments tabled in my name, but let me first comment on what was said by the hon. Member for Stafford (Mr. Kidney), who made a powerful case.

When the rights of the victim are balanced against those of the offender, it is clear that the victim's rights should come first. I am sure the Minister agrees with that, but—coming fresh to the matter—I am puzzled by the response that the hon. Gentleman received from the Home Office, which told him that owing to a number of legal restrictions his constituent could not have the required information.

Given that we have been through a phase during which the Government were prepared to circulate posters and leaflets about hooligans who had received antisocial behaviour orders, and were making a virtue of naming and shaming people who were guilty of what I suspect were, in this context, relatively minor offences, and given that anyone who will be subject to deportation under the Government's proposals must have been convicted of an offence and been in prison for more than 12 months—and must therefore have been convicted of a very serious offence—I feel that the hon. Gentleman made a good case for the new clause, or a similar measure. We need an appropriate balance that gives more weight to the victim's rights than the current arrangement as explained to him by the Home Office. I hope that the Minister, who will have seen the new clause on the amendment paper for some time, will be able to respond positively to his hon. Friend.

Amendment No. 8 would add to those considered for automatic deportation people who have committed immigration offences. As it stands, the Bill provides for what it calls automatic deportation, but I think it was widely agreed in Committee that that is a misnomer. It is automatic deportation except when it is not automatic, and that means a huge number of exceptions. The deportation provision applies to foreign prisoners who are sentenced to more than 12 months in jail, yet the Bill itself sets the punishment at 51 weeks for the new immigration offences that it creates. That means that anyone committing an offence under the terms of the Bill would not be subject to the part of it that provides for what it calls automatic deportation, which strikes me as perverse. It is not credible that a Bill that purports to protect our borders excludes from its own provisions automatic deportation of those who commit serious crimes against immigration officials and those who seek to enter this country illegally.

As it stands, the Bill sabotages its own effects. I am sure that the Minister will say, as he did in Committee, that a dim view will be taken of people discovered in the UK illegally and that the chances of their being allowed to stay will be limited. However, the Opposition believe that a strong message needs to be sent: "We will stop you if you try to come to this country illegally, but if we cannot we will catch you and send you away again quickly."

Previous mistakes in that regard are the main cause of problems in the entire immigration system. The number of asylum seekers has dropped considerably in recent years, mainly because of the end—thankfully—of wars on the continent of Europe, but there is a huge overhang in the system, which is one of the main problems the Government face. We want to prevent anything similar from happening in the future, if there should again—God forbid—be large-scale movements of refugees across Europe, which would inevitably end up with hundreds of thousands of people coming to this country, as we have found in the past. That is the purpose of amendment No. 8.

Amendment No. 14 would require the Secretary of State to make a deportation order at least one month before the end of a prisoner's sentence and would provide for that person to be deported within six months of the order being served. The Minister assured us at earlier stages of the passage of the Bill that he had the right systems and manpower to ensure that the deportation system would work better in future than it has in the past. He said that resources in what was the IND and is now the BIA—the immigration and nationality directorate and the Border and Immigration Agency for those who are not keeping up with the fast-moving world of Home Office acronyms—had increased tenfold over the past year.

The amendment is designed to probe whether the Home Office's systems will ensure the deportation of the individuals it wants to deport, precisely because the scandal that cost the still immediately previous Home Secretary his job arose in part because of the inability of the Home Office, the Prison Service and other agencies to communicate and work together to get serious criminals, out of the country. One fears that with the split in the Home Office, which we discussed in previous business today, those communication problems are likely to get worse, as the Prison Service has been even further removed from the ambit of the immigration service. The situation will certainly not get better and it may get worse, so the need for the amendment is even more urgent now than when we discussed it a few weeksago in Committee. The amendment would ensurethat arrangements were already in progress when an individual neared his or her release date, to make the whole process smoother and more efficient.

Amendments Nos. 9 and 10 and Government amendments Nos. 17 to 22 relate to exemptions from automatic deportation and share a common interest. We want to achieve the same things. At present, people who have been handed a suspended sentence are exempt even if they serve some of the sentence, and the amendments would close that loophole. We wanted to delete subsection (1) of clause 37 in its entirety, but the Government want to do that in another way.

I am sure the Minister agrees that if a person is handed a suspended sentence he has committed a crime of some seriousness in the first instance. The suspended sentence is activated only when somebody is

[Damian Green]

in trouble for a second time and is, therefore, by definition a repeat offender. so it seems entirely reasonable to us that such a person should have the hospitality of this country withdrawn from them. I am glad that the Government have once again shown flexibility in the wake of the discussions in Committee and that they agree with us on that point.

I hope that the right hon. Member for Leicester, East (Keith Vaz) will speak to his amendment No. 2, which also deals with exemptions from automatic deportation. Under clause 32, people are exempt if they are under 18 when convicted and, as I understand the right hon. Gentleman's amendment, he wants to focus on the date of the offence rather than the date of conviction. I have a degree of sympathy with Ministers on that point, as clearly they need to select one event as the cut-off point for the exemption. None of the options is perfect, but the advantage of using the date of the offence is that it will seem fairer. Justice can occasionally take a long time, so it is not difficult to imagine a situation where two 17-year-olds might commit a crime on the same day but one might be deported because his case took longer to get to court and he had passed his 18th birthday, while someone committing the same crime on the same day would be allowed to stay in the UK because he received justice more quickly. Such a hypothetical situation is not difficult to imagine; nor is it difficult to imagine that the public would find it somewhat unfair.

David T.C. Davies (Monmouth) (Con): But does my hon. Friend not agree that one down is better than none down at all, and that we are better off getting rid of at least one prolific offender? Most people would find that a better solution all round.

Damian Green: It is an unarguable fact that treating one offender properly is better than nobody being treated properly, but I hope my hon. Friend agrees that everyone being treated fairly by the law should be our aim when passing legislation in the House, so that all offenders know that what is coming to them is the same punishment as for those who commit equivalent offences.

I have a deal of sympathy for the amendment and I shall be interested to hear the counter-arguments the Minister deploys against it, if indeed he does so. I know that the hon. Member for Rochdale (Paul Rowen) wants to speak to amendments Nos. 34 and 35, so I shall let him do so before commenting further.

Mr. Neil Gerrard (Walthamstow) (Lab): I want to comment briefly on the new clause moved by my hon. Friend the Member for Stafford (Mr. Kidney), which is about people obtaining information.

There are good reasons why we have data protection legislation and why third parties are not normally given access to information under that legislation. In general, it is right that the legislation applies. I am familiar with the type of problem to which my hon. Friend referred and have seen a significant number of such cases, although they do not always involve criminal offences. A common situation might be that a marriage has broken up less than two years before an application for indefinite leave to remain was granted and a constituent claims that the person they left was violent and subjected them to harassment. Often, no criminal offence is committed in such cases so it can be difficult to decide whether information should be released, because when someone approaches us in such circumstances we inevitably hear only one side of the story. We might have an opinion on how valid that side of the story is, but we are only hearing one side of the story.

3 pm

I have handled cases similar to those described by my hon. Friend. Recently, a constituent I was dealing with had separated from her husband who had been violent. He had then been convicted of a sexual offence elsewhere in the country. He had also been subjecting her family to considerable harassment after the marriage broke down. In my opinion, we should have got rid of him as quickly as possible. However, we ran into the problem of not being able to get information about what was happening to him and whether he was going to be deported.

As my hon. Friend said, we will not necessarily always get the result that the constituent wants—the other person being removed. However, whether or not they are removed it is common sense that the victim ought at least to have information on that. Has the person been subject to a deportation order? Has that order been signed? Has it been put into effect? If that has happened, it will give the victim some peace of mind. If for some reason it has not been possible to deport the convicted person, at least the victim will know that, and can, if necessary, take whatever precautions they think are reasonable to try to avoid coming into contact again with the criminal.

Stewart Hosie (Dundee, East) (SNP): The examples given are all very familiar. In some such circumstances, the assailant and the victim are married. In many cases, the victim—usually a woman—is also the assailant's sponsor for being in the United Kingdom in the first place. Does the hon. Gentleman not agree that in such circumstances at the very least—where there is a clear locus in addition to someone being the victim of a crime, subject to the other person being convicted of that—information about deportation should be provided?

Mr. Gerrard: That is a common scenario, but I can think of situations in which it would be difficult to give out such information. There might not have been a criminal charge. The person might not have been convicted. A constituent might come to their MP with allegations about someone's behaviour but the police have not been involved and there has not been a conviction. In such circumstances, we hear only one side of the story. We might well believe it, but there has been no conviction.

However, we are currently talking about people who have been convicted—and of serious offences. The new clause does not ask for wide, generalised information to be given. It does not ask for information to be given about anything other than the deportation order itself. That is worth considering. Even if the Minister feels that the new clause as it stands is not appropriate and

that what is needed are changes to existing legislation—perhaps to data protection legislation—I hope that he will look into the matter.

We are discussing narrow but clearly defined circumstances. I and other Members have dealt with constituents who have been very distressed when they have been the victim of a serious crime and it is not possible for them to know what is happening to the individual who committed it. We should contrast their situation with that of someone who has been a victim of crime in other circumstances and who would be able to get some information—who would know if someone were to be released on parole, for example. I hope that the Minister will look into this matter.

John Hemming (Birmingham, Yardley) (LD): I rise to support amendments Nos. 34 and 35, on which we hope to have an opportunity to vote at a later stage. Perhaps one of the biggest issues with automatic deportation is that, in the Bill, automatic deportation is not automatic deportation. The key question about the processes whereby somebody goes through a criminal conviction and then ends up at some stage being deported is this: at what stage should the judicial consideration of the merits of the case for deportation occur? We have strongly argued that that should happen at an early stage. We argue that the court of first instance at which the decision is taken about whether someone is guilty and what sentence they should receive should also be the point at which it should be decided whether they ought to be deported. The Government's alternative—having failed previously to execute judicial recommendations for deportation—is for the Home Secretary still to decide whether certain exemptions apply. As a consequence, the decision will be subject to judicial review. Because it will be subject to judicial review, there will be a stay of deportation proceedings until the judicial review has occurred.

Therefore, rather than the judicial consideration occuring right at the start, it happens at the end of the process. Therefore, we can envisage a prisoner being released because judicial review proceedings have been initiated and wandering off somewhere. The judicial review proceedings then continue and it is decided that there is no case to answer, but the person concerned has been released. That is absurd. Even if the Conservative party's recommendation for deportation decisions to be taken at least a month before the end of the sentence is accepted, we could end up with people being released and there being a stay of proceedings. With no deportation, violent criminals could be allowed to wander the streets when they should have been deported.

It is clear that these issues should be dealt with at the start. Some offences that result in imprisonment—such as not paying council tax, stealing electricity, or not attending probation meetings—do not make someone a major threat to society. If someone has been living in the country for 30 years, we would not expect them to be deported for not going to a meeting or not paying council tax. That would not be reasonable.

David T.C. Davies: The hon. Gentleman must be aware that nobody has been sentenced to more than 12 months in prison for not paying council tax. Therefore, the situation he describes is very unlikely to arise. No more than a handful of people each year are convicted of stealing electricity, and I am sure that the sentences for doing so are extremely light and of less than 12 months.

John Hemming: I refer the hon. Gentleman to the current wording of clause 31. Obviously, some cases are covered that do not have a 12-month sentence applied. Suspended sentences are applied in some circumstances. It would be useful if the hon. Gentleman did a little more research on sentences.

We are saying not that criminals should not be deported under certain circumstances, but that judicial consideration should happen at the start of the process. That deals with one of the points of the hon. Member for Stafford (Mr. Kidney), in that at that stage the victim is involved in the criminal process. It is at that stage that it should be decided whether it is appropriate to deport someone. There is no disagreement in this House that someone who comes to this country and goes about causing all sorts of problems, involving violence, for example—the situation in which the victim is the sponsor is a good example—should be subject to deportation. The question is: what is a firm but fair and effective way of doing that? The Government have failed to be effective in the past. We are simply saying that this decision should be taken by the initial court.

Damian Green: I am not sure that that solves the good point of the hon. Member for Stafford (Mr. Kidney). A Judge might decide in the first instance that someone should be deported, but during the period of the prison sentence, the country to which he ought to be deported became so dangerous that he could not be deported there. Things might be even worse in the current situation in which someone might get a letter saying "X will be deported" but they are not deported. I am not sure that this problem has been addressed.

John Hemming: I accept that our suggestion only partially addresses that, in that the victim will be involved in the initial process and in the decision-making process as to whether someone should be deported.

There is a good argument in favour of new clause 1. As things stand, without new clause 1, there would be so-called automatic deportation as a result of some serious offence. A decision then would be taken by the Home Secretary as to whether that satisfies certain exemptions, and that would then be subject to judicial review, but the victim would not even know that a judicial review had gone through. Therefore, someone would be released from prison and be free to move anywhere in the country. However, the victim may believe, because of the flaws in the design of the system, that a deportation is occurring, only for the person concerned to turn up on their doorstep.

Frankly, the Government have got to get their act together and start designing systems that are firm, but fair and effective. The current proposals are not effective. They put the judicial process at the end of the system, rather than at the beginning, and that process should take place at the beginning.

Keith Vaz (Leicester, East) (Lab): I wish to speak briefly in support of my amendment No. 2 and of new clause 1, tabled by my hon. Friend the Member for Stafford (Mr. Kidney).

I have previously raised with a Home Office Minister a case involving a constituent of mine, a young man from Leicester who was studying in Manchester. He was killed in a road accident by a Chinese citizen. The matter went before the courts and there was a series of adjournments before the final hearing took place. Unknown to my constituent's parents, the person responsible for the crime, although he had not been convicted—he had been charged and was to appear for trial—was removed by the Home Office back to China. So although they were ready to attend the trial of this gentleman and were seeking closure in order to move on, they were told by the court staff that he had been removed.

The then Minister with responsibility for such matters, my hon. Friend the Member for Leigh (Andy Burnham)—he is now a Minister of State in the Department of Health—told me that new procedures would be put in place to ensure that someone who was part of the judicial process would not be removed without people being informed. I am not sure whether that has happened. When the Minister for Immigration, Citizenship and Nationality sums up the debate on this group of new clauses and amendments, he will doubtless tell us what has happened as a result of the issues raised in the Adjournment debate on this matter. Although I was satisfied with the actions of the then Minister, I was not convinced that the procedures adopted then by the Home Office would help us to ensure that such a situation would not occur again.

Hence the need for new clause 1, which is a sensible, reasonable provision that would help the Home Office and the victims of crime. In the light of today's statement about splitting the Home Office in half and putting the Prison Service and the probation service under the remit of the Ministry of Justice—a move that I support—we will be dealing with two Departments instead of one. The flow of information might therefore not be as seamless as one would have liked; it certainly was not seamless before. However, if we adopted new clause 1, which has the support of other Members, such information would be forthcoming. As a result, victims would be informed and people would not be left in the situation faced by my constituents, to whom information was given only when they happened to ask. If the new clause was accepted, such information would be given to victims not by the Crown Prosecution Service or the police, or by the opposing side's solicitors to their solicitors, but by the appropriate authority—in this case, the Home Office.

The gentleman to whom I refer was removed to China, but we do not know whether he has come back to the United Kingdom. We have no indication whether a cross was put on his passport or whether the Home Office told the Foreign Office about this case, which would mean that when he applied for entry clearance, the officer concerned would be aware that he had committed a crime for which he had not been charged. That is why this information is vital and why new clause 1 is so important. For those who will suffer in future, such a provision would be a great comfort; and my constituents, who have suffered following the death of their son, would be able to feel that the Government have acted responsibly to ensure that they can obtain closure.

3.15 pm

David T.C. Davies: I congratulate the hon. Member for Stafford (Mr. Kidney) on making the case for new clause 1 so well. When I first read it I did not realise its significance, or that such a problem existed in obtaining information. If it is accepted, it would help the victims of offences and it would help Members of Parliament to help those whom we feel have a genuine case for staying here. We cannot always get the information that we require about foreign nationals in this country.

The hon. Member for Walthamstow (Mr. Gerrard) echoed that concern, but I disagree with him slightly on one point. There is a wider malaise in the Home Office; not at the top, for once—I am not going to blame the Government for this—but among its middle-management, who seem to feel that victims do not have the right to information about offences, be they offences involving foreign or British nationals. I was involved in a case concerning a British national, and it was impossible to get information for the victims of that crime on when that person was going to be released from custody, or even on what his sentence was. Such information should be freely available, but the reality is that it is not. I therefore hope that my colleagues will consider supporting new clause 1.

I fear that I will not win so many friends in talking about the amendments in this group. Amendment No. 35 appears to be an attempt to take away from the Home Secretary the power to take decisions about deportations and to give more powers to the judiciary.

John Hemming: Does the hon. Gentleman not accept that the Home Secretary's decisions are subject to judicial review in any event?

David T.C. Davies: Of course, but the hon. Gentleman will know that it is very difficult to initiate judicial review—one has to prove not that one disagrees with the decision, but that the way in which it was made was fundamentally flawed in a legal sense. The amendment would make it easier for those who have committed offences to stay in this country.

I turn to amendment No. 2, tabled by the right hon. Member for Leicester, East (Keith Vaz), amendment No. 15 and the various Government amendments. It is my fundamental belief that those who come to this country who are willing to work, play their part and make a contribution should be welcomed. However, I am afraid that far too many people who come here have no intention whatsoever of living up to the high standards that we set in this country, or of obeying our rules, and are prepared to commit crimes persistently and with no regard whatsoever for their victims.

As you may know, Mr. Deputy Speaker, I wear another hat as a special constable, and every time I log on to the force computer it becomes clear that gangs of pickpockets from several European countries—some

inside the EU and others outside it—and from one African country are operating in this country, and that they have committed numerous offences and are arrested regularly. I can see their names and addresses on the computer and the long list of offences of which they have been convicted, and I know from statistics that they have been convicted of only a fraction of the offences that they have actually committed. However, they are not deported. Even when these provisions come into force, it is unlikely that many of them will be deported, because they are committing crimes that often carry a sentence of less than 12 months' imprisonment.

It is my contention that there are far too many people in this country who should not be here as it is, and that we should be doing far more to get them out.

John Hemming: Will the hon. Gentleman give way?

David T.C. Davies: In a moment—when I have made my point about whether we should be booting out people aged over 18 or under 18 at the time of the offence. If we can remove more people from this country, we should do so if they are breaking the law. There should be no place in Great Britain for those who come here as career criminals.

John Hemming: Does the hon. Gentleman not accept that our amendment would enable a persistent pickpocket to be put through the deportation process, and that, unlike his proposal, it would lead to their deportation?

David T.C. Davies: I thank the hon. Gentleman for that intervention. Although his amendment would make deportation possible, it would be unlikely to happen in practice. Low though my opinion is of the Home Office, the Home Secretary is at least accountable in some way to public opinion. That is one of the reasons we have had a few Home Secretaries recently. The public have lost confidence in them. Ultimately, I would prefer to put my faith, little though it is, in the Home Office rather than in the judiciary, because the judiciary is completely unaccountable and, in far too many instances, passes sentences that defy rationality and common sense.

I shall make my final point bluntly. There should be no country in the world considered so dangerous that we should not deport people to it if they are persistent criminals or have committed serious crimes such as rape. I do not know what case the hon. Member for Walthamstow was talking about, but at least one rapist was imprisoned, and not deported on release, because Somalia was deemed to be too dangerous, and went on to commit another rape. I do not know the outcome, but I suspect that he still has not been deported.

The Foreign Office was able to spend £10,000 on sending a private jet into Somalia, presumably containing security guards, to rescue people who had British passports and who had been fighting on one side or the other in the Somali civil war and were connected with al-Qaeda. We were able to get planes in to pick people up—although I suspect that they will not make a great contribution to this country—so we should be able to send planes to take back people who are detrimental to the safety of the public in this country, such as the rapist I mentioned.

As anyone who has been to Africa or anywhere in the third world will know, a little bit of money goes a long way. If we wanted to deport someone to Somalia, we would not need to go to the expense of chartering private jets. We could simply take them to the Kenyan border and pay someone a few dollars to take them over in a minibus. It would be easy to deport people to Somalia. Put me into the Home Office and I will deport people who do not belong in this country left, right and centre. There is no single country to which we cannot physically deport people, and there is no country so dangerous that we should not deport people to it if they have committed the most serious offences.

Paul Rowen: I hope that the Minister will accept new clause 1 and amendments Nos. 34, 35 and 2. We are having this debate about automatic deportation because last year the Home Office failed to review and implement deportation orders on several criminals in the system. The Home Secretary did not exercise his powers and ended up losing his job.

I agree with the hon. Member for Stafford (Mr. Kidney). In the short time I have been a Member of Parliament, I have dealt with several cases of women subject to domestic violence in forced marriages. I have written to the Minister about some of those cases and the most frustrating aspect for the women is that their husbands are still around, having served their sentences. Data protection legislation prevents the Minister from giving the women any indication of when their husbands are to be removed. In the past 12 months, I have dealt with four such cases. It is deplorable that women who have been subjected to domestic violence should not know how long their husbands will be roaming around or when they will be deported.

Keith Vaz: When such women come to my surgeries and ask me to write to the Home Office for all the information they can be given, the Minister or his official writes back to say, "Sorry, as you are a third party, we cannot give you any information." The spouse is never informed of what is happening.

Paul Rowen: I agree. If new clause 1 and the amendments tabled by the Liberal Democrats were accepted, the victims would know at the time of sentence whether the offender was to be deported. The Minister can dress up the issue any way he wants—it might make good headlines to claim automatic deportation for a sentence of more than 12 months—but the clause is riddled with so many exceptions and ifs and buts that it will not happen. If our amendment is accepted, a decision will have to be made. My hon. Friend the Member for Birmingham, Yardley (John Hemming) gave the example of a pickpocket who commits a series of offences that do not qualify for an automatic 12-month sentence. Under the present rules, that person will not be subject to automatic deportation.

The Minister for Immigration, Citizenship and Nationality (Mr. Liam Byrne): The automatic deportation provisions are not simply confined to those who have been given a 12-month sentence. They include the 324 offences that sit on section 72 of the 2003 Act. To take the excellent example of the

[Mr. Liam Byrne]

recidivist pickpockets, their offences would be defined under the Theft Act 1968, which are on the section 72 order and so would be caught by the provisions of the Bill.

Paul Rowen: I am grateful to the Minister for that information. But let us take the example of a child asylum seeker—I have dealt with one such case in the past 12 months—who comes to this country with a false passport or no passport. At present, that offence attracts a 12-month sentence. The amendment tabled by the right hon. Member for Leicester, East, which applies the age limit of 18 to the date the offence was committed, rather than the date of conviction, would at least ensure some sort of parity when people are sentenced. The 12-month sentence limit is very arbitrary. Someone can be sent to jail for 12 months for not paying their council tax, for fly-tipping or for possession of cannabis.

David T.C. Davies: The hon. Gentleman is being naïve. He talks about research, but nobody is sentenced to prison for 12 months for not paying their council tax, smoking cannabis or fly-tipping, although given our environmental problems, it would be good if they were for the latter. Let him give the House a single example of one council tax defaulter or cannabis smoker who has been given 12 months in prison and then he can make his case.

John Hemming: The hon. Member for Monmouth (David T.C. Davies) fails to understand what the Minister said, which is that certain offences require only a sentence or suspended sentence of imprisonment of any length to qualify.

Mr. Deputy Speaker: Order. If a Member gives way to an intervention, it is usual for him to deal with it before taking another. Otherwise we lose the thread of the debate.

Paul Rowen: I am grateful for that guidance, Mr. Deputy Speaker.

The debate clearly illustrates why the clause needs serious revision. It is a fact, whether the hon. Member for Monmouth likes it or not, that those offences that I have mentioned can result in a 12-month jail sentence. They may not do so at the moment, although if he became Home Secretary I have no doubt that they would. We seek to provide clarity so that the judge will decide the sentence and the victim knows what will happen. Then, and only then, the decision can be subject to judicial review, whether by the Home Secretary or anybody else.

Damian Green: I am grateful to the hon. Gentleman, who is being very generous. He is talking about clarity, so will he clear up what amendment No. 35 means? It states that

"in the opinion of the sentencing judge, there is no public interest or other lawful reason why the person should remain in the United Kingdom."

What does the phrase "public interest" mean, as used in the amendment?

Paul Rowen: I can give the hon. Gentleman an example of what the phrase means. Let us say that a child from a war-torn country is seeking asylum here. The automatic 12-month sentence could lead to deportation, but it might not be in the public interest to send that child back to a country where he or she may not find a place of safety. That is why the public interest test has to be included. Moreover, the important point to remember is that what constitutes the public interest is subject to challenge by judicial review.

3.30 pm

Mr. David Heath (Somerton and Frome) (LD): I am most grateful to my hon. Friend for giving way; he is indeed being very generous. The public interest test is applied in every prosecution in this country—it is one of the requirements that the Crown Prosecution Service must meet before it mounts a prosecution, so it is hardly alien to our legal system. Surely, my hon. Friend is asking for the sort of clarity in sentencing that our hon. Friend the Member for North Southwark and Bermondsey (Simon Hughes) asked for earlier from the Ministry of Justice. He was assured that that was part of Government thinking.

Paul Rowen: I am grateful to my hon. Friend for that intervention. In conclusion, I hope that the Minister will consider new clause 1 and our amendments Nos. 34 and 35. They are important because they would provide clarity. We believe that the 12-month test is about headlines more than it is about dealing with real issues and offences.

Mr. Byrne: I want to put on the record my gratitude to the House for the range of amendments in this group. The debate has been a good illustration of the sort of discussion that we had in Committee. There have been two extremes in the debate and, like all reasonable Governments, we have sought the right balance. We listened to the arguments made in Committee and, as the hon. Member for Ashford (Damian Green) noted, we brought forward provisions to toughen some of the measures in the Bill.

I shall begin by talking about some of the more procedurally oriented amendments—new clause 1, tabled by my hon. Friend the Member for Stafford (Mr. Kidney), and amendment No. 2 tabled by my right hon. Friend the Member for Leicester, East (Keith Vaz). I have enormous sympathy for both, and should like to thank my colleagues for the time that they have spent arguing their case with me, in this and previous debates, and in private.

I associate myself in particular with the remarks made by my hon. Friends the Members for Stafford and for Walthamstow (Mr. Gerrard). Many Members have encountered the same frustration at the lack of disclosure about sensitive cases. I have a great deal of experience of the sort of case raised by my hon. Friend the Member for Walthamstow. Indeed, two such cases were brought to my attention just last Saturday. The first involved a young woman who was suffering intimidation by a former partner and having great difficulty understanding the status of the case. The

second involved a young man suffering threats of violence from a former partner and members of her family—

Madam Deputy Speaker (Sylvia Heal): Order. I wonder whether I could ask the Minister to face the microphone? It is difficult for hon. Members and the *Hansard* writers to hear him.

Mr. Byrne: Thank you for your counsel, Madam Deputy Speaker.

We need to make changes in this area, but our acceptance of new clause 1 is constrained by the Data Protection Act 1998 and the Human Rights Act 1998. The way in which it is drafted means that we would have to disclose information in quite a wide range of circumstances. For example, we would have to disclose the nature and basis of the asylum claim, and that could lead to questions about what considerations had been taken into account and what information was taken into account under articles 8 and 3 of the European convention on human rights.

It is important that we frame the Bill in a way that allows us to disclose the maximum possible amount of information to families and victims, yet still observe the constraints of existing legislation. Section 15(1) ofthe Criminal Justice Act 2003 allows information to be disclosed on 65 different offences. Under that provision, victim liaison officers are allowed to provide information about when a decision is made, when a deportation has been effected, and what conditions are attached to a person who has been released on bail. The victim has to opt in, and that happens in about 5,000 cases each year, so some of the arrangements are working in practice. I would be grateful if my hon. Friend the Member for Stafford met me to discuss his constituency case in more detail, so that we can understand whether the arrangements that have been put in place under the Domestic Violence, Crime Victims Act 2004 are working in that case or whether there is a problem with the implementation of the policy. Is there something that is mechanically not working and needs to be addressed?

Damian Green: In many cases, deportation happens after an order by a judge. A judge will recommend deportation—that is a public judicial act. I genuinely fail to see how a Data Protection Act constraint can apply to an order that is made by a judge in an open court in front of reporters and so on.

Mr. Byrne: Precisely. That is why, under the 2004 Act, it is possible for victim liaison officers to disclose information about whether a deportation has been effected and, when a decision has been made, what that decision will mean, as well as, if someone is released on bail, the conditions that are attached to that. If my hon. Friend the Member for Stafford will permit me, I should like to explore whether those arrangements are working in practice or whether they need to be improved.

Mr. Kidney: I am grateful to my hon. Friend for all that he has said, including the offer of a meeting, which I readily accept. In so far as there are obstacles, as he has described, in the Human Rights and Data Protection Acts, those are clearly Acts of Parliament that this place has passed. We are now debating another Act of Parliament and surely we can set what we want the law to be. When my hon. Friend describes the first small step that was taken in the 2003 Act, will he look at whether that can be strengthened to meet the concern that I have described today?

Mr. Byrne: The answer must be yes, because under the Domestic Violence, Crime and Victims Act there is provision to disclose information about 65 different offences, but under the automatic deportation provisions in the Bill there are 324 offences listed in relation to section 72 of the Nationality, Immigration and Asylum Act 2002 that would result in automatic deportation if a sentence were handed out. As the hon. Member for Ashford pointed out, a court can recommend deportation, too. It is imperative that we understand how the Criminal Justice Act and the Bill line up. As I say, I am keen to ensure that there is nothing that is not working in practice as well.

We need to go a step further. Because of representations made to me by Members—particularly my right hon. Friend the Member for Warley (Mr. Spellar), who is not in his place—and because of my experience in Birmingham, I have asked for a complete review of the disclosure policy of the Border and Immigration Agency. Today, I referred that to legal advisers for their view on whether we are operating at the boundary of existing provisions in the way we disclose information. I will write to Members by the end of the month with a statement of the new policy so that there is time for them to make representations before the Bill passes to another place.

Mr. Stewart Jackson (Peterborough) (Con): May I ask the Minister a straightforward question? Who will hold the data that he mentions? In Committee, I referred to the situation in my constituency where I have been seeking to obtain records of the offences committed by the 55 foreign prisoners released in a 12-month period from Peterborough prison. I have been told repeatedly by the Minister's Department that it cannot correlate the manual records held at the prison with those held at the former immigration and nationality directorate. If we cannot provide that sort of detailed information to a Member of Parliament, how can we possibly provide it, within the confines and the parameters that he mentions, to members of the public and, in particular, victims and their families?

Mr. Byrne: We have to try to draw apart two different things. The inquiries that the hon. Gentleman has made are about the offences that have been committed by a reasonable number of individuals. As I think the replies will have made clear—I apologise if they have not—such an answer would involve a search through the details of each record. I think that the information sought by my hon. Friend the Member for Stafford relates to what is happening to the perpetrator. Such information would detail whether an offender was being pursued for deportation, whether a deportation order had been served and whether the person had left the country. In other words, that information would show whether the victim was safe from further harassment or intimidation—or worse. One does not need to surf through an individual's case

[Mr. Byrne]

history in enormous detail to provide such information, which is often required not only by victims, but by estranged spouses, who are involved in the particular problem that I face in my constituency.

Let me deal with a point made by my right hon. Friend the Member for Leicester, East. A piece of correspondence that is with my right hon. Friend the Home Secretary addresses some of the questions that he raised. Amendment No. 2, which he tabled, relates to a debate that we had in Committee about whether the relevant date for consideration should be the date of conviction or the date of the offence. I shall rehearse the argument that was made, by which I guess that I stand.

It is often very difficult to pin down the precise date of an offence, especially if it relates to drug dealing or sexual abuse. In sexual abuse cases, the victim is often unable to pin down the precise date of the offence, and the offence might have been perpetrated over a substantial period of time. If the relevant date was that of the offence, there would be a risk that the provisions would not be triggered for such an individual, although, as the hon. Member for Monmouth (David T.C. Davies) said, that person would be better not in Britain any more. While the answer that we propose might not be perfect, it is, on balance, the best possible solution.

We have heard arguments at different extremes. The hon. Member for Rochdale (Paul Rowen) and my neighbour, the hon. Member for Birmingham, Yardley (John Hemming), argued that we should start with the judicial process. However, we already start with a judicial process because there will be criminal proceedings and a judge will hand down a sentence. I am troubled that their proposal would remove the strong relationship between committing an offence and being deported. It would put a great deal into the hands of judges and leave too much to judicial discretion. That would create the risk of different decisions being made in different parts of the country.

I suppose that my objections to the hon. Gentlemen's proposal are threefold. First, we would lose all clarity about whether a breach of Britain's hospitality leads to deportation. Such clarity about consequences serves as an important deterrent that we should retain. Secondly, we would lose the British public's wider reassurance that serious criminality is not to be tolerated and that people who commit a serious offence will be removed. The combination of those factors would create the strong risk that criminally minded foreign nationals would be given the green light to try their luck because they could treat the discretion of the courts as a roll of the dice. Thirdly, I do not think that the proposal would get away from the problem of judicial reviews, given that amendment No. 35 would leave open the possibility of judicial review at the end of the process. It is important to remember that the non-suspensive appeal procedures for asylum claims that we have tried have been tremendously successful. There have been very few judicial reviews and even fewer have been lost.

John Hemming: That is not automatic deportation because clause 32 contains a massive number of exceptions. The Home Secretary's decision on whether an exception applies could be affected by a judicial review. The problem is that while it says that it is automatic deportation, it is in fact a mechanism whereby a button is pressed at the start, yet the process can later be reversed by judicial review. Judicial considerations should happen at the start of the process. The proof of the pudding is in the eating. The Government have messed it up before and they will mess it up again.

3.45 pm

Mr. Byrne: I am grateful to the hon. Gentleman for his good wishes, but under the arrangements in the Bill, the principal scope of judicial review is to determine whether the Home Secretary has properly considered an individual's claim for humanitarian protection or asylum. Under the provisions, it is possible for the Home Secretary to designate such a claim as being clearly unfounded. As I say, we have used such provisions before; they are not a great legal innovation and I am not claiming anything original for the Bill. We have tried and tested the mechanisms under the non-suspensive appeal procedure for asylum claims and they have been found to be very successful.

The hon. Member for Shipley (Philip Davies) did not get a chance to speak to his amendments Nos. 15 and 8. I do not know whether he will have a chance to make his points later. His amendments go to the other extreme—they would trigger automatic deportation for absolutely everybody, no matter what offence they had committed. We deliberately sketched the provisions in such a way that they apply extremely widely.

Damian Green: On a procedural point, just in case the reputation of my hon. Friend the Member for Shipley (Philip Davies) be traduced because he has not spoken to his amendments, I should point out that my understanding is that his amendments were not selected, so it is not surprising that he did not speak to them.

Philip Davies (Shipley) (Con) *rose—*

Mr. Byrne: I give way to the hon. Gentleman.

Philip Davies: I am grateful to the Minister. I must apologise to you, Madam Deputy Speaker, and to the House; I had a meeting with a constituent and the Minister of State, Ministry of Defence, the right hon. Member for East Kilbride, Strathaven and Lesmahagow (Mr. Ingram), and it overran, which meant that I could not be here in time to speak to my amendments. The point that I want to make about them is that if people come to this country and accept our hospitality and our welcome, they should at least abide by the laws of the land. Given that no one ever goes to prison the first time that they commit a crime, and given that it is rare for people to go to prison these days, surely the fact that someone has gone to prison at all, whatever the length of their sentence, means that they are not suitable to stay in this country.

Mr. Byrne: I am glad that the hon. Gentleman had the chance to make that point. I missed him at the beginning of the debate; I looked around for him anxiously, and I am pleased that he has had the chance to intervene. The point that I make to him is that the

application of the provisions is very wide. They apply to all foreign nationals who live in this country, and there may be some 3.4 million of them living here at any one time. That includes everybody who is granted indefinite leave to remain. The provisions could also apply to people born in this country to non-British parents after 1981, because they may not qualify automatically for British citizenship and may not have secured that privilege. It is quite possible for someone to have grown up in this country—to have come to this country for two or three weeks, but to have spent all their childhood and adult life here—and to be still subject to the automatic deportation provisions in the Bill. I want to avoid a situation in which someone who has spent all their life here and who is convicted and sentenced for something quite minor—such as the proverbial charge of council tax non-payment—is deported to a country that they have not been to in their living memory.

John Hemming: Does the Minister accept that as stealing electricity is an offence under the Theft Act 1968, any period of imprisonment for stealing electricity would result in automatic deportation?

Mr. Byrne: I will come to the arrangements that we will need to make under section 72 of the Nationality, Immigration and Asylum Act 2002 in a moment, but the point on which I want to finish is that there has to be a degree of balance. That is why we propose automatic deportation for those offences that attract a 12-month sentence or are referred to in section 72 of the 2002 Act. That is a very long list of offences—it is 40 pages long and includes 324 different offences. They are offences that the House has deemed serious, and I therefore believe that they should attract the automatic deportation provision.

David T.C. Davies: May I make a helpful suggestion? The Liberal Democrat Members sitting near to me seem to have a fixation about the theft of electricity. If the Minister could find a way to exempt people who steal electricity, and so not be deported, will the Liberal Democrat Members sitting on my left—they are very much to the left of me, in fact—offer to support the part of the Bill that we are discussing?

Mr. Byrne: We will find out the answer to that question in the not-too-distant future.

I come now to the amendments tabled by the hon. Members for Ashford and for Reigate (Mr. Blunt). I confess to having a great deal of sympathy with amendments Nos. 14 and 8, and there are only two insurmountable problems. First, there are offences for which the sanction is automatic deportation, but which attract, too, a sentence of less than a month. Because it is quite possible for someone to commit one of the 324 offences under section 72 of the 2002 Act, it is possible for them to be handed down a sentence of less than a month for an offence listed in that section. In that case, the provisions could not apply. Secondly, I am sympathetic to the notion that someone needs to be deported within six months of a deportation order being served. Again, the only obstacle—I am afraid that it is insurmountable—is that occasionally it may be impossible at the end of the six months, or within that period, to return the individual to a particular country.

I understand the argument that was made by the hon. Member for Monmouth and I will explore with the Home Office human resources department whether there is any sort of secondment or contractual arrangement that we can enter into, bearing in mind the Register of Members' Interests.

David T.C. Davies: I will do it for free.

Mr. Byrne: The offer has become better still.

Sometimes, legal barriers prevent us from deporting people. The individual may be unfit for travel, there may be an outstanding judicial review, or travel documentation may be unavailable, which would make it difficult in practice to enforce the provisions proposed by the hon. Member for Ashford, however sympathetic I am to them.

Amendment No. 8 would provide automatic deportation for all immigration offences. I would make two points. First, when it comes to assault occasioning actual bodily harm ofan immigration officer, common assault is listed in section 72, so it would attract automatic deportation. Secondly, we must remember that immigration offences are a broad class of offence and I do not necessarily think that we would want automatically to deport someone who, for example, had overstayed their visa for a couple of days to attend a graduation. I have received representations from Members on both sides of the House on such cases, particularly if someone cannot come back in after they are deported, so I would find it difficult to accept the amendment. It is important, however, to look again at the measures that we have proposed for consecutive and suspended sentences.

The hon. Member for Ashford tabled amendments Nos. 9 and 10, which are slightly unclear at the edges. I was not certain whether he was seeking to exempt people given sentences in institutions or hospitals or to exclude indeterminate sentences—that may, on one reading, be the outcome of the amendments. We believe that indeterminate sentences should be included in the remit of the provisions and time served in institutions, such as young offenders institutions, should be included. We think that time served in hospitals should be included, too.

We differ on the question that was posed in Committee by the hon. Member for Hertsmere (Mr. Clappison) about whether we should include in the automatic deportation provisions consecutive and aggregated sentences. I find it very difficult to construct a solution that would solve the problem of offences and sentences that are handed down at different points in time. It is possible, for example, for an individual to be convicted of two different offences 30 years apart and for the cumulative sentences to add up to more than 12 months. In some cases, it is difficult to see how automatic deportation should apply, so it is important to preserve the right of in-country appeal. The individual should still face deportation, but there may be appeal rights that it is important to retain.

On the question of suspended sentences, we have come to a quite different conclusion. The key issue to which Committee members sought to draw our attention was what we should do about recidivists. Members will be delighted to learn that since the Committee stage I have undertaken my own study of reoffending across 19 crime areas, where the rate of reoffending within two years ranged from 10 or 12 per

[Mr. Byrne]

cent. to 80 per cent. The assurance that I can give the House is that 13 of the 19 categories of offence are section 72 offences, so they would attract automatic deportation. There are a couple of offences not in section 72 that we should consider, in particular drink driving offences and soliciting and prostitution. We will give the matter further consideration before we lay a new section 72 order later this year. That would be subject to the affirmative resolution procedure in the House, so hon. Members would be able to comment.

Offences such as violence, theft, burglary and robbery, as well as drug offences, are already included—many of the issues that were raised in Committee. I am not sure, from memory, whether theft of electricity is included, but burning down houses, another case that we discussed at length in Committee, is covered. The important thing is that there should be an opportunity for parliamentary scrutiny of the order.

The Government amendments provide that if somebody is given a suspended 12-month sentence or a suspended sentence for a section 72 offence, and any part of that sentence is subsequently activated, the automatic deportation provisions will apply. We think that if somebody is given a suspended sentence, in effect the court is saying, "The sentence that we are giving you is an indication that you haven't committed an offence so serious that you should automatically be deported." The individual therefore has a chance to play their cards right and stay in the country. If, however, they commit an offence and the suspended sentence is activated for whatever period, they have had their chance and blown it and the automatic deportation provisions should take effect.

We spent a great deal of time debating the matter in Committee and I am grateful to hon. Members for their contribution. These tougher provisions are right. Overall, the provisions are important. I said on Second Reading that there are 8,000 to 10,000 foreign nationals in our jails. We think that the provisions will apply to about 4,500—a substantial number—which sends out a clear signal not only to the British public, but to the foreign nationals who are here to enjoy our hospitality, that criminality cannot and will not be tolerated.

Mr. Kidney: We have had a good and sometimes lively debate on this group of amendments and on new clause 1. I am grateful to hon. Members in all parts of the House who spoke in support of the arguments that I put in favour of the new clause. I accept what my hon. Friend the Minister says about the statutory restrictions that prevent the Home Office and its agencies from giving the kind of information that I spoke about earlier. We are putting in place a new Act of Parliament and it is our responsibility to set a statutory framework that we think is right, so I urge my hon. Friend to go further than he has done so far.

I understand, too, that my new clause has legal ramifications, with which the drafting that I prepared may not fully deal. I, after all, do not have available to me the same resources for drafting legislation as the Minister and his Department, but by tabling the new clause I wanted to put down a marker to my hon. Friend that I will not go away and that the issue is important. I am pleased that, at the very least, our debate has sparked a wholesale review of the Department's policy on disclosure of information.

A fundamental point has still not been addressed with respect to the balance of rights between victims of crime and the offenders who commit those crimes, so there is a need for more to be done. I accept the Minister's offer of a meeting, to discuss not just the interests of my individual constituent, but the wider issue to which I have just referred. I accept that he is going in the right direction and intends to do more. On the basis of his assurances, I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 2

IMMIGRATION SERVICE: WELFARE OF CHILDREN

'In section 11(1) of the Children Act 2004 (c.31), after paragraph (m) insert—

"(n) a regional office of the National Asylum Support Service;

(o) the centre manager of an immigration removal centre;

(p) the Chief Immigration Officer at a port of entry."'.—*[Damian Green.]*

Brought up, and read the First time.

Damian Green: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this it will be convenient to discuss the following:

New clause 12—*Children: exemption from reporting and residence conditions*

'After section 3(1) of the Immigration Act 1971 (c. 77) (limited leave to enter or remain) insert—

"(1A) A child making an asylum claim or a human rights claim whilst he is under the age of 18 shall not be subject to the conditions in subparagraphs (1)(c)(iv) and (v) above until he reaches the age of 18.

(1B) For the purposes of this section "asylum claim" and "human rights claim" have the same meaning as in section 113 of the Nationality, Immigration and Asylum Act 2002 (c. 41).".

Amendment No. 1, in page 3, line 14, Clause 5, after 'person' insert 'aged 16 or over'.

Amendment No. 36, in page 15, line 37, Clause 30, at end insert—

'(5) In section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) after subsection (5) add—

"(6) If there are reasonable grounds to believe that a person has been the victim of trafficking in human beings, that person shall not be removed from the UK until the process of identifying the person as a victim of an offence has been completed.

(7) If an unaccompanied child is identified as a victim of trafficking, the Secretary of State shall—

(a) provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child;

(b) take the necessary steps to establish the identity and nationality of the child; and

(c) make every effort to locate the family of the child when the Secretary of State determines that this is in the best interests of the child.

(8) If an individual has been identified as a victim of trafficking the Secretary of State shall allow a recovery and reflection period of not less than 30 days.

(9) During the reflection period established under subsection (8) it shall not be possible to enforce any expulsion order against that person and the Secretary of State shall authorise the persons concerned to stay in the UK.'".

4 pm

Damian Green: I wish to speak to three of the four amendments in this group and to support my hon. Friend the Member for Totnes (Mr. Steen) on amendment No. 36, which I recognise from proceedings in Committee and which seems extremely sensible.

New clause 2 would extend the duty under section 11 of the Children Act 2004 to make arrangements to safeguard and promote children's welfare to those providing services to refugee children and families, specifically immigration removal centres, the National Asylum Support Service and those dealing with refugee children at ports of entry. Section 11 places a duty on relevant agencies providing services to children to have regard to the need to safeguard and promote their welfare in discharge of their normal functions. The services with primary responsibility for the welfare and support of refugee children and their families, including the immigration service, are currently excluded from the otherwise long list of those to whom the duty applies.

Ministers have addressed this issue. The Home Office's consultation paper, "Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children", which was published in February, says:

"Young asylum seekers, whether children in need or looked after children, matter every bit as much as other young people in the context of meeting each and all of the five outcomes of the Every Child Matters framework."

That is not a great piece of prose, but the thinking behind it is extremely good. In this context it is noteworthy, and perhaps alarming, that the Government do not seek to offer refugee children the protection afforded by section 11. Ministers will be aware that the Refugee Children's Consortium campaigned to ensure that refugee children would have the same protection as other children under the section 11 duty. The Joint Committee on Human Rights, whose Chairman I see in his place, has criticised the Government's position, stating:

"the omission of this particular group of children from the institutional arrangements designed to fulfil the State's positive obligations to children under articles 2, 3 and 8 raises the question of whether this gives rise to unjustifiable discrimination in the enjoyment of Convention rights."

In the other place, Ministers argued that the inclusion of the refugee agencies would be overly restrictive. They also argued that in undertaking its primary function, the IND, as it then was, would do things that would be judged as inconsistent with a duty to safeguard and promote welfare.

That is the nub of a debate that has been running for a long time. It is worth going back to first principles. Section 11 of the 2004 Act is not an absolute duty—it simply requires agencies to make arrangements to have regard to the need to safeguard children and promote their welfare when they discharge their functions. As Ministers said in another place:

"We have been very careful in the way in which we have worded this clause: we do not put a duty on agencies that would make them unable to fulfil their primary functions."—[*Official Report, House of Lords*, 17 June 2004; Vol. 662, c. 995.]

Conservative Members certainly do not dispute that the primary function of the immigration service is to ensure effective immigration control, but similarly we would argue, as would everyone, that the primary function of the police is to ensure public order and prevent crime—yet the chief officer of police is included in the section 11 duty. The explanatory notes to the 2004 Act state:

"This duty is intended to ensure that agencies are conscious of the need to safeguard children and promote their welfare in the course of exercising their normal functions."

The analogy is a good one. If the police can be regarded as exercising their proper central functions while having regard to the constraint, it is hard to understand from first principles why immigration bodies should not be able to fulfil their functions while operating under it.

The Refugee Children's Consortium has taken legal advice, which states that section 11 would not prevent the Home Secretary from implementing removal directions for a child or his or her family and would, at most, affect the manner in which the removal occurred. Decent legal advice therefore shows that the exercise of the duty would not damage the proper functions of not only the front-line agencies but Ministers and officials when making the most difficult decisions about removal.

I am sure that the Minister knows that the Children's Commissioner for England has described the refugee services' omission from section 11 as "a great disappointment." He also said that he believes that the exclusions are already having an impact on relations between those who are subject to the duty and those who are not. The Refugee Children's Consortium argues that the standards of safeguarding for that group of children are inadequate. The Minister is a decent and humane man and will not wish children to be made more vulnerable through the lack of the duty, which would not impede the proper function of the immigration service.

In Committee, the Minister tried to assure us. He made the point that a wider debate was going on, and that discussions were taking place between the children's champion in the immigration and nationality directorate and the Children's Commissioner for England about the way in which the IND could be subject to section 11. He said that he did not want to pre-empt the outcome of those discussions, but he would explore what information he could provide at the earliest opportunity. Now is his chance not only to provide the information but to change the Government's stance on the issue. I am clearly not alone in my view. A wide coalition of interests argues that the Government are simply wrong about the matter.

New clause 12 tries to probe the Government. It would ensure that conditions for residence and reporting were not imposed on someone who claimed asylum or protection under the Human Rights Act 1998 when under 18 and who had been granted leave to remain as a refugee or given humanitarian protection or discretionary leave. Clause 16 gives the Secretary of State power to impose reporting and residence requirements on those with discretionary leave,

[Damian Green]

humanitarian protection and refugee leave. It provides for conditions such as curfews or a requirement to live in a specific location.

On Second Reading, the Minister said that he intended initially to apply the measure to unaccompanied asylum-seeking children. The document that the Government published on 28 February repeated that and put it in the context of changes in the regime for unaccompanied asylum-seeking children under the new asylum model, which restricts some of the rights that those children previously received.

Mr. Anthony Steen (Totnes) (Con): The House is most grateful to my hon. Friend for his interest in the Bill and the amendments that he has tabled. What does he believe to be the purpose of the consultation paper? Does he agree that it should not be implemented until the consultation period has expired, all parties have given their views and the Government have had time to consider them?

Damian Green: It is up to the Minister to explain the purpose of the consultation. However, my hon. Friend's underlying point is correct. A consultation that takes place during—in some cases, after—the passage of a relevant measure, so that we cannot possibly have responded to it, suggests bad process. Indeed, Ministers cannot properly respond because it is not yet finished. The only consolation that I can give my hon. Friend is that all experience tells us that, just as one immigration Bill passes to the other place and on to the statute book eventually, so another one will come along soon. We have had five such Bills in the past 10 years and we have already been half promised a consolidation Bill next year. One point made in Committee that cannot be made often enough is that quite a lot of the serious parts of previous immigration legislation have not yet been implemented—even while we debate and pass the current Bill. I can well imagine that large parts of this Bill will not have been implemented by the time the next immigration Bill comes along. That is not in any way to defend the way in which the Government do these things.

To provide a more detailed answer, my understanding is that, in future, children and young people will receive only limited leave until they are 17 and a half in order that any further applications that they wish to make can be concluded before they become 18. The Government's hope is that that will have the effect of making many more young people liable to enforced return immediately on turning 18. The reporting and residence requirements in the new clause are intended to support that approach by providing additional mechanisms to monitor those young people in the period running up to their 18th birthday, when they can expect to be removed.

The contention made by the Refugee Children's Consortium—and the question that the Minister has to address—is that that approach will not achieve its intended aims. Children who seek asylum alone in this country are often very vulnerable and, whether or not they meet the 1951 convention criteria, many will have a real fear of returning and do not consider it a realistic option. We can debate what should happen in principle to such children, but the practical point that I hope the Minister will address is that, faced with these additional residence and reporting requirements, large numbers of children will simply disappear from care and go on to the streets. We all know that if that happens, they are more likely to face danger and possible sexual or economic exploitation. In that case, the Government would not only fail to achieve their aim of removing more young people when they reach 18, but place more children in the way of moral or physical harm. I cannot believe that the Minister wants to achieve that.

Mr. Steen: I thank my hon. Friend for that very comprehensive and informative reply, which I am sure the whole House will have enjoyed listening to as much as I did, but can he help me a little more on the question of being 17 and a half? It seems to have sinister overtones, which I do not fully understand. I wonder whether my hon. Friend fully understands the significance of being 18. Once young people are 18, for example, do they have more rights than they did at 17 and a half? On the question of disappearance, is my hon. Friend aware of the ECPAT report—End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes—which showed that 48 children in the care of three local authorities disappeared last year? Will the Bill help?

Damian Green: I am indeed aware of that report and my contention is that the Bill may actually make things worse. To answer the first part of my hon. Friend's question, no, these young people do not get more rights at 18. At 18 they can be deported and the Government are trying to ensure that they know where they are for the six months leading up to their 18th birthdays so that they are easier to deport. My problem with that is that I do not believe that the Government's actions will make it any more likely that any individual will be there to be deported. Indeed, it is more likely that they will disappear earlier, putting themselves into danger.

Therefore, my objection to the provision is not a principled one but a practical one. It will achieve exactly the reverse of what the Government are seeking to do. To that extent, I agree with the Refugee Children's Consortium that such an attempt to legislate for open-ended reporting and residence requirements for these children will not work, and that the Government's rationale is inadequate. The Children Act duties on social services are sufficient to ensure that the children are cared for and protected and that their whereabouts are known. The additional reporting and residence requirements will be counter-productive for the Government and, perhaps even more importantly, for the children themselves.

4.15 pm

Amendment No. 1 would exclude those under 16 from having to have biometric immigration documents. I suspect that there might not be much appetite for another full-scale debate on biometric documents just at the moment, but we shall certainly have such debates again and again in the coming years. The problem is that the provisions in the Bill are age-neutral. It is widely agreed, even by Ministers, that collecting and using biometric data from children is difficult and

impractical. A study carried out for the Dutch Government found that the

"facial changes taking place up to the age of 12 are so marked that face recognition is not possible without highly sophisticated software and the considerable expense that goes with it."

In relation to fingerprints, the same document goes on to state that

"the papillary ridges on the fingers are not sufficiently developed to allow biometric capture and analysis until the age of six."

During earlier stages of the Bill, we held some very helpful evidence sessions, which were attended by experts including Professor Ross Anderson from Cambridge university. He said that

"fingerprint technology is certainly not good enough if you are matching one population against another, say 90 million people a year arriving at Heathrow versus 60 million people in the UK. You will get absolutely swamped by false matches."—[*Official Report, UK Borders Public Bill Committee*, 1 March 2007; c. 96.]

So, as a subset of the general problem with using fingerprints for such recognition, there is a particular problem relating to children that makes their use even more unreliable.

I hope that the Minister will be able to address the practicalities of the proposal. In particular, I hope that he will provide us with information about the cost of the software required to calculate age-related changes in biometric information, and tell us how that requirement will be funded. Will he also set out the frequency of registration to which under-16s would be subject for the purposes of maintaining a biometric immigration document? Again, I believe that the practicalities will tell against the Government's aims in this field.

I shall leave it to my hon. Friend the Member for Totnes (Mr. Steen) to bring to the debate on amendment No. 36 his considerable expertise and campaigning skills in this area.

Mr. Andrew Dismore (Hendon) (Lab): The hon. Gentleman cited the report of the Joint Committee on Human Rights on the treatment of asylum seekers. The evidence that we on the Committee saw and heard, directly and indirectly, made the case very strongly that the convention should apply to asylum seekers' children and to other children equally. We took evidence from a head teacher, whose view was that there should not be two children in the same class with different rights. One of the issues that we identified was the difficulty of establishing the age of asylum seekers' children. We were particularly concerned about the use of dental X-rays, and suggested that a more holistic approach should be adopted in that regard. Would the hon. Gentleman care to say something about that?

We were very concerned about the quality of care provided by some local authorities, and about the need for much more specialist training and awareness of the particular concerns facing asylum seekers' children, which were not being addressed. The hon. Gentleman raised that point in the context of reporting.

Damian Green: I am grateful for all those interventions. The hon. Gentleman's Committee has done much valuable work. I have seen, as he has, evidence suggesting that dental records are not the panacea that Ministers once hoped that they would be. In all conscience, it is difficult to determine a teenager's age, within two years, on the basis of dental records. Clearly, a difference of two years might be crucial. It seems sensible to use some kind of dental evidence, but perhaps in conjunction with other evidence.

I am sure that the hon. Gentleman is right that the standard of care provided by local authorities is variable. I would speak up particularly for those most exposed local authorities, which are often overwhelmed, and which find that central Government's financial regime has become less generous in recent years. The borough of Hillingdon, with Heathrow airport in its area, has huge problems in that regard, and I have great sympathy with it and its council tax payers, who must ultimately pick up a large share of the bill for what we all recognise is essentially a national rather than a local issue.

We all agree that we need a fast, efficient, effective and humane asylum system. The problem is that the Government are now so desperate to appear tough on asylum and immigration that, in some parts of their policy, they are in danger of losing touch with basic humanity. I hope that the Minister will reassure the House that that is not the case.

Paul Rowen: I support new clauses 2 and 12 and amendment No. 1, tabled by me and my hon. Friend the Member for Birmingham, Yardley (John Hemming).

In Committee, we had a full and frank discussion of the new powers granted to immigration officers under the Bill. The Minister gave a number of assurances, especially with regard to the training and support that immigration officers will receive to implement the new powers. When we raised the issue of asylum-seeking children, he also stated that he was entering discussions with the Children's Commissioner about making sure that asylum-seeking children were covered by the provisions. When he responds, I hope that he will update us on those discussions.

We, and certainly the Refugee Children's Consortium, believe that it is an anomaly that immigration officers are not covered by the provisions. We do not see why the Government cannot accept the new clause, which does not impose new restrictions or make the job of immigration officers more difficult. It does ensure, however, that asylum-seeking children are subject to the same safeguards as all other children. Clearly, as the hon. Member for Hendon (Mr. Dismore) said in reference to his report, it is wrong that two children in the same classroom should be subject to different levels of safeguards. I hope that the Minister will accept the new clause.

With regard to new clause 12, on reporting and residence arrangements, as I said in Committee I do not see what particular expertise immigration officers have in relation to looking after young children. The Minister said then that he wanted to ensure that a relationship developed between immigration officers and asylum-seeking children to facilitate their speedy removal. I ask him now to consider what advantages that process has over the existing arrangements under which local authority social services and education departments deal with such children.

I have personal experience of asylum-seeking children who have been subject to all sorts of trauma in their home countries. Some have witnessed horrendous murders, and some may well have been abused

[Paul Rowen]

themselves. Now officers with no training or expertise in dealing with such issues as child abuse are to be asked to build up a relationship. What will that achieve? I do not think it will facilitate the speedy removal of asylum-seeking children. I believe that that can be done through local authorities and National Asylum Support Service officers who, in Rochdale at any rate, are employed by the local authority and have a day-to-day relationship with families seeking asylum. That, I believe, is the best way to ensure that any provisions relating to unaccompanied asylum-seeking children are implemented. I fear that if the residence and reporting arrangements are enforced, perhaps clumsily, many children will disappear—which is not the object of the exercise—or put themselves in a position in which they are in someone else's control, without particularly wanting that to happen. In that event, they might be subjected to all sorts of horrendous acts.

The aim of the new clause is to prevent young people under 18 from being subject to the reporting restrictions. In Committee the Minister gave us no explanation of how the restrictions would apply, and how they would affect such things as education. I asked him then whether young children would have to report to the centre. In the case of Greater Manchester, it would be the Salford centre. What would be the effect of a monthly trip to Salford from Rochdale? Might it not disrupt the child's education?

We believe that the restrictions are not necessary, and that the controls the Minister wants can be provided through better use of existing local authority arrangements—for instance, through the Immigration Advisory Service.

Let me now deal with amendment No. 1. As the hon. Member for Ashford (Damian Green) pointed out, we have had a number of discussions about biometrics. The Government have allowed themselves everything including the kitchen sink in terms of the information that they want to be stored about people. The plain fact is that, as evidence has shown, fingerprints and facial expressions do not provide reliable measurements.

We tabled an amendment in Committee suggesting that if the Government insisted on using biometrics, they should note evidence suggesting that eye biometrics were the most stable. We believe that the safest course in lieu of that amendment, which was rejected, is to ensure that children under 16 are not subjected to biometrics. In a family context, the process can be dealt with through the children's parents. I hope that the Minister will reconsider his position, especially on new clause 2 as it would ensure that asylum-seeking children were treated the same as every other child.

4.30 pm

Mr. Dismore: I was not planning to speak in the debate, but as the hon. Member for Totnes (Mr. Steen), who tabled amendment No. 36, is not in the Chamber I shall try, as Chair of the Human Rights Committee, to step into his not insubstantial shoes to talk about people trafficking.

My criticism of amendment No. 36 is that it does not go far enough. It seems to put in statutory form the requirements of the European convention against trafficking in human beings, which the Government have already agreed to sign. I am pleased that they accepted the recommendation of my Committee to that effect when we produced our report in the autumn, but signing does not go far enough; the treaty must be properly ratified not just by the United Kingdom but by other countries to make sure that it comes into effect.

Amendment No. 36 would recognise and protect the victims of people trafficking, which is reckoned the second most serious international crime after the drugs trade. It is organised crime, involving large numbers of people and huge amounts of money. Several years ago, the Government admitted that 4,000 women had been trafficked for sexual purposes, but that figure is now widely seen to be an underestimate. Having met victims of people trafficking through the Poppy project and heard evidence about that crime, I have no doubt that the provisions of the amendment are important.

It is important that the victims of trafficking are recognised as such at a sufficiently early stage for them to be protected, and that they are not faced with arbitrary removal, as has been the case for some of them in the past. When a brothel is raided everybody is rounded up—victims of people trafficking and traffickers alike. That has to stop.

The convention makes specific provision for unaccompanied children who are trafficked, as set out in subsection (5) of the amendment. Their interests must be represented in the legal process through a guardian; the children must be properly identified and efforts made to locate their family back home.

However, what is important is the question of recovery and reflection, which the amendment, unfortunately, does not define. Recovery and reflection are about putting the interests of the victims of trafficking first—making them paramount in the process. For example, a woman may have been the victim of multiple rape over a prolonged period. Recovery and reflection would give such victims the time to come to terms with what happened to them and the support and counselling they needed to address those appalling experiences, and then to decide the extent to which they could co-operate with the authorities in bringing the perpetrators of their trafficking to justice. On the evidence we heard in the Select Committee, the period of 30 days specified in the amendment, which is the period in the convention, is far too short. It is important that victims are given the chance to have a period of reflection before action is taken on their removal.

As I said, my main concern is that the amendment does not go far enough in protecting victims, to make sure that there is support for them not only through organisations such as the Poppy project but also in the criminal justice process so that their immigration status is dealt with properly. When I met a woman from eastern Europe, through the Poppy project, I was appalled to hear that her trafficker had been convicted and served a lengthy prison sentence, yet her immigration status had still not been favourably determined. That cannot be right and it is an example of what needs to be done.

We must make sure that when the victims of trafficking come to light they are properly supported to resettle either in our country or in their country of origin. If they are returned, they should be rehabilitated effectively and properly. At the Poppy project, we heard of one poor woman who had been returned to her country without proper support and retrafficked within 48 hours by her family.

The amendment is important. It adds to the legislation on immigration and asylum some of the protections provided in the convention, which the Government have now agreed to sign. However, it does not go far enough. I hope that in responding to this brief debate the Minister will give a commitment that the Government will seriously tackle this matter, not necessarily with legislation but on the back of the convention that they have so properly at long last agreed to accept.

Mr. James Clappison (Hertsmere) (Con): I did not intend to speak in this debate, but I feel prompted to do so by the contributions made so far. I apologise to my hon. Friend the Member for Ashford (Damian Green) for not being present in the Chamber when he moved the new clause; I was attending a Select Committee sitting. However, I know from experience that my hon. Friend has great concern for the welfare of children in the circumstances under discussion, and it is proper to have such concern. I seek an assurance from the Minister that the Government are dealing with children in as humane a fashion as possible and taking their interests into account.

I make no secret of the fact that I have many wide-ranging criticisms of the asylum system. I recognise that many people try to use the system as a means of facilitating their migration to this country when they do not have a proper asylum claim. However, I also recognise that a substantial number of people do have genuine claims for asylum, and we must bear in mind their interests as well. Looking at the system in the world as a whole, I find it hard to see a thread of consistent logic in how it operates, particularly in conjunction with the carriers' liability provisions that this country has adopted.

However, almost all decisions to come to this country—whether for reasons of economic migration or because somebody is genuinely fleeing persecution—are taken by adults. They are not taken by children. When children arrive here and are unaccompanied, we owe them a special duty of consideration—seeing things from their point of view and recognising some of the experiences that they might have been through. Whenever a child is unaccompanied by an adult, we must do as much as we properly can to ensure their welfare. My hon. Friend made his points on that very well.

I do not intend to discuss some of the legal arguments to do with the various obligations that countries have or those that we seek to place on local authorities and others. However, I know that the Minister is genuinely engaged with this subject, and I seek an assurance from him that the Government are conforming to the highest humanitarian standards in dealing with such children. The public would expect that of us, irrespective of how we might feel about other parts of the asylum system.

Mr. Byrne: I am grateful to Members for having tabled the new clauses and amendments in this group, so that we have had the opportunity to debate on Report another subject on which we spent a considerable amount of time in Committee. Members of all parties have made representations to me during my happy months as immigration Minister—and I have spent nearly a year in this post now. The fact that they have done so underlines the point that the House takes this issue very seriously, and it is proper that on Report we should have a debate such as this.

We must strike a balance. On the one hand we must ensure that, as the hon. Member for Hertsmere (Mr. Clappison) said, unaccompanied children are given the right level of protection when they come into contact with us in this country and come under our care. On the other hand, we also have a duty to ensure that the deportation of children who have no right to be here and whom it is perfectly safe to remove does not become so difficult that in effect a green light is switched on for every child trafficker around the world.

The Government and the Public Bill Committee have put considerable effort into ensuring that the Bill contains a number of new measures that make it easier to track down people smugglers and human traffickers, wherever on earth they perpetrate their crimes. It would be unfortunate if we ended up with a Bill that in any way encouraged that barbaric trade by making it so difficult to remove people who have no right to be here that Britain became a target.

Our starting point is a protocol that it is perfectly right that our Government should carry on implementing. We did not invent it; it was devised and explained to this House by a Conservative immigration Minister back in the early 1990s. The point is that when such children become adults, it is important for us to ensure that they go back home when a court has said that it is safe for them to do so. Otherwise, it is impossible to maintain the integrity of the immigration system—a sentiment that was well reflected by the hon. Member for Hertsmere.

I am proud to say that this Government have helped to lead the way in Europe on this subject. During our EU presidency we pushed through the EU action plan on human trafficking. When we established the Serious Organised Crime Agency, we made sure that four of the 20 work programmes pursued by it related to tackling trafficking. After considerable debate, we published in March the UK trafficking action plan, which provides an holistic approach to prevention, prosecution and support. Last year we established the United Kingdom Human Trafficking Centre—a facility that a number of Members have visited. Of course, this year we signed the Council of Europe convention on human trafficking—a subject about which I feel very strongly, not least because my predecessor as MP for Birmingham, Hodge Hill is now the Secretary-General of the Council of Europe.

I shall discuss the amendments and new clauses in reverse order, as the first to which I want to speak is amendment No. 36. I am grateful to my hon. Friend the Member for Hendon (Mr. Dismore) for ensuring that we would debate it, and I agree with him that it does not go far enough. In effect, it picks out parts of the convention and seeks to put them into effect through the Bill. Of course, the problem is that

[Mr. Liam Byrne]

incomplete implementation would create risks in different parts of the system. For example, the amendment does not deal with how people get support, or how victims of human trafficking under forced labour provisions might be protected.

We want to ensure that the convention is not implemented in an incomplete fashion; we do not want to drop defences, thereby creating a pull factor. Crucially, we want to ensure protections for all victims of trafficking. I want to give my hon. Friend the Member for Hendon the commitment that we will implement the convention, but not in a half-and-half way. That is why we have said that we will ratify it only when we are absolutely confident that we can implement it in full. A project team has been established at the Home Office that is reviewing what training and legislation is required, what legislation is required of other Government Departments, and what support arrangements need to be put in place not just by the Government but by local authorities.

I understand that some 35 countries have signed the convention, that seven have ratified it and that Germany is shortly to sign. Once 10 countries have ratified it, it will effectively be in force. However, it is important for this Government to ensure that when we choose to ratify it, we can implement it in full. Otherwise, I fear that signature and ratification will be dismissed—rightly—as a token gesture.

Mr. Dismore: I am grateful to the Government for the very positive response that we received to our report last autumn. When does the Minister expect the work to which he has just referred to be completed, and when will the Government be in a position to implement the requirements of the convention?

Mr. Byrne: I am unable to give my hon. Friend reassurance on the time scale this afternoon. I am more than happy to ensure that, either on an individual basis or through the Committee that he chairs, which has taken a close interest in this subject, the Home Office provides regular updates on the timetable and the progress against it, so that we have proper scrutiny and monitoring of an issue of some interest to all hon. Members.

4.45 pm

Mr. Steen: I apologise for not being here to speak in support of my amendment, but I was occupied in two other places. I hoped to be here in time, but unfortunately my colleagues did not speak for long enough.

We are all in favour of the Council of Europe, and we are grateful to the Minister for his interest in getting the convention signed, but how does that square with the consultation paper suggestions, which propose giving children far fewer rights than suggested by the convention? The two appear to be on a collision course. Is that how the Minister sees it—and if not, will he explain why not?

Mr. Byrne: I am happy to do that, because I see no collision course, and my staff spent some time on the report before it was issued, which is why it was slightly late. I wanted to ensure that it had proper consideration at the right levels of seniority within the Home Office. The consultation document tries to flush out a couple of ideas, but none is more important than new measures to ensure that we do not have children in the adult care system or—even more importantly—that we do not have adults in the children's system. That is why age testing is so important.

There are measures in place that may provide certainty to plus or minus five years, but if we were to rely on them we would open ourselves to the risk of having adults in the children's system, and that is not something that I would be prepared to countenance knowingly. Therefore it is incumbent on us to explore any opportunity to improve the accuracy of age testing. I know that there is controversy over the use of dental X-rays and other methods, and I am grateful for the tone that the hon. Member for Ashford (Damian Green) struck. It is incumbent on us to try to make an imprecise science as precise as we can.

The second group of measures on which we are trying to solicit views through the consultation document concerns the care arrangements available for children. As the hon. Gentleman said, those are concentrated in London at present. That means that boroughs such as Hillingdon, where I have met the directors, shoulder an unfair burden. If we encouraged different local authorities in various parts of the country to become specialists in the provision of such care, we could manage some of the pressures in London better and improve the overall care that we can offer unaccompanied asylum-seeking children. That is why I stress that the document is a consultation document. It has been put together with good intentions, and it contains open questions. I encourage hon. Members to respond to it.

The consultation document does not contain any particular question, policy or direction of travel that requires legislation to underpin or implement it. Efforts to strengthen the support that we provide for children will undergo incremental improvement over the next few years. The reform plan for unaccompanied asylum-seeking children is one part of that, and the Council of Europe convention is another. There will be others, and we must keep the spotlight constantly on the issue, so that any opportunity to improve care is taken up.

Mr. Steen: I was concerned about articles 10 and 13 of the convention, which provide the victim with assistance and protection. The Minister is clearly satisfied that the consultation paper will not conflict with those objectives, but why have the Government refused to lift the reservation on the UN convention on the rights of the child? That is about giving children protection. The Government keep saying that the convention might conflict with domestic legislation, but what domestic legislation? It would be marvellous if the Government took the lead on that convention.

Mr. Byrne: I am grateful to the hon. Gentleman for that intervention, and I shall address that precise matter in my remarks on a later amendment. However, I shall first pick up some points made by the hon. Member for Ashford about biometric immigration documents. I have somewhat lost track of where he

stands in the debates about Europe that often surface in his party, and I cannot remember whether he would be influenced by the fact that the European Commission is about to introduce requirements for biometric residence permits. I understand that from this week that requirement will apply to third-country national children aged six and over—something that may appeal to some in the Conservative party, although it may not cut much ice with others.

Two important arguments support the issuing of biometric immigration documents to children. The first is that that will help us tackle trafficking. I shall pray in aid a contribution that I solicited from the United Kingdom Human Trafficking Centre, which

"views biometrics as having great potential as a tool for law enforcement to effect identity, recovery and rescue of child victims of trafficking. Having biometric details of children means that when you encounter a victim you can identify and rescue them from whatever form of exploitation they are suffering."

We have sought to introduce biometrics in two ways. First, we have issued biometric visas abroad, a process that allows us to pin down the relationship between the child and a particular adult, and to capture the child's biometrics at that time. We have successfully issued 5,500 biometric visas to children, and by the end of the year they will be issued at all our visa posts abroad.

When a child applies for further leave in-country, we can check the child's biometrics again, and determine that the family coming along with the child is the same as the one that was with the child when the application for the biometric visa was made. An alarm is triggered if there are discrepancies. I do not understand why we would want to turn that alarm system off, as I consider it an important step forward.

The second argument for biometric checks is that in the long term, they will help us to tackle fraud. Their introduction will help us to govern and police access by third-country nationals to the benefits system. Capturing the biometrics of children allows us to stop the deplorable crime of child swapping, whereby a child is placed with a family to try to improve that family's eligibility for benefits. The ability to pin down a child's biometrics on our systems and place that child with a family will give us a way to tackle problems of that sort.

I know that questions have been asked about unstable biometrics. The problems that arise have less to do with capturing the biometrics than with the matching software. The report about the costs of biometrics will be laid before the House shortly, as I am sure that the hon. Member for Ashford will be delighted to hear. In answer to his specific question about frequency of registration, I can tell him that it is currently envisaged that people will be asked to come back after about five years.

Sir Paul Beresford (Mole Valley) (Con): The Minister will be aware that there is growing concern about the very little children, particularly from Asia and Africa, who are being brought in for the purposes of slavery and paedophile activity. They are also being brought in for what are called muti rituals, in which a child is killed for religious purposes. I heard what the Minister said, but his remarks do not apply to those children. We do not really know what we are facing in that regard, so what approach has he taken to obtaining the relevant statistics? When he has got them, will he be able to follow up and do whatever is required, including introducing primary legislation? Finally, what does he have in mind to tackle the problem that I have described? The answer that he has just given does not touch it.

Mr. Byrne: I know that the hon. Gentleman has long taken an interest in these matters. We have to try to stop the trade in the first place, so the Bill, which introduces new offences to tackle people trafficking, is an important step forward. Issuing biometric visas helps us to lock down an identity to an individual. All that we are doing in the Bill, through our provisions for biometric immigration documents, is making sure that when a child applies for further leave to remain, or if a child is going to be here for some time, there is a cross-check against the original biometric information. That provides us not with a complete answer, but with another tool to help us discover where things are going wrong. The argument against the amendment tabled by the hon. Member for Ashford is: why would we throw that alarm system away? Surely it is better to build tools up over time, rather than to lose them.

Before I come on to the debate about section 11 of the Children Act 2004 and contact management, I should say that I understand the argument that the Refugee Children's Consortium has put forward, but it sounds a little strange for people to say that an insistence on contact may drive people underground, when at the moment we have no legal means of establishing contact at all. It is important to be able to contact children at regular intervals in order to know whether they are still in the country, where they are, whether they are being looked after properly, and, often, to acquaint them with the prospect that they will be going home again soon. I do not pretend that this is a complete answer, but it is another important tool that the immigration service would find useful.

Mr. Steen: I might be able to be helpful to the Minister, but I need an explanation. The Minister is familiar with the unaccompanied and separated children and refugee projection in the UK report "Seeking Asylum Alone" by Jacqueline Bhabha and Nadine Finch. The report shows that there is a difference between the Home Office figures for applications from unaccompanied and separated children and the statistics provided by the Refugee Council's children's panel. There are big discrepancies. In 2003 the Home Office figure was 2,800 and the Refugee Council's children's panel figure was 4,658. I wonder whether the Minister could indicate, bearing in mind that the Government grant only 6 per cent. of asylum applications from unaccompanied children a year—94 per cent. get sent back—

Madam Deputy Speaker: Order. This is a very lengthy intervention. I think that the Minister can respond.

Mr. Byrne: I would be more than happy to look at those discrepancies and to spend as much time with the hon. Gentleman as is required to try to get to the bottom of that matter.

[Mr. Byrne]

I was talking about the need to maintain contact arrangements with children, particularly when they do not have the right to be here. While honouring our commitment not to send children home when, in our view, the reception arrangements are not appropriate, it is important that we make arrangements to send them home as soon as it is safe to do so.

I now come to the debate about section 11 of the Children Act 2004, which was where the hon. Member for Ashford started. This is an important area and we have spent some time reviewing it over the last 12 months. The nub of the problem is that the section 11 duty is not a simple duty. There are two parts to it. On the one hand there is a duty to safeguard the child, but on the other there is a duty to promote the child's well-being. The Department for Education and Skills guidance that comes with the duty is clear. It says that the duty is to make arrangements to ensure that

"children are growing up in circumstances consistent with the provision of safe and effective care".

It also mentions:

"undertaking that role so as to enable those children to have optimum life chances and to enter adulthood successfully".

The analogy with the police is helpful, because the police do not seek to deport people to third world countries. Although our advice is that, legally, we would win the cases—I am sure that the refugee children's organisations have gone to some good lawyers to solicit advice and ascertain that there are no barriers to the Home Secretary setting removal directions—unfortunately, that is only part of the story. My great fear is that there would be a licence for judicial review to multiply. One can easily see that lawyers could file judicial reviews challenging decisions and arguing about a Home Office decision to deport somebody to the Democratic Republic of the Congo or parts of south-east Asia. I think that lawyers would question how that would be consistent with the duty to enable those children to have optimum life chances and enter adulthood successfully.

5 pm

Judicial review presents a serious problem: between January and March this year we received an average of 79 judicial reviews a week challenging enforcement activity. Some 94 per cent. were refused permission at the paper stage; none the less, one ongoing case has been running for 12 months and is on its second judicial review. Another case has been running for 14 months and is on its fourth judicial review, while a further case has been running for seven months and is on its third judicial review. People often try to exploit the judicial review process as a last-minute barrier to removal. I fear that the change to section 11 proposed by the hon. Member for Ashford would simply multiply those barriers.

Paul Rowen: While I understand what the Minister is telling us, he also says that it is not the intention to deport, or send home, children at least until they become adults. The provision would not apply after people reached the age of 18, so I do not understand why they cannot be subject to section 11 of the Children Act 2004 while they are children in the UK, which is all that we want.

Mr. Byrne: We will often be making arrangements to send those people home. I simply do not understand how anyone cannot envisage that in judicial review proceedings, lawyers would make the argument that I cited. The proposal would lead to the multiplication of judicial review proceedings.

This is a serious matter. It is important to go further than we have to date on the Border and Immigration Agency's duty to safeguard the welfare and livelihood of children. I said in Committee that we were keeping the matter under review. This summer the agency will publish its safeguarding strategy, which has been drawn up in close consultation with children's organisations. If the Bill is enacted, we will commission advice from the new inspectorate about how it can examine specifically the way in which the safeguarding strategy is implemented, so that we can ensure two things. The first is that the strategy is actually working, with policy being translated into practice. The Joint Committee on Human Rights, chaired by my hon. Friend the Member for Hendon (Mr. Dismore), has helpfully and successfully highlighted instance after instance when policy has not been translated into practice, which explains why the single inspectorate is important. The second is that hon. Members, and the wider public, have an assurance that the safeguarding duty is being implemented properly.

We can make important changes. While the point about transparency is particularly important, we need to continue to listen to the argument about how a specific and appropriate legal obligation could underpin the safeguarding responsibilities of the border and immigration authority in a way that would not multiply the grounds for judicial review, but would ensure that hon. Members' ambitions were achieved.

Paul Rowen: I am listening carefully to the Minister's explanation. He cited an example involving the DRC. Given that that is an unsafe place, we would not deport anyone to that country, whether they were under 18 or over 18. The section 11 safeguards would not be affected in such circumstances. As I understand the way in which the system operates at the moment, an asylum seeker will not be sent back to an unsafe country.

Mr. Byrne: That is absolutely right. I am trying to make the point that the section 11 duty is about not simply safeguarding, but enabling

"children to have optimum life chances and to enter adulthood successfully".

As the hon. Gentleman knows, the DRC is the size of western Europe. There are places in the DRC to which the asylum and immigration tribunal has consistently found it very safe to return people. However, one can easily envisage how a cunning and clever lawyer could look at the part of the obligation that I cited and question how deporting a child from the world's fourth largest economy would promote optimum life chances or help that child to enter adulthood successfully. That is my fear. I do not think that anyone in the House would want us to remove defences in a way that

prevents us from deporting people successfully. I genuinely think that hon. Members understand that if defences are weaker, Britain will become a target for child traffickers, and no one in the House wants that.

We need to go further in ensuring that the Border and Immigration Agency has a stronger safeguarding obligation. I have sketched out a couple of ways in which I think that that can be brought about, but I remain open to the argument that a legal requirement should be put on the BIA, and a specific safeguarding element should be written into the law. I have yet to be convinced of that, and I do not think that the answer is in section 11 of the Children Act 2004—but when the Bill goes to another place there will still be a case to be listened to and answered.

Damian Green: I start my response to this extremely good debate by apologising to my hon. Friend the Member for Totnes (Mr. Steen). I knew that he was going to be unavoidably detained elsewhere, but I had not realised for how short a time. If I had, I would have explored the issue in even greater depth. I assure him that I have now had one unprecedented experience this afternoon: sitting down at the end of a speech and being criticised for having made it too short. I am grateful to him for that. I can reassure him that his case was made most eloquently by the hon. Member for Hendon (Mr. Dismore).

To pick up on some of the Minister's points, I thought that he was pushing the envelope a little in saying that the Government were leading in Europe on the fight against trafficking. As he will be aware, the Government made the good move of signing up to the Council of Europe convention rather later than many Governments did. He was right to say that the Government do not want to ratify the convention until they can actually implement it, because we have had enough of gesture politics from the Government, both in that field and in others. I find it refreshing that the Minister is seeking to avoid that, but I point out, as he did, that seven countries have already ratified the convention, and when 10 countries ratify it it will come into force, so it is likely to come into force soon. At that point, the Government will presumably start implementing it. I thought it slightly ominous that he could not give the hon. Member for Hendon any reassurance about the timing, and could not say when the Government will be in a position to do something practical and useful in that respect.

Mr. Byrne: That is merely down to an ambition for accuracy, rather than anything ominous.

Damian Green: I am grateful for that. Ambition for accuracy is a good thing in Ministers. The Minister's central point was about striking a balance between the protection of children and the protection of the interests of the Executive, which should not be tied down with judicial reviews. I found his argument on that point beguiling, but it was not convincing, because the Government have had a long time to think about the subject. They have known what the refugee children's organisations and others think about the issue for a long time. It is not wholly convincing for the Government to come before the House on Report, after a long Committee stage, and say, "We're looking into the matter, and we may bring forward appropriate measures, but not those supported by both main Opposition parties and the organisations concerned. We'll come up with better measures during the later stages of the Bill." The Government have had a long time to consider the issue, and they have not yet found any other measures.

I would hate to miss this opportunity to register the point that underlies all our discussions, which is that the current arrangements are not satisfactory. Indeed, what the Minister said this afternoon made it clear that he does not think that they are satisfactory either, and is looking for better ways to protect the rights of refugee children. If he cannot come up with concrete proposals at our final opportunity to discuss the Bill before it proceeds to another place, it is for other parties to submit such proposals to protect those children. That is what we have done, and we commend our proposals to the House.

Mr. Steen: Is not my hon. Friend's concern—indeed, the Opposition's concern—about the fact that many thousands of unaccompanied minors arrive somehow or other in the country every year at airports and ports? I do not know how they get here. The Government are then expected to finance their care in local authorities, provide legal aid, food and shelter—but then what? Does my hon. Friend believe that something needs to be said about how we are going to manage better those thousands and thousands of children who are still pouring into Britain? Certainly we are not doing enough at the moment.

Damian Green: My hon. Friend is exactly right. One of the things that the Government have failed to do is make our borders secure enough so that people traffickers and other evil criminals are not encouraged to try to smuggle children into this country. That brings us on to a debate about our proposals for a border police force, which is the most effective way of minimising the effects of that particularly repellent crime—but I suspect that you would pull me up, Mr. Deputy Speaker, if I went too far down that road, because it is not strictly relevant to this group of amendments.

Finally, the Minister talked about the European Commission and biometric documents for children. Whether the proposals are introduced by the Commission or by central Government, if biometrics for children do not work—all the technical evidence suggests that they do not—those documents will be ineffective in protecting them. I am relaxed about whether the proposals come from the Commission or from the Home Office; they will not work in either case. In summary, I have not found the Minister's arguments that we should wait for the Government to come up with a convincing way of protecting children at all persuasive, however well he put them, so I commend the new clause to the House.

Question put, That the clause be read a Second time:—

The House proceeded to a Division.

Mr. Deputy Speaker (Sir Michael Lord): I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

The House having divided: Ayes 226, Noes 294.

Division No. 109] **[5.12 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Beresford, Sir Paul
Binley, Mr. Brian
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Breed, Mr. Colin
Brokenshire, James
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clark, Greg
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Andrew Rosindell and Mr. Crispin Blunt

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard

Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Creagh, Mary
Cruddas, Jon
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Kemn, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malliaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Smith, John
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vis, Dr. Rudi
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Tony Cunningham and Mr. Frank Roy

Question accordingly negatived.

New Clause 5

VERIFICATION OF IDENTITY

'An immigration officer must ensure that any clothing covering the face, or part of the face, of an individual is removed for the purposes of verifying the identity of that individual upon entering or leaving the United Kingdom.'.—*[Philip Davies.]*

Brought up, and read the First time.

Philip Davies: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker): With this it will be convenient to discuss the following:

New clause 6—*Limit on immigration*—

'(1) The Secretary of State must by order specify the maximum number of non-European Union nationals who may be granted leave to remain in the United Kingdom each year.

(2) An order under subsection (1) may contain such supplementary provisions as the Secretary of State considers necessary.

(3) An order under subsection (1) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.'.

New clause 7—*Asylum seekers: provision of secure accommodation during application process*—

'In Part I of the Immigration Act 1971 (c. 77) (regulation of entry into and stay in United Kingdom) after section 3 (general provision for regulation and control) insert—

"3ZA Provision of secure accommodation during application process

(1) An applicant for asylum to whom this section applies shall be detained in secure accommodation for a maximum of 90 days while his application for asylum is processed.

(2) At the expiry of the period of 90 days specified in subsection (1), the Secretary of State shall find alternative accommodation for the applicant until such time as his application has been processed.

(3) This section does not apply to an applicant who is—

(a) under the age of 18, or

(b) the guardian of an applicant who is under the age of 18."'.

New clause 8—*Leave to remain: spouses and partners*—

'(1) The Immigration Act 1971 (c. 77) is amended as follows.

(2) After section 3(2) (immigration rules), insert—

"(2A) Nothing in the rules made under paragraph (2) shall prevent a person being granted leave to remain in the United Kingdom for the purposes of marriage or civil partnership providing that he is—

(a) aged 21 years or more, and

(b) of full capacity."'.

Philip Davies: New clause 5 would require an immigration officer to ensure that any clothing covering the face or part of it was removed to verify the identity of an individual on entering or leaving the United Kingdom. I am disappointed that I need to table the amendment, as most people would imagine that what I described would happen as a matter of course under existing legislation. However, there have been a couple of examples only recently where it appears that people suspected of crimes—in one case, terrorist offences—have actually fled the country disguised by a veil. Surely, if I were to present myself to the immigration authorities wearing a motorcycle helmet, for example, I would be asked to remove it. Is it not staggering that one of the chief suspects for the murder of PC Sharon Beshenivsky in Bradford is reported to have fled the country wearing a veil and that one of the bombers—fortunately, failed bombers—of 21 July is also alleged to have fled the country wearing a veil?

Stephen Pound (Ealing, North) (Lab): I am following the hon. Gentleman's argument with great interest, but I remind the House that he has used the word "alleged". Does he have any hard evidence to confirm that anyone has ever fled this country disguised in the sort of face covering that he has just described?

Philip Davies: Until the police finally trace those people, track them down, catch them and bring them to justice, we will not know for sure whether they did. The likelihood is—certainly according to the West Yorkshire police—that the chief suspect in the Sharon Beshenivsky murder case left the country in that way. That is what the police told me.

5.30 pm

My new clause 5 is simply common sense. Surely someone cannot be checked for purposes of identification unless any clothing is removed from their face. As I said, it is very disappointing that I needed to table this amending provision, but it appears that immigration officers around the country have been tied up in some kind of political correctness, feeling that they cannot ask people to remove their veils lest they be accused of some sort of racism or of attacking certain ethnic minority groups. That is clearly unacceptable, so my new clause is designed to help those immigration officers by making it clear that nothing will be done to prevent them from doing their job.

David T.C. Davies: Does my hon. Friend think it interesting that, from a religious perspective, many Muslim countries actually ban the veil—Turkey is demonstrating that at the moment—and that nothing in the Koran says that the full facial veil should be worn, merely that women should be modestly attired?

Philip Davies: As ever, my hon. Friend makes a valid point. My new clause does not specify—nor would I want it to—that people should not be allowed to wear a veil if they so wish. If they want to wear it, they should be allowed to do so, as we have enough of a nanny state as it is without telling people what they can and cannot wear. Surely, however, for purposes of identification at a point of entry, the power in my new clause should be taken as read.

Mr. Byrne: In all the debates that I have heard on the Floor of the House and in Committee, I have yet to hear a more misguided mischaracterisation of poor practice than I have just heard. I am sad that the hon. Gentleman did not have the chance in Committee to listen to the praise that was lavished on the front-line immigration service and the work that it does. Will the hon. Gentleman further consider the remarks that he has just made—and those that he is about to make—and temper them, bearing in mind the extraordinary job that the immigration service does for this country?

Philip Davies: I am afraid that the Minister's indignation is unjustified. No one is saying that immigration officers do not do a good job, often under very difficult circumstances; I am merely highlighting the point that at least two people, it would appear, have fled the country in the unbelievable circumstances that they were wearing a veil. They were male suspects for

serious offences leaving the country wearing a veil. Whether the vast majority of immigration officers do or do not do a good job—I am sure that the Minister is right and they do—there should surely be something to prevent serious criminals from leaving the country in such ridiculous circumstances. If the new clause would prevent the chief suspect in a serious terrorist offence or in the murder of a police officer carrying out their duty from leaving the country, that must surely be a good thing.

Dr. William McCrea (South Antrim) (DUP): Surely the Minister was not suggesting that the hon. Gentleman was attacking immigration officers for carrying out their duty. Is he not trying to assist those officers in protecting this country and continuing to do an excellent job?

Philip Davies: The hon. Gentleman is entirely right. My new clause aims to help immigration officers so that they do not feel that they are being put in a difficult position, and so that no one can accuse them of some kind of political correctness or misguided racism just because they are asking people to identify themselves. They are already doing an excellent job, and I hope that the new clause would help them to do it better.

John Hemming: I am slightly mystified by the hon. Gentleman's speech. I have found, through speaking to veil-wearing women in my constituency, that when they go through entrance and exit ports they go into a room, remove their veil and show their face to a female immigration officer. That is what happens at the moment, so I am a bit mystified about the merit of reinforcing that by introducing a provision that simply does the same thing.

Philip Davies: I am grateful to the hon. Gentleman for that intervention. In some respects, he makes my point for me. I am sure that on some occasions that does already happen. My new clause merely insists that immigration officers "must ensure" that any such clothing be removed. That is clearly not happening on every occasion because two people suspected of serious offences have left the country disguised by a veil. My new clause would not affect what should be standard practice; it would merely ensure that that practice became compulsory.

Mr. Byrne: I am still slightly bamboozled about which bit of red tape the hon. Gentleman is referring to. Is it schedule 2 to the Immigration Act 1971? It explicitly states:

"An immigration officer may examine any person who is embarking or seeking to embark in the United Kingdom for the purpose of determining...his identity".

Or is he perhaps referring to the instructions reissued to front-line staff this year, which reiterated the guidance that was already available? They state:

"Passengers wearing veils or other face coverings are to be asked to remove the covering in order that they may be identified as the rightful holder of their passport or travel document."

Which bit of red tape is the hon. Gentleman arguing is getting in the way?

Philip Davies: The Minister referred to the word "may". My new clause uses the word "must". There is a distinct difference between the two. Clearly, some problem arose that allowed those two people to leave the country without their identity being checked. My new clause requires that people's identity be checked whether they are entering or leaving the country. In the two cases to which I referred, the people happened to be leaving the country. If the Minister thinks that that should happen anyway, I take it that he will have no objection to supporting my new clause, which merely insists that it must happen.

The purpose of new clause 6 is to impose an annual limit on the number of people who may stay in the country. This proposal is being made against a backdrop of many people having completely lost faith in the immigration system. They feel that the whole system is getting out of hand. We are now at the stage at which one migrant a minute is coming into this country. That equates to the population of a city the size of Birmingham every two or three years. The vast majority of the public know that that is unsustainable, yet that fact appears to have escaped the notice of the Government, who have allowed such mass immigration to take place on an unprecedented scale. The purpose of my new clause is to impose an annual limit so that people can have confidence that there is some control over the number of people coming into the country.

Mr. William Cash (Stone) (Con): My hon. Friend might be able to help me. His new clause refers to imposing a

"maximum number of non-European Union nationals".

Is there a special reason why the provision should exempt European Union nationals in this context?

Philip Davies: I am grateful to my eagle-eyed hon. Friend for noticing that the new clause has a European dimension. He is absolutely right; the elephant in the room is the fact that it refers to "non-European Union nationals". The fact of the matter is that our relationship with the European Union allows free movement of people, which means that we have no ability to deal with them. As my hon. Friend knows, I would wish us to be out of the European Union so that we could impose a limit. I think that he will agree that at least the proposal is a step in the right direction.

Mr. Cash: My hon. Friend will recall my amendment to the Legislative and Regulatory Reform Bill, which he and the whole Conservative party supported in both the Commons and the Lords by adopting it and providing Tellers. That amendment would have enabled us to override the European Communities Act 1972 and require the judiciary to give effect to that override. I trust that his amendment in no way implies that we are resiling from the principle advocated in my amendment.

Philip Davies: As my hon. Friend knows, I enthusiastically supported his excellent amendment to the Bill. Had it not been voted down by the Government, it would no doubt have been reflected in my new clause. Given the situation, however, my new clause will have to deal only with non-EU nationals. As my view is that we should be out of the European Union, we could deal with the issue separately.

Stewart Hosie: The hon. Gentleman might not be aware that Scotland's population had been falling seriously over many decades. In the past few years, that has turned around—the population of Dundee has risen over the past year, Glasgow's over the past two years and Scotland's over the past three years. That has been due mainly to inward migration, primarily, though not exclusively, from eastern Europe, and has been a generally successful, useful and beneficial experience for all concerned. In those circumstances, why would I want to support his amendment? As for his views on the European Union, the free movement of people is tied in with the free movement of capital and free trade within the European Union and the eurozone. Why on earth would he take such a hard-line position against free trade and something that benefits the economies and peoples of the whole Union?

Philip Davies: I am not against free trade. I believe in free trade agreements, but not in lots of regulation. I am happy for as many people to go to Dundee as wish to do so, if that is what the hon. Gentleman wants. I am sure that the annual limit that the Secretary of State would have to impose would reflect the fact that he wants more immigrants in Dundee. I am sure that my constituents would be more than happy for a large proportion of the annual limit imposed to go to Dundee.

Mr. Greg Knight (East Yorkshire) (Con): Is my hon. Friend arguing for an overall annual limit for non-EU nationals, or is he hoping for a specific limit for each non-EU country?

Philip Davies: My new clause would impose an overall limit for non-EU countries. There is only a certain number that is sustainable, that will be accepted by the public, that will not cause a huge amount of disturbance in our local communities and that will not disrupt community cohesion. The aim of the new clause is to have a sustainable level of immigration, which people in this country will accept and which they do not feel is damaging community relations.

Ms Sally Keeble (Northampton, North) (Lab): On the issue of leave to remain, will the hon. Gentleman confirm whether he is also referring to people who come to study? Universities want both easier access for people studying and for them to be able to remain to work afterwards. They see that as part of building the future economy of this country.

Philip Davies: I am grateful to the hon. Lady for that point. I would not wish to deny universities the income that they get from foreign students. My new clause relates specifically to people given leave to remain in this country, which is a slightly different issue.

Stephen Pound *rose—*

David T.C. Davies *rose—*

Philip Davies: I have limited time left and I still wish to refer to two new clauses. I have tried to be as generous as possible in allowing interventions, but I must now make progress.

The purpose of new clause 7 is to ensure that people wishing to claim asylum in this country are detained in secure accommodation for a maximum of 90 days while their application for asylum is processed. At the end of those 90 days, alternative accommodation would be found for them. The new clause exempts people under 18 and their guardians, because it would probably not be right for them to be detained. We have been very generous in this country. We have a tradition of allowing people who genuinely claim asylum to stay, and we are rightly proud of that tradition. However, over the past decade in particular, our kindness and hospitality have been abused on an unprecedented level, much to the disgust of many of our constituents who wish something to be done about it.

When I visited the immigration and nationality directorate in Leeds, it struck me as unbelievable that any failed asylum seeker ever left the country. The hoops that the authorities are expected to go through to track down failed asylum seekers are beyond belief, and it would undoubtedly help them if people claiming asylum were in secure accommodation. They would be well treated and well fed—no one would want the accommodation to be like a prison—but the authorities would know where they were. Once their applications had been processed, those with valid reasons for claiming asylum would be welcomed into the local community and given the support that they deserved and needed, while the authorities could ensure that those who were here under false pretences left the country immediately, rather than having to chase around wondering where they were.

There is no reason why people who are genuinely fleeing persecution in their own countries would not accept decent secure accommodation in this country while their applications are processed. That is not inhumane; it is merely a common-sense way of keeping tabs on people so that those found not to have a valid claim can be sent out of the country, much to the satisfaction and relief of many of our constituents.

Mr. Byrne: I am grateful to the hon. Gentleman for giving way. He is being extremely generous with his time.

Although the number of asylum seekers is at its lowest level not since 1997, but since 1991, the estimated cost of the hon. Gentleman's proposals would require an extra 5,000 detention beds at a start-up cost of about £750 million, with running costs of about £158 million a year. When we proposed increasing the immigration policing budget by £100 million a month or two ago, the hon. Gentleman's party abstained. Where would he get the money for the new detention spaces?

Philip Davies: I have the advantage of not having to speak from the Front Bench. As I said earlier, I would very much like us to leave the European Union. The Minister may not know that that would save us £14 billion a year—more than enough to build secure accommodation.

Mr. Greg Knight: Does my hon. Friend accept that finding the money would not require such drastic action as leaving the European Union? Had the Government not given away part of the EU rebate won by Lady Thatcher, it would have provided plenty of money for detention places.

Philip Davies: As ever, my right hon. Friend is right. According to a survey conducted by the TaxPayers' Alliance, the public believe that a quarter of all Government expenditure is wasted, although I suspect that that is a conservative estimate. I am sure that there is plenty of money available—and, in addition, a large amount would be saved because it would be unnecessary to chase people around the country.

Stephen Pound: The interest shown in this debate may be a reflection of the seriousness of the subject that the hon. Gentleman has raised. May I return him to new clause 6 and ask him what figure he proposes for the maximum number of non-EU nationals to be granted indefinite leave to remain? Will he also answer the question asked so perceptively by the very talented right hon. Member for East Yorkshire (Mr. Knight) and tell us which country they would come from? If the hon. Gentleman came up with the figure of, say, half a million, would it matter if every one of those people came from Pakistan, for example? But perhaps he has other ways of responding to the question.

Philip Davies: I am, as ever, grateful to the hon. Gentleman for his contribution to the debate. The new clause states that the number is to be decided annually by the Secretary of State. We would consider the situation at the time, but my guess is that we could sustain immigration to the country of about 50,000 a year—certainly no more. That figure is much lower than it is at present. On the hon. Gentleman's second point, it would not matter to me which country the immigrants came from; the issue is how much immigration our country can sustain, both economically and culturally. Immigration puts pressure on housing—about one in three new houses is built merely to deal with immigration. It puts pressure on our public services, schools and hospitals, as well as on the taxpayer, so we need a sustainable figure.

Mr. Byrne: I am grateful to the hon. Gentleman for giving way to me again as I want to press an important point. From the figures published recently by the Office for National Statistics, he will know that 145,000 people came from the European Union in 2005, so if EU migrants were uncapped under his proposals there might be a bit of a problem. No cap for EU migrants is significant because 48 per cent. of net migration is from the EU.

Philip Davies: The Minister is absolutely right, which is one of the reasons I want Britain to regain control of its borders. To do so we need to leave the European Union, but that is a debate for another day. However, I agree with the Minister that the scale of immigration from Europe, especially eastern Europe, is colossal and I want us to regain control of our borders to deal with it.

Mr. Clappison: Does not the Minister's point cut both ways? Since 1997, there has in fact been a substantial increase in net migration from non-EU countries as a result of Government policy, in large measure, to extend work permits that were not granted before 1997.

Philip Davies: My hon. Friend is absolutely right and I pay tribute to all his work on the issue, highlighting the scandal of the level of immigration to this country.

New clause 8 would increase the age at which someone could enter the UK through marriage from 18 to 21. The hon. Member for Keighley (Mrs. Cryer), who is my constituency neighbour, has done much hard work on that issue, especially forced marriage. Although increasing the age from 18 to 21 would not necessarily stop people being brought into the country for forced marriages, it could help to get rid of that scandalous practice, which is used to obtain entry to the UK. The new clause would help to reduce immigration, as well as helping to deal with the horrific practice of forced marriage, about which the Minister, like the hon. Member for Keighley is also concerned.

My new clauses are common-sense proposals that would instil an awful lot of the British public's confidence in our immigration system that has been distinctly lacking over the past 10 years or so. Even if the Minister will not agree to my proposals, I hope that he will at least look carefully at the issues that they raise, understand that they are of great concern to the British people and try to find a way of addressing some, if not all, of them.

Mr. Byrne: This has been an extraordinary debate, and a nice way to complete—I fear—Report.

Some of the interventions were helpful, especially on the question of limits. We have been watching the debate among Opposition Members on that subject for some time. It was at spring conference, back in 2003, that the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), who is not in the Chamber, called for quotas on refugees. "This is real action" was, I think, what he said. Of course, the hon. Member for Ashford (Damian Green) threw out that policy some time ago. However, the Conservative party went on to propose quotas in 2005. Although that policy was proposed two years ago, we have yet to hear precisely what the numbers would be. As has been pointed out, it is very difficult under the current arrangements to set a limit on EU migration. The fact that EU net inflow is 48 per cent. of UK net migration raises the question whether any attempt to set a limit would be meaningful or meaningless.

Mr. Greg Knight: Although it is all very interesting hearing the Minister speculate about what my party's policy might or might not be, will he focus on the real issue by telling us what happens in practice? He read out earlier the guidance under which immigration officers operate, but what happens in practice when someone who is asked to remove a veil refuses to do so?

Mr. Byrne: The answer is simple: they are escorted into a room and an immigration officer will take any step that he or she judges to be necessary to verify their identity. The options do not stop simply at asking someone to remove their veil; if necessary, we will fingerprint them. That is precisely how we discovered more than 200 failed asylum seekers trying to leave the country. We did so through tougher exit controls.

The right hon. Gentleman would be right if he were to point out that that kind of operation would become much more difficult if the Conservative party were to

[Mr. Byrne]

follow through on its commitment to shut down the British identity infrastructure. It will be interesting to discover whether the Conservative party supports the Bill this evening. Key measures in it are those to introduce compulsory biometric identity cards for foreign nationals.

We know from a letter sent by the right hon. Member for Haltemprice and Howden (David Davis) to the Cabinet Secretary, Gus O'Donnell, in February that the Government are now "formally on notice"—I believe that that was the phrase used—of the Conservative party position to shut down the national identity infrastructure and that it is now to carry any associated risk or contingent liability. Let me tell Members about one of those associated risks and contingent liabilities: this country will be left defenceless in the fight against illegal immigration, whether that defence is at our border controls or at our border posts abroad when we issue biometric visas to those applying to come to this country for the first time.

Damian Green *rose—*

Mr. Byrne: I sense that the hon. Gentleman wishes to say something.

Damian Green: The suggestion that my right hon. Friend the Member for Haltemprice and Howden (David Davis) talked about abolishing the biometric infrastructure traduces what he said in that letter. The Minister is invoking the novel constitutional doctrine that if a Government sign some long-term, expensive ill-advised contracts, another party would not be allowed to carry out its manifesto pledges even if elected. He is talking nonsense on that point.

However, I want the Minister to return to the subject of EU immigration. Ten minutes ago he described the level of immigration from within the EU as a problem. Does he really mean that?

Mr. Byrne: I do not think that I described the issue of EU immigration as a problem, because it has proved to be of substantial benefit to this country. The hon. Gentleman cannot get away from the point that his right hon. Friend's letter was extremely clear that his party would switch off the national identity infrastructure of this country, despite the evidence that we have heard from people such as Dame Pauline Neville-Jones, who I think is chairing his party's international security and policy commission, and Lord Stevens, who has consistently spoken in favour of identity technology and who is chairing another of the Conservative party's policy commissions—the one on border controls. The right hon. Gentleman wrote that in his letter also despite the evidence of people such as Sir Andrew Green of Migrationwatch UK, who has looked at the question carefully, and of the business community and of trade unions. All of them have said that if we are to stop illegal journeys and illegal jobs we must lock down people's identity. I hope that the Conservative party will follow through on any decision it votes for tonight by either underlining or withdrawing its commitment to shut down Britain's identity infrastructure.

I want to highlight for the hon. Member for Shipley (Philip Davies) some advice that was given by Michael Portillo. He said in 2004 that he doubted whether any Tory Government would be as rigorous in capping immigrant numbers as they claimed, given that no previous one had taken effective action to arrest the flow. It is absolutely right that we have to make sure that only those—

It being Six o'clock, MR. DEPUTY SPEAKER *put the Question already proposed from the Chair pursuant to Order [5 February].*

Question accordingly negatived.

MR. DEPUTY SPEAKER *then proceeded to put the Questions necessary to dispose of the business to be concluded at that hour.*

Clause 5

REGISTRATION REGULATIONS

Amendment made: No. 16, in page 4, line 29, at end insert—

'(4A) Regulations under subsection (1)(b) may not make provision the effect of which would be to require a person to carry 'a biometric immigration document at all times.'.—*[Mr. Byrne.]*

Clause 31

AUTOMATIC DEPORTATION

Amendment proposed: No. 34, in page 16, line 6, leave out from 'whom' to end of line and insert 'the condition under subsection (2) applies.'.—*[Paul Rowen.]*

Question put, That the amendment be made:—

The House divided: Ayes 59, Noes 466.

Division No. 110] **[6.1 pm**

AYES

Alexander, Danny	Hughes, Simon
Barrett, John	Huhne, Chris
Beith, rh Mr. Alan	Hunter, Mark
Brake, Tom	Keetch, Mr. Paul
Breed, Mr. Colin	Kramer, Susan
Browne, Mr. Jeremy	Lamb, Norman
Burstow, Mr. Paul	Laws, Mr. David
Burt, Lorely	Leech, Mr. John
Cable, Dr. Vincent	Llwyd, Mr. Elfyn
Campbell, rh Sir Menzies	MacNeil, Mr. Angus
Carmichael, Mr. Alistair	Moore, Mr. Michael
Clegg, Mr. Nick	Mulholland, Greg
Davey, Mr. Edward	Oaten, Mr. Mark
Farron, Tim	Pugh, Dr. John
Foster, Mr. Don	Reid, Mr. Alan
George, Andrew	Rennie, Willie
Gidley, Sandra	Robertson, Angus
Goldsworthy, Julia	Russell, Bob
Hancock, Mr. Mike	Sanders, Mr. Adrian
Harris, Dr. Evan	Stunell, Andrew
Harvey, Nick	Swinson, Jo
Heath, Mr. David	Taylor, Matthew
Hemming, John	Teather, Sarah
Holmes, Paul	Thurso, John
Horwood, Martin	Webb, Steve
Hosie, Stewart	Weir, Mr. Mike
Howarth, David	Williams, Hywel

Williams, Mark
Williams, Mr. Roger
Willis, Mr. Phil
Wishart, Pete
Younger-Ross, Richard

Tellers for the Ayes:
Jenny Willott and
Mr. Dan Rogerson

NOES

Abbott, Ms Diane
Afriyie, Adam
Ainger, Nick
Ainsworth, rh Mr. Bob
Ainsworth, Mr. Peter
Allen, Mr. Graham
Ancram, rh Mr. Michael
Anderson, Mr. David
Anderson, Janet
Arbuthnot, rh Mr. James
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Baldry, Tony
Balls, Ed
Banks, Gordon
Barker, Gregory
Barlow, Ms Celia
Baron, Mr. John
Barron, rh Mr. Kevin
Bayley, Hugh
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Beresford, Sir Paul
Berry, Roger
Binley, Mr. Brian
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Blunt, Mr. Crispin
Borrow, Mr. David S.
Boswell, Mr. Tim
Bradshaw, Mr. Ben
Brady, Mr. Graham
Brennan, Kevin
Brokenshire, James
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browning, Angela
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butler, Ms Dawn
Butterfill, Sir John
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Carswell, Mr. Douglas
Cash, Mr. William
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clappison, Mr. James
Clark, Greg
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clifton-Brown, Mr. Geoffrey
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Conway, Derek
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Curry, rh Mr. David
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David *(Haltemprice and Howden)*
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Djanogly, Mr. Jonathan
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Dowd, Jim
Drew, Mr. David
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ellwood, Mr. Tobias
Engel, Natascha
Ennis, Jeff
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Fox, Dr. Liam
Francis, Dr. Hywel
Fraser, Mr. Christopher
Gale, Mr. Roger
Gapes, Mike
Gardiner, Barry
Garnier, Mr. Edward
Gauke, Mr. David
Gerrard, Mr. Neil
Gibb, Mr. Nick
Gibson, Dr. Ian
Gillan, Mrs. Cheryl
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hague, rh Mr. William
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Mr. Tom
Havard, Mr. Dai
Hayes, Mr. John
Healey, John
Heathcoat-Amory, rh Mr. David
Hendrick, Mr. Mark
Hendry, Charles
Hepburn, Mr. Stephen
Heppell, Mr. John
Herbert, Nick
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hoban, Mr. Mark
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, rh Mr. George
Howarth, Mr. Gerald
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Iddon, Dr. Brian
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jack, rh Mr. Michael
Jackson, Glenda
Jackson, Mr. Stewart
James, Mrs. Siân C.
Jenkin, Mr. Bernard
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Mr. Boris
Johnson, Ms Diana R.
Jones, Mr. David
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Kawczynski, Daniel
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Key, Robert
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Mr. Greg
Knight, Jim
Kumar, Dr. Ashok
Lait, Mrs. Jacqui
Lammy, Mr. David
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laxton, Mr. Bob
Lazarowicz, Mark
Leigh, Mr. Edward
Lepper, David
Letwin, rh Mr. Oliver
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Linton, Martin
Lloyd, Tony
Loughton, Tim
Love, Mr. Andrew
Lucas, Ian
Luff, Peter
Mackay, rh Mr. Andrew
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona

Mahmood, Mr. Khalid
Main, Anne
Malik, Mr. Shahid
Malins, Mr. Humfrey
Mallaber, Judy
Mann, John
Maples, Mr. John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIntosh, Miss Anne
McIsaac, Shona
McKenna, Rosemary
McLoughlin, rh Mr. Patrick
Meacher, rh Mr. Michael
Meale, Mr. Alan
Mercer, Patrick
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Andrew
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Morley, rh Mr. Elliot
Moss, Mr. Malcolm
Mullin, Mr. Chris
Mundell, David
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Murrison, Dr. Andrew
Naysmith, Dr. Doug
Neill, Robert
Newmark, Mr. Brooks
Norris, Dan
O'Brien, Mr. Mike
O'Brien, Mr. Stephen
Osborne, Mr. George
Osborne, Sandra
Ottaway, Richard
Owen, Albert
Paice, Mr. James
Palmer, Dr. Nick
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prisk, Mr. Mark
Pritchard, Mark
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rifkind, rh Sir Malcolm
Riordan, Mrs. Linda
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, John
Robertson, Mr. Laurence
Rooney, Mr. Terry
Rosindell, Andrew
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Scott, Mr. Lee
Seabeck, Alison
Selous, Andrew
Shapps, Grant
Shaw, Jonathan
Shepherd, Mr. Richard
Sheridan, Jim
Simmonds, Mark
Simon, Mr. Siôn
Simpson, Alan
Simpson, Mr. Keith
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Soames, Mr. Nicholas
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Starkey, Dr. Phyllis
Steen, Mr. Anthony
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Streeter, Mr. Gary
Stringer, Graham
Stuart, Ms Gisela
Stuart, Mr. Graham
Sutcliffe, Mr. Gerry
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tami, Mark
Tapsell, Sir Peter
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Andrew
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Vaz, rh Keith
Viggers, Peter
Villiers, Mrs. Theresa
Vis, Dr. Rudi
Walker, Mr. Charles
Wallace, Mr. Ben
Ward, Claire
Wareing, Mr. Robert N.
Waterson, Mr. Nigel
Watkinson, Angela
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Whittingdale, Mr. John
Willetts, Mr. David
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Wilshire, Mr. David
Wilson, Mr. Rob
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek
Young, rh Sir George

Tellers for the Noes:
Mr. Frank Roy and Tony Cunningham

Question accordingly negatived.

Clause 37

INTERPRETATION

Amendments made: No. 17, in page 19, line 24, leave out '(whether or not' and insert '(unless'.

No. 18, in page 19, line 24, at end insert

'or any part of it (of whatever length)'.

No. 19, in page 19, line 40, leave out '(whether or not' and insert '(unless'.

No. 20, in page 19, line 40 , at end insert 'or any part of it'.—*[Mr. Heppell.]*

Clause 38

CONSEQUENTIAL AMENDMENTS

Amendments made: No. 21, in page 20, line 18, leave out '"(whether or not' and insert '"unless'.

No. 22, in page 20, line 19 , after 'sentence', insert 'or any part of it'.—*[Mr. Heppell.]*

Clause 43

SEARCH FOR EVIDENCE OF NATIONALITY

Amendments made: No. 23, in page 23, line 40, leave out second 'or'.

No. 24, in page 23, line 41, at end insert ', or

(iii) premises on which the individual was, immediately before being arrested.'.

No. 25, in page 24, line 19, leave out subsection (6).—*[Mr. Heppell.]*

Clause 44

SEIZURE OF NATIONALITY DOCUMENTS

Amendment made: No. 26, in page 24, line 28, after '43', insert

'or [Search for evidence of nationality: other premises]'.—*[Mr. Heppell.]*

Clause 56

COMMENCEMENT

Amendment made: No. 27, in page 29, line 19, at end insert

'or whose sentences are suspended at the time of commencement;'.—*[Mr. Heppell.]*

Order for Third Reading read.

6.17 pm

Mr. Byrne: I beg to move, That the Bill be now read the Third time.

Before I come to my substantive remarks, I want to thank the members of the Public Bill Committee, who ensured that the Bill received the right level of scrutiny and deliberation. The changes that we have brought forward this afternoon demonstrate that the Committee was an important and useful part of the process. I also thank the witnesses who were summoned to give evidence to the Public Bill Committee. Often the evidence became a foundation for a lot of the debate that followed. That is the kind of constitutional innovation for which the Leader of the House deserves some credit. The Bill shows how important the changes to Committees have become. I also thank the Under-Secretary of State for the Home Department, my hon. Friend the Member for Enfield, North (Joan Ryan) for the work that she has done on the Bill, and the work that she did in Committee and during the deliberations leading up to the Bill. I would have been lost without her.

On Second Reading, I said that the Bill is one of five reforms that we are making to the immigration system on the back of the changes announced by my right hon. Friend the Home Secretary last year. The changes are already bearing fruit. At our overseas border we now turn back about two jumbo jets-worth of potential illegal immigrants each week. Some 17,000 people were stopped on the other side of the channel last year alone. The number of asylum seekers is now at its lowest level since 1991. Last year, for the first time, we removed more failed asylum seekers than came into the country. As the Prime Minister said this afternoon, the number of foreign national prisoners being deported is now up, and up substantially. Last year, we tracked down and deported somebody every eight minutes who had no right to be in this country.

These changes are important, but they are not enough and they will not be enough for the future. In the future, we will need to do more. As we enter an era in which global migration will become faster and faster, our border defences and border security will need to be still more robust. That is why we are bringing forward such a radical overhaul of the immigration system. A cross-Government strategy brings together all aspects of public services to sharpen our attack on illegal immigration at home and abroad. Up to £100 million extra in resources is going into immigration policing.

New technology is being put in place to allow the biometric screening of visa applicants to be carried out in 67 posts. By the beginning of next year, that technology will be in place in border posts covering three quarters of the world's population. New international alliances are being negotiated to help to develop stronger global co-operation on this global issue. The Bill is designed to ensure that having doubled the number of our warranted staff, they will have the right powers to do their job, to keep our borders secure and to remove those who have no right to be here.

At the heart of the Bill is a series of measures to help us to deter, detect, detain, restrict and deport illegal immigrants. To deter more, we propose to strengthen our borders and to give our border security officers new powers. We propose new powers to prosecute human smugglers and people traffickers wherever on earth they perpetrate the offence. We propose new powers to confiscate the proceeds of organised immigration crime, which is responsible for about three quarters of the illegal immigration into this country. To detect more of those who are here illegally, we propose compulsory biometric identity cards for foreign nationals, so that those who exploit fake documents can be uncovered and denied access to the labour market and public services.

However, we are providing important protections. We listened to the concerns of hon. Members, including my hon. Friend the Member for Walthamstow (Mr. Gerrard), and introduced prohibitions on any regulations that might require someone to carry a card at all times.

Nevertheless, the measures that we propose will allow us to eliminate the insecure 20th-century documents that are used to provide evidence of a person's eligibility to work or benefits. We will phase in new secure documents that are easier to check and harder to forge. We also propose new powers of search and the ability to share information with Her Majesty's Revenue and Customs to find those who are here illegally or who employ people illegally.

To detain and restrict more people, we propose new powers to put those whom we are unable to remove on limited leave subject to reporting and residency restrictions. To deport more people, we propose new powers to deport automatically people who have committed offences in this country and breached our bond of trust. Foreign nationals who abuse our hospitality by seriously breaking the law will not be allowed to stay in the UK.

The Bill also includes important measures that are designed to underpin the long-term improvement of the Border and Immigration Agency. It will give the agency new flexibility to raise resources from abroad so that it can do the job with which it has been tasked. There are also new provisions to provide stronger and more independent oversight to ensure that those resources are used as effectively as possible to keep our borders secure.

The cornerstone of our strategy to combat illegal immigration is simple: a plan to stop illegal journeys and illegal jobs. At the heart of our endeavour is the simple ambition of using new biometric technology

[Mr. Byrne]

that will allow us to lock down with confidence the identity of an individual. The technology will be used first when we issue a visa; secondly, when an individual boards a plane, train or boat for Britain; thirdly, at our border; and, fourthly, when people go about their business in Britain. That is why we have consistently argued that it would be an error to shut down the national identity infrastructure.

It was unfortunate that the right hon. Member for Haltemprice and Howden, who is not in the Chamber, wrote a letter to the Cabinet Secretary in which he promised to shut down that system, because that will be a vital defence against illegal immigration. We think that migration will grow, which means that the risk of illegal immigration will surely not decrease, but increase. In the face of such future pressure, a plan simply to restructure managers here at home would be about as robust as sandcastles on the seashore. If Conservative Members support the Bill, I hope that they will take the logical next step by revoking their commitment to shutting down the UK's identity system. If they do not, people who are being kind will accuse them of having a muddled policy, while their critics will say that they are voting for one thing, but committing themselves to another. They would leave themselves open to the accusation that their immigration policy had become a shambles.

I hope that the House will pass this important Bill, which has benefited from the scrutiny that hon. Members have given it over the past few months. Let me finish with a word of warning: the pressure on our borders will grow unless we take steps to secure them today. That is why the Bill and the changes that the Home Secretary is putting through are important. We need to ensure that our front-line staff have the powers that they need to do the job that they love. I commend the Bill to the House and wish it a speedy passage in another place.

6.24 pm

Damian Green: I start by echoing the thanks that the Minister for Immigration, Citizenship and Nationality expressed to the staff on the Public Bill Committee. In particular, I thank the witnesses. Hearing from expert witnesses at the start of Committee is a useful innovation, and all of us learned many things from them. In fact, I would have preferred it if some of the insight that the witnesses gave us in Committee were better reflected in the changes that subsequently appeared in the Bill. The Government have indeed made some changes on the basis of amendments that we suggested in Committee, and that is entirely commendable, but I still feel that some of the things the Minister has just said, particularly about biometrics, fly in the face of the expert evidence that we heard in Committee. However, that institutional change to the way in which Bills are scrutinised should be preserved and, if possible, extended in future.

The Bill, in its current state, has to be put in the right context; it is one of a plethora of immigration and asylum Bills that the Government have introduced, and it is sensible to reflect, at this stage of its progress, on whether this one will be remembered in any way and whether it will make any significant difference. On Second Reading, I described it as a rag-bag—a collection of measures with no core, central theme or guiding intellectual thrust to it. If anything, it was made even more of a rag-bag by the introduction, at a very late stage, of the inspectorate. That is an important step forward and one that, in principle, we do not oppose, but the idea has not received sufficient scrutiny as it was introduced in a series of new clauses well after Second Reading. Our wish is that the inspectorate will be properly independent. We know that public confidence in the system is rightly very low, and if recent evidence is to be believed, it is getting lower. A properly independent inspector could make some difference to that, but unfortunately that is not what is provided for in the Bill as it stands. I am sure that that will be a fruitful area for scrutiny and change in another place.

From looking at the Bill as a whole, it is difficult to improve on the analysis of the Immigration Advisory Service, which makes the following point in its briefing for this debate:

> "The Bill...will become the fifth piece of major immigration legislation...since the Government assumed office in...ten years, excluding the Special Immigration Appeals and Human Rights Act. The list of repeals and amendments to previous legislation (some of which was never even implemented) tells its own story and has led to confusion and complication even among the judiciary."

That is exactly right. The Government have thought too little and legislated too often on the subject. Too often, legislating has been a displacement activity for Ministers who feel that they are not on top of the immigration and asylum process.

Mr. Cash: I am not trying to tempt my hon. Friend into agreeing with me on the Floor of the House—I am not trying to make my point in that way—but does he not have some sympathy with my continuing concern about, indeed campaign on, the Human Rights Act 1998? It presents serious problems, for example in relation to deportation, and there is no short and easy answer, save to repeal the Act. That would ensure that we got the results that we want when dealing with matters as serious as those that we are discussing.

Damian Green: It is clear that there are problems with the dispensation for deportation. Given what has happened in the past few weeks, I am sure that there is consensus in that area between the Government and us. My hon. Friend will know that our right hon. Friend the Leader of the Opposition has suggested a British Bill of Rights, part of which would entrench the human rights that as British citizens we need and deserve, while ensuring at the same time that problems in the existing legislative regime can be dealt with. My hon. Friend will agree that that is not an easy task, but it is an essential one in a world as dangerous and difficult as the one that we face. He is right to point out that the legislation passed in the past 10 years has not, on the whole, been helpful, either in promoting human rights among vulnerable people or in giving proper protection to the population as a whole. That is certainly a matter that needs to be addressed by a future Conservative Government.

To return to the Bill, it was instructive that throughout our proceedings, particularly on Second Reading, Labour Members attacked it from both left

and right. It was clearly unsatisfactory both to those who think that the Government have been led down the path of attempting to appease right-wing newspapers and those who thought that they should go further down that path. Underlying the unease of Government Members is the fact that a lot of the immigration debate in this country is now about delivery. It is not about the minutiae of legislation, important though they are, but about whether structures have been set up that can give us both effective control of our borders and the processes that will clear up the huge backlog of people who are in this country but who have no right to be here—a backlog that has been allowed to build up over the past 10 years. The characteristic of the current regime at the Home Office—when the Minister noted wistfully that he had been immigration Minister for more than a year, I could tell that he was yearning for movement, and I wish him well over the next few weeks—is to talk tough, to legislate often, but to deliver little. That verdict came through very clearly on Second Reading from Members on both sides of the House.

Looking ahead, we must consider whether anything will change. Will the Bill change anything much? Will the future Bills that were promised change anything much? I fear not. We know that we will soon have yet another Home Secretary. The path is instructive. The first Labour Home Secretary lasted four years; the second one, three years; the third one, two years; the fourth one, one year. As everyone speculates about who is going to take over as the next Home Secretary in July, I have to point out that at the current rate of progress, it will all be over by Christmas, because he will have about six months in the job before we get another one.

There is a hole in the Bill and a hole at the heart of the Government's immigration policy, because they have not protected our borders properly. The Minister waxed lyrical about biometric technology and said that it is the solution. He almost said explicitly a few minutes ago that it was what we needed, and that is the cornerstone or building block of everything that the Government are doing. It flies in the face of evidence from around the world, and of the expert evidence that we heard in Committee, that blind faith in biometric technology will not result in the solution that the Minister claims. Our practical solution of a border police force and specialist policing to deal with what goes on both at our borders and in illegal employment is a much more effective, holistic solution to the problems that we continue to face with a porous immigration system, in which our borders are not properly protected.

The biggest problem that the Minister faces is delivery. The second biggest problem is the fact that the inspectorate that he has established to examine the various new structures that he is setting up lacks proper powers. I suspect that the final verdict on the Bill will be that it is not destined to change much or to make any significant improvements in our failing immigration system. We regret that. We have not opposed the principle of the Bill, because it contains useful elements. Some of the changes that we were able to make in Committee will make it slightly more useful, but the Bill fails to rise to the enormous challenge of improving Britain's immigration system.

The best that one can hope for is that the Government do a little better when yet another immigration Bill comes along in the next Session of Parliament. There has been a weary procession of immigration Bills from the Government, which have coincided with a complete collapse of public confidence in our immigration system. The public are right: the Government have failed the country on immigration.

6.36 pm

Mr. Frank Field (Birkenhead) (Lab): Tomorrow we reach the end of the beginning of the long goodbye to a Labour Prime Minister who has been more successful than any Prime Minister we have had. Last week, one of the polling organisations, instead of thrusting questions in front of the sample, asked open-ended questions about the voters' biggest disappointment with his 10 years of stewardship as Prime Minister. Whereas we in the House would probably say Iraq, they said, by a clear majority, that he had failed to protect our borders.

It is therefore a particular disappointment for me and for my hon. Friend the Member for Cannock Chase (Dr. Wright) that we did not discuss the amendment that my hon. Friend had tabled, which would allow us to reconnect with voters on the very issue with which the Bill deals—the establishment of a commission to report not only on labour market needs in respect of immigration, but on the social impact, which in some areas has been so devastating that it is difficult to describe.

By the time we reach the final goodbye to our Prime Minister, I hope that the Bill will have been considered in another place and that the amendments we could not move for reasons of time will be considered there and will come back to us, so that that major charge against the stewardship of our current Prime Minister is answered, not in the distant future but in the Bill itself.

6.38 pm

Paul Rowen: I echo the sentiments of previous speakers. First, I thank the members of staff who worked on the Public Bill Committee for their assistance with our amendments, and the witnesses. I agree with hon. Members who said that the innovation of hearing witnesses before we started consideration of the Bill has greatly strengthened our deliberations.

The Bill is the fifth immigration Bill that the Government have introduced in the past 10 years. I agree with the hon. Member for Ashford (Damian Green) that in many respects it is a curate's egg. I doubt very much whether it will deal with the real immigration issues which, as the right hon. Member for Birkenhead (Mr. Field) said, people outside feel and understand. I am extremely disappointed that we did not have the opportunity to discuss the right hon. Gentleman's new clause 11. From the earlier discussion on other clauses, it is clear that there is a great need for such a commission, which would substantially strengthen the workings of our immigration system. I hope that when the Bill is considered in the other place, the new clause can be inserted.

[Paul Rowen]

When the Government introduced the Bill, they had given immigration officers a range of new powers. During the proceedings on the Bill, we questioned them about that and sought assurances with regard to the introduction of PACE. We had an assurance from the Minister that regulations would be put in place and training instituted.

Like the hon. Member for Ashford, I am disappointed that we have not had a broader debate on the Floor of the House about the need for a borders agency. Our immigration policy needs to be not only firm and fair but properly co-ordinated—that has been lacking in the past—and a borders force could have achieved that. At the time, the Minister said that one of the reasons the Government did not want to do that was the need for stability in the Home Office, yet immediately afterwards they split it. It seems that there can be major change in that respect, but nothing can be done about making the organisation internally more effective.

Liberal Democrats do not oppose biometric visas. They are a means—but not, as the Minister says, the only or the main means—to control and regulate immigration flows. We sought assurances on the level of information that would be recorded biometrically and non-biometrically, and it is disappointing that we did not get them. We should have a system similar to that in the USA and Australia, which would be a fair way of operating.

We have raised questions about young asylum seekers. The Minister said that although he will not incorporate section 11 of the Children Act 2004, he will ponder what other regulations should be put in place. I found that part of his commitment very unsatisfactory and unwelcome.

The Minister mentioned the £100 million of new resources that will be channelled into putting the Bill into operation. It is disappointing that the bulk of that money will be raised from decent, ordinary visitors coming to this country. We have moved away from the principle of ensuring that the visa service paid its way towards a system whereby visas will pay for the immigration service, which is not what was intended.

There are a large number of policies to do with enforcement and seizure. Earlier, I raised concerns about the blanket use of those procedures. We already have a problem with perception and community cohesion. As I know from talking to people in my constituency, people of black and ethnic minority origins feel victimised and picked on. That is a major concern. I hope that these powers will be regulated and monitored.

In summary, the Bill will not solve the inherent problems of our immigration service. It remains to be seen whether the new inspector and the new borders force will deliver. That is where change needs to be brought about. Those of us who deal weekly with immigration issues know that we do not need to bring in new laws to make our borders firm and fair but that we need to ensure that what exists is properly implemented. I hope that a new immigration office and a new Home Secretary will not mean yet another immigration Bill. What is required is stability and further discussion to ensure that some of the ideas that have been rejected during the Bill's progress are reconsidered and put in place.

6.43 pm

Mr. Gerrard: It is a relatively rare experience for a suggestion that I make on a Home Office Bill to be taken up and accepted by Ministers, so I am genuinely grateful to the Minister for inserting Government amendment No. 16. That change was needed to ensure that the Bill reflected what Ministers said was going to happen.

The same approach would help if applied to clause 16, which deals with reporting and residence conditions. We debated that on Second Reading and some detailed discussion took place in Committee. Current drafting means that reporting and residence conditions could be applied to almost anybody who does not have indefinite leave to remain. In Committee, the Minister gave some assurances that he expected the clause to apply in relatively limited circumstances. However, as the provision is drafted, it would be open to a future Minister to interpret it differently from my hon. Friend. I hope that, before the Bill completes its passage, more thought will be given to whether a similar approach to that on biometrics could be taken to clause 16.

I want to comment briefly on the changes to deportation and other matters. The point has already been made that, whatever the legislation, if the Home Office does not process cases at a reasonable speed, it will not work. That has been a recurring theme of debates on several Bills, and the hon. Member for Ashford (Damian Green) made the point earlier. I fully accept that, after 10 years of government, we must accept responsibility for the state of the Home Office and the delays. However, if the hon. Gentleman is trying to suggest that there was a golden era a few years back under a Conservative Government, he is wrong.

My experience between 1992 and 1997 was that the Home Office was at least as shambolic in processing cases as it is now—indeed, it was probably worse. The problem has simply remained unsolved for a long time. It is important to get to grips with it; if the processing does not happen, the deportation clauses will not work. If legislation is passed but not implemented, and things that we say will happen do not, faith in the process will be lost. I have argued for some time that the Home Office should legislate rather less and do a hell of a lot more to ensure that the systems within it work.

6.47 pm

Mr. Cash: I shall be brief. I listened to the Minister's comments with interest. In a nutshell, he said, "So far, so good, but we need to monitor the position carefully in future." The Bill does not go far enough. I have deep concerns about the rate and manner of immigration policies, and I have already said that the Human Rights Act 1998 represents an obstacle to our dealing not only with immigration but with asylum and deportation. We have reached the point at which, even when the courts say that a person is dangerous, the Human Rights Act will be invoked to claim that the person should remain in this country. We have created the most extraordinary, topsy-turvy, upside-down world. On the

basis of my exchanges with previous Home Secretaries, I do not believe that the Government have understood, or been prepared to tackle, a situation as grave as this has become.

I do not believe for a moment that the biometric system will function properly. It is driven by European directives. They have not been mentioned in our debates on the Bill, but the Minister knows that that is where it all comes from. Judging by the evidence that I have read recently, it will not work: it is another costly implementation of unnecessary European legislation.

I am deeply worried about the proposals in clauses 31 and 32, which clearly prescribe exceptions, when

"removal of the foreign criminal...in pursuance of a deportation order would breach"

his convention rights, or rights "under the Community treaties." I have to say that I have no sympathy for foreign criminals. I cannot think of a single conceivable reason why a person who is a foreign criminal should be able to avail himself of an escape from these provisions simply on account of a fatuous law that has come out of the European convention or European Community treaties. We have really got a completely upside-down world.

I see that the Under-Secretary of State for the Home Department, the hon. Member for Enfield, North (Joan Ryan) is in her place next to the Minister for Immigration, Citizenship and Nationality. She knows that we in the European Scrutiny Committee remain deeply concerned and critical of her role and that of other Ministers in matters that impinge on this question. I do not intend to go further into them now, but I refer to the transfer of foreign prisoners and related issues.

In conclusion, I have great sympathy with the remarks of my hon. Friend the Member for Shipley (Philip Davies). On the question of the covering of faces, the Minister effectively sold his own pass, because he admitted that the rules were there to ensure that the people in question were not allowed to get away with it, but that in practice there was no way of being absolutely certain.

Mr. Byrne *indicated dissent.*

Mr. Cash: The Minister shakes his head, but we will no doubt return to the matter at some future date.

The bottom line is that the Bill does not go far enough and does not deal with the real problems on the ground. The intrusion of the Human Rights Act and European Community enactments should be covered by the sort of provisions set out in new clause 17 of the Regulatory Reform Bill. We should override the European Communities Act 1972 and the Human Rights Act, and we should require the judiciary to obey.

6.51 pm

Dr. Tony Wright (Cannock Chase) (Lab): I will be extremely brief. Many of us have thought for a long time that we should find a way to have a more sensible and informed discussion of what is potentially an extremely toxic issue. We are discussing this Bill against the background of a dramatic increase in population projected over the next generation—a growth of about 7 million or more, of which the majority will come from migration. That is unprecedented.

That is a huge task for a society to adjust to and digest, so the key is to ensure that we look at the issue in the round and take sensible decisions on border controls and migration policy generally, based on the best evidence about what is good for this country. The levels that we are talking about, and the components of them, may be extremely good or they may be extremely bad—or perhaps somewhere between the two, which I suspect is the case. What I am sure about is that we have to do better in finding the mechanism to enable us—in government, in Parliament and among the public—to have better discussion of these matters than we have had before.

I am pretty sure that when the Bill was announced, the Home Secretary told me that we were going to have an immigration commission to look at these issues in the round. I welcomed that, as I had argued for it for a long time. I tabled two early-day motions on the subject, and others supported them. The point was to put all the issues together—what the economy needs in terms of skills, but also the effect on wage levels, public services, social cohesion and all the other things that bear on decisions on migration and border policy.

I see that there is no such body in the Bill. Instead, we have what is called a migration advisory committee, which is to be a non-statutory, non-departmental public body that will offer advice, I am told, on the skills needed in particular sections of the economy. If that is the case, we are missing an opportunity to remedy the deficiencies that have been pointed out by the National Statistician, even in terms of the figures that we are dealing with. We cannot make good policy unless we have good population and migration figures, but we do not have them. Nor can we make sensible policy decisions unless we put all the issues about economic activity, skills shortages, wage levels, public services and social cohesion into the same pot and try to make sense of them. We could then make some informed decisions on that basis.

We are to have a migration advisory committee, a migration impacts forum and a national statistics centre for demography, and we already have a commission on integration. I believe, however, that the time has come to put all those bodies together to form a serious commission that could advise the Government, and all of us, on all matters relating to immigration and population. I had hoped that such a provision would be in the Bill, because of what the Home Secretary had said. I still hope that in the course of the Bill's passage to the other place and back, we shall manage not to lose the opportunity to establish a body of that kind.

6.55 pm

Stewart Hosie: I was slightly disappointed that no amendments were tabled to address the issue, which we identified on Second Reading, of the discrepancy between the powers to detain of immigration officers working in England and Wales compared with those of officers working in Scotland, who will not be able to detain those suspected of committing a non-immigration offence pending the arrival of a police officer.

[Stewart Hosie]

There was also a slightly less than satisfactory outcome to our brief exploration earlier today of clause 44, which relates to the seizure of nationality documents, in relation to Scotland. I mentioned during that debate that there was a corollary between the new powers being given to HMRC officers in Scotland and the similar new powers in the Bill for immigration officers. The Criminal Law (Consolidation) (Scotland) Act 1995 was amended to ensure that only sheriffs—not sheriffs and justices of the peace—could issue and vary production orders. The provisions specified in some detail the procedures relating to the powers to remove, access and copy documents; again, there is a direct corollary with the power to seize nationality documents.

The powers of arrest were specified, and, indeed, limited, to ensure that HMRC officers—and likewise immigration officers—would not actually be police officers but would have certain powers. The Criminal Procedure (Scotland) Act 1995 was also amended. Finally, the Criminal Justice and Police Act 2001 was amended to reference the Criminal Law (Consolidation) (Scotland) Act 1995, particularly in relation to the seizure of documents. That might have been a better approach to take to the powers given to immigration officers by the Bill; it might have been a more comprehensive way of dealing with these issues.

However, none of those flaws is enough to persuade us to oppose the Bill tonight, and we will not do so. I am sure that the Minister will take on board in the correct manner the fact that I say that there is to be a change of Administration in Scotland soon, and that I am sure that he would like to seek an early meeting with the new Justice Minister at which he can explore fully how the criminal law in Scotland might be amended to provide the necessary safeguards, and to ensure that immigration officers working in Scotland have the same powers to protect their borders as those working in England and Wales.

6.58 pm

Mr. Clappison: The right hon. Member for Birkenhead (Mr. Field) did not underestimate the amount of public disquiet on the subject of immigration. While I support some of the measures in the Bill, it certainly does not go far enough to address those concerns. It contains three potential areas of weakness, and I shall attempt to outline them in the limited time that I have left.

First, on illegal immigration, I am worried that the proposals in the Bill, together with other proposals that the Government are bringing forward, will weaken the first and most effective line of defence, which is the overseas posts' power to grant people visas to come to this country. All the evidence shows that once someone is inside the country and staying here as an illegal migrant, it is very difficult to remove them.

Secondly, the proposals on automatic deportation are in fact a retreat from what the Government proposed last year. The proposals in the Bill, which we went through in some detail in Committee, show remarkable indulgence towards repeat offenders. All the provisions are, in any case, subject to human rights legislation. Given the weakness of the Bill in dealing with repeat offenders, it will be important to examine how effectively the existing provisions on deportation are being used for people whose presence is not conducive to the public good, and whose deportation has been recommended by the courts.

Finally, in relation to overall immigration, we need to consider the points-based system and the overall impact of migration. The Government should not just talk and set up bodies, but grasp the nettle and set a limit for the amount of net migration that they are prepared to accept into the country. That is now running at historically—

It being Seven o'clock, MR. SPEAKER *put forthwith the Question already proposed from the Chair, pursuant to Order [5 February].*

Bill accordingly read the Third time, and passed.

EUROPEAN UNION DOCUMENTS

EU DEVELOPMENT POLICY

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

That this House takes note of European Union Document No. 7124/07 and Addendum 1, Commission Communication, EU Code of Conduct on Division of Labour in Development Policy; and welcomes proposals to lower the transaction costs for developing countries and increase the effectiveness of providing aid.—*[Mr. Heppell.]*

Question agreed to.

PETITION

Her Majesty's Revenue and Customs (Derby)

7 pm

Mr. Bob Laxton (Derby, North) (Lab): I wish to present a petition, the lead signatory of which is Chris Williamson, the leader of Derby city council.

The petition states:

The Petition of the City of Derby declares that the proposal by Her Majesty's Revenue and Customs to close its two Derby offices will have an unfavourable effect on both employees of the organisation and the city's economy as a whole.

This decision will mean the loss of 400 jobs in Derby, will result in a downturn in our economy, and will have a detrimental effect on the environment.

The Petitioners therefore request that the House urge the Secretary of State for the Treasury to withdraw her proposal.

And the Petitioners remain, etc.

To lie upon the Table.

Care of Alzheimer's Patients

Motion made, and Question proposed, That this House do now adjourn.—*[Liz Blackman.]*

7.1 pm

Mr. Fabian Hamilton (Leeds, North-East) (Lab): For many Members, it is often constituents who highlight an issue by bringing it to our attention, either in an advice surgery, in correspondence or over the telephone. That was so in the case of Tony Dean, whose case I bring to the attention of the House this evening, as well as to the attention of my hon. Friend the Minister. Tony's wife, Avril, first came to see me in February last year, concerned about her husband's care at a time when he was visibly deteriorating day by day. It might help the House to understand Tony's case a little better if I give some background.

Tony Dean was born in the working-class Chapeltown district of my constituency in February 1940. He was highly intelligent, attended school in Chapeltown, then went on to Leeds modern school—now known as Lawnswood high school—and went to Sunderland to train as a pharmacist before qualifying in 1962. In 1967, he married Avril and the couple had two children, now grown up and aged 37 and 35. In 1968, Tony set up his own pharmacy in the Beeston and Holbeck area of Leeds. It was a small local shop, which rapidly gained a good reputation and became an integral part of that modest suburb of south Leeds. Many of his former customers still ask after him and try to seek his advice, although he has not been there for a few years.

Seven years ago, Tony was diagnosed with Alzheimer's disease. As a pharmacist, he knew what to expect and bore the news with typical stoicism. He and Avril had already guessed that something was wrong when, during the preceding two years, Tony had started suffering memory loss—at first, small things such as forgetting how to lock the car door or where the airing cupboard was located in their home. After the formal diagnosis in 2000, Tony knew what to expect.

Tony had always been a sporty and athletic person. A well-built and powerful man of 5 ft 10 in, he enjoyed cricket, golf and bowls as well as bridge and chess. However, one by one, he had to give up those pastimes—and his work—as the disease gained its grip on his mind. Although he tried to take each setback in his stride, accepting what the disease would mean, he fought against losing his driving licence by retaking his driving test, although eventually, sadly, he had to give up driving in early 2002. He was 62 years old.

By the time he had begun to suffer from the excruciating pain of kidney stones during 2002, Tony became so frustrated that he could no longer express his pain or feelings—nor could he even urinate properly, or sometimes at all—and he started to become violent and angry. Eventually, at the end of 2004, he underwent an operation for the kidney stones, but his family tell me that by the time he came home from hospital he was no longer the husband and father whom they knew and loved so much. He had, in their words, "gone to the fairies".

In March 2005 Avril decided to visit her daughter in Canada, but needed respite care for Tony, whom she was finding increasingly difficult to look after. Following two unsuccessful attempts to place him in private care homes, he was admitted to The Mount psychiatric hospital in Leeds for a month for his care needs to be assessed. By the time Avril returned from Canada, he had been admitted to Leeds general infirmary suffering from bruising and bleeding as a result of falls sustained at The Mount. By this time the disease had made him very aggressive, and although no physical problem could be found, he kept walking into other people as well as objects, doors and furniture.

One month's assessment at The Mount soon became 15 months. An attempt to place Tony in an NHS continuing care home, Towngate House in Guiseley, in June last year failed after a few days, and he was back at The Mount. After being taken off 24-hour observation while Avril was away on holiday in August 2006, Tony became dehydrated and very seriously ill. He had suffered kidney damage and bruising to his head and eye. He was kept in Leeds general infirmary for three and a half weeks, but he was also suffering from an enlarged prostate, and by now was reduced to a vegetative state. He had stopped being able to walk, talk, feed himself or even drink without help. By this time he was no longer aggressive, so he was admitted to Towngate House again.

Unhappy with the care that Tony was receiving compared with the care he had received at The Mount, I arranged a meeting for Avril with Michele Moran, deputy chief executive of Leeds Community and Mental Health Trust. Michele was very helpful back in November and promised to look into Avril's complaints about the way that Tony had been treated at Towngate House, as well as trying to find somewhere appropriate to give him the care that he needed.

On 22 February this year, Tony moved to Southlands care home in the old Wetherby road in my constituency. Southlands is a privately run home that offers excellent standards of care, and Tony is now very well looked after. However, it is costing Avril £635 per week. She is receiving a contribution of £87 a week from the NHS, and also receives an attendance allowance of £325 a month as well as Tony's state pension, but it will not take very long for every penny that the couple have, as well as all their assets, to be used up.

Avril is unhappy that Tony does not qualify for continuing care because he does not have enough "medical need". After complaining to Leeds primary care trust, she was told by one of its officials that "its hands were tied" by Government policy. Yet when I went with Avril to meet representatives of the PCT in January, the official could not understand why I was there. The PCT agreed to bring in a qualified nurse from Halifax PCT to reassess Tony's care needs at Southlands. The nurse agreed that a higher level of care was needed and raised the band for payment to £133 a week, although I understand that that higher amount has not yet been received by Avril and that Leeds PCT is very unhappy with the award.

Tony Dean is now comfortable—as far as anyone can tell—and very well looked after, but at a massive cost. The family understands that the NHS could not possibly afford to pay the continuing care costs of every patient who suffers from Alzheimer's disease, but rightly feels that there should be equity of provision throughout the country. The High Court ruling of

[Mr. Fabian Hamilton]

January 2006 in the case of Maureen Grogan found that the eligibility criteria for continuing care being used by the Bexley care trust were unlawful. That surely raises questions about the criteria being used by other health trusts and authorities. Given that many attempts were made during Tony Dean's 15-month stay at The Mount to find a private care home that would take him, and that no home at the time would give him a place, does not that show that he had such high dependency needs that only the NHS could give him the care that he needed?

I am aware that a draft framework for continuing care is to be published soon, so will my hon. Friend the Minister tell me when he expects it to be available and what it might say? Surely, the distinction between health and social care is a false one when examining cases such as Tony Dean's. Can my hon. Friend give me, the Dean family and many thousands in their situation any hope that the continuing care needed for patients such as Tony will be provided at some future date? Dementia care is not simply social care. A man such as Tony Dean can no longer do anything for himself. He has forgotten how to swallow and he cannot turn over in bed, speak, walk, eat, drink or do anything else without help from another person. He needs 24-hour a day care just to stay alive.

I am delighted that I have been able to hold this debate this evening and highlight the case of a delightful and wonderful man whose life has been destroyed by that terrible affliction and whose loving family has been torn apart by the disease. Their determination, especially his wife Avril's, has certainly ensured that Tony is now properly looked after, but I hope that it will also show what needs to be done to help many others in the same situation who continue to suffer.

I thank Avril Dean and her family and friends, who have been so supportive. I also thank the Alzheimer's Society for its help in providing some of the information for tonight's debate. I should not forget, either, the wonderful staff at The Mount and the Leeds Community and Mental Health Trust and, of course, Southlands care home where Kate looks after Tony so lovingly.

Finally, I hope that my hon. Friend can offer hope to thousands of Alzheimer's patients, both current and future, that they will receive equitable treatment and care wherever they may live in England and that the postcode lottery becomes a thing of the past.

7.12 pm

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): I congratulate my hon. Friend the Member for Leeds, North-East (Mr. Hamilton) on securing this Adjournment debate.

Nobody in the House, or outside, can fully understand the impact of Alzheimer's on individuals, their family and friends unless they have experienced it personally. My hon. Friend spoke movingly of the life of Tony Dean and the impact of the condition on him, as well as the consequences for his wife and carer, Avril, and the wider family.

It is difficult and challenging to live with a husband or wife, mother or father after seeing them enjoy a full life—participating actively in their local community, holding down an important job, being a parent or spouse—only for it to be suddenly shattered by that horrendous condition. It is indeed traumatic. For many people, it can be the first time in their life when they require significant input either from the national health service or from the social care system.

Continuing care has long been a difficult issue. Decisions are made locally by a combination of assessment involving primary care trusts and local authorities. As a consequence of cases such as that of Mr. Dean, of court rulings—my hon. Friend referred to one—and of ombudsman's investigations, the Government acknowledge that there is an authentic and genuine issue that has to be addressed. Until now, we have not been able to micro-manage decisions made on a locality by locality basis. Indeed, it would not have been appropriate to do so; nor will it be in the future.

However, we acknowledge the need for a national framework to provide clear guidance about access to and eligibility for continuing care funding. I have made it clear that, as a result of court judgments and ombudsman's rulings, it is important that we get the guidance right, which is why it has taken some time to prepare. It is my intention to publish it in June. We believe that it will lead to a more equitable and a fairer system.

The difficult but honest message is that people will always fall on either side of the line, wherever that line is drawn. What is important is that the new system takes account of the fact that we live in a changing society. One of the challenges for the national health service and the social care system is the demographic realities that we now face. People in our society are living longer, which is good news, but in doing so they are developing more complex and challenging conditions such as Alzheimer's and dementia—conditions that the current system was not set up to address or cope with. That is why we need to issue this new guidance. It will influence the decisions that are made in every local health economy and social care system throughout the country, and it will, we hope, lead to greater equity.

My hon. Friend raises the question of the dividing line between social care and health care. That is incredibly difficult to address because, again, there is a line, so there will always be people who, following assessment, fall on one side of it rather than the other. The national health service has through history been free at the point of need irrespective of the ability to pay, funded through general taxation, and that will always be the position as long as this Government remain in power. On the other hand, social care has always been a means-tested system. There has always been a requirement, linked to income and capital, for people to make a contribution. That is not an invention of recent years; it has always been the nature of the social care system.

I say to my hon. Friend that any political party that suggests to Tony and Avril, and thousands of other people up and down the country, that the concept of free care is sustainable is not telling them the truth. The Liberal Democrat spokesperson, the hon. Member for Romsey (Sandra Gidley), recently said

that she regretted the fact that in her party's manifesto for the previous general election it had misled people into believing that free care was a credible option. She admitted that in the Chamber, much to everybody's surprise. The question—and challenge—for our society and Government is: what is fair and sustainable under this new demographic reality?

Mr. Hamilton: Does my hon. Friend not agree that in Scotland much more continuing care is given free of charge, and that therefore according to his own logic that is unsustainable in the future and at some stage the Scots will have to charge for that continuing care?

Mr. Lewis: Local authorities in Scotland are already saying that it is difficult to believe that the policy of free personal care will be sustainable. Devolution means that Scotland has the right to make that choice, within the restraints of the resources available to it. However, we must recognise that there is a difference between continuing care, social care and personal care, and we must not mix them up. Free personal care is in my view neither sustainable nor necessarily fair, because it bears no relation to the relative ability to pay of the people making a contribution.

We must address the status quo. We already recognise that the status quo in continuing care is not acceptable, which is why we intend to issue guidance—in June, we hope. We also recognise that the changing demographics mean that we need a new consensus for a new settlement in terms of social care as well. That will involve looking at the respective future responsibilities and contributions of the state, the Government or the taxpayer, and of the family and the individual using the services.

We need a new consensus. A coalition of charities has just come together, which has stimulated a national debate that has just begun. There will also be a series of conferences throughout the country, so we will be having an honest dialogue with the people of England on what is sustainable and fair. Given the realities that we now face of people living longer and of an increasing number of challenging conditions, where does responsibility properly lie, both financial and behavioural? As a consequence of conditions such as Alzheimer's and dementia, more and more people define themselves, and are defined as, carers in our society, and that process will continue. That is why the Chancellor of the Exchequer and I launched not long ago a consultation on the nature of the support that we need to offer carers in future. That consultation process will take place over the next few months, and we intend to publish a new national carers strategy in due course. We have announced some funding for emergency respite care, an emergency helpline and an expert carers programme. Since 1999, every local authority has had an annual grant to spend specifically on supporting carers.

I realise that, now that Mr. Dean is in cafe, some of those developments are in a sense less relevant in the case of Mrs. Dean. However, we should remember that, as her husband developed the condition and deteriorated, some of her experiences have perhaps not been as satisfactory as they should have been. The level of support available to her as a carer has perhaps not always been of the highest quality and standard. The system is sometimes incredibly difficult for people to navigate, which is why the Government believe that more control and power over deciding the level and nature of care that people with Alzheimer's and other such conditions should receive should be in the hands of the family and the user, and that less should be in the hands of organisations. The manifestation of that is individual budgets and direct payments, and a greater level of control for those who use such services and their family members, with professionals playing quite a different role.

The Government have introduced many changes that have represented progress. Since October 2001, there has been NHS-funded nursing care in all settings, substantial investment in intermediate care, and a 12-week property disregard of the means test for residential accommodation when a person moves permanently into a care home. There is also the deferred payments scheme, whereby people can delay selling their homes in order to meet care costs, and the raising of capital limits below which individuals receive financial assistance toward their care.

Therefore, the Government have done a number of things, but there is still a lot for us to do. On the specific issues that concern Avril and Tony Dean, I hope that the new guidance on continuing care, which is due in June, will make a difference to them and to many others whose presenting problem is, in a sense, their mental health need because of Alzheimer's or dementia. Having reviewed this issue, I am not sure that the system that was in place historically took sufficient account of that reality and of the consequences of such conditions in the care required.

Alongside the new guidance on continuing care, we need a new consensus for a new settlement that defines in terms of personal and social care the respective responsibilities of the state, the citizen and the family. The situation today is challenging, given the changes that are taking place, but as Wanless said in his report of not that long ago, we have to address this issue. Over the next 20 to 25 years, that will be a growing challenge facing our society.

Members in all parts of the House—I say that slightly tongue in cheek, looking at the empty Opposition Benches during this incredibly important debate—have accepted that the status quo on pension provision is not appropriate to the changing society that we live in. The balance of people who will be economically productive as against those who will be retired is changing rapidly. The same principles apply to the way that we fund and provide care as people get older. It was possible, in the new framework for pensions, to achieve significant consensus in difficult circumstances. This issue is not just a challenge for one Government, but for society. Let us hope that we can engage in a constructive, honest and authentic dialogue with the people of this country about what a sustainable and fair system will look like in the future.

There are no easy solutions. Wanless sought to bring disability benefits into the equation, and that is a contentious and difficult addition to the subject of the reform of social care. The presentation of the issue as a choice between a means-tested system or free personal care is, in some ways, disingenuous. Much of the way in which the system now works would need to be addressed to achieve system-wide reform that would

[Mr. Ivan Lewis]

cope with the realities of the society that we live in now and in which we will live in future.

The Government will not shirk the challenge. There are no easy options and there will be hard choices to make, but we must not seek to impose a new social care system on people. We must first have a serious discussion with people about their expectations, their rights and their responsibilities. As part of that dialogue, we need to identify the options and alternatives available to us. As I have said, some excellent work has been done by Derek Wanless, the Joseph Rowntree Foundation and the King's Fund on the dilemmas and choices that society and Government face in reordering the social care system.

Alongside financial responsibility, we need to consider how to move from a system in which local authorities and the statutory agencies provide services to people, to one in which people are empowered to take a greater level of control over the care that they want for themselves and their families. There is nothing more intimate and personal than needing personal care, often for the first time in our lives. However difficult and challenging someone's condition, the family and the individual have the right to maintain maximum control, especially as it often feels as if their lives are spiralling out of control. We need a new consensus on a new funding settlement, but we also need a completely different way of offering and providing social care in the future.

I say to Tony and Avril Dean that we are on their side. The system sometimes feels bureaucratic, unfair and unjust. We will do our best to address that, although some of the issues are not easy to resolve. When individuals are going through the difficulties that that family face, it must be even more difficult if they feel that the system is not on their side. My job is to try to put some of that right, and to lead a direction of travel for some of those issues in the future, so that the country is in a fit state to face up to the realities of changing demographics and rising public expectations.

There was a time when people who were older, or who were dependent or had physical disabilities, were consigned to institutions. Such people will not tolerate that any more and that is good news, as it is a sign of advances in society. More and more people want to remain living in their homes, with maximum autonomy for as long as possible. That asks new questions of the system, and we must be ready to face those challenges.

Question put and agreed to.

Adjourned accordingly at twenty-nine minutes past Seven o'clock.

House of Commons

Thursday 10 May 2007

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Pension Funds

2. **Mr. Nick Hurd** (Ruislip-Northwood) (Con): What the Treasury's latest estimate is of the cost to pension funds of the abolition of dividend tax relief in 1997; and if he will make a statement. [136446]

The Economic Secretary to the Treasury (Ed Balls): As the Chancellor of the Exchequer set out to the House on 17 April, the Treasury recycled revenues from abolishing the dividend tax credit through cutting the main corporation tax rate from 33 per cent. to 31 per cent. and then 30 per cent., cutting capital gains tax, and introducing the research and development tax credit. Since 1997, we have experienced a decade of stability, with the fastest growth in business investment in any nine-year period since data began in the 1960s.

Mr. Hurd: The Chancellor told us that his aim in taking £5 billion a year out of pension fund income was to stimulate business investment. As a proportion of GDP, has business investment risen or fallen since 1997, and what does that say about the success of the policy?

Ed Balls: As I told the House, we have had the fastest growth in business investment in any nine-year period since the 1960s. It has risen by 50 per cent. since 1997. Investment has been rising because of the stability that we have delivered and because of the tough decisions that we were prepared to take in 1997.

Mr. Jim McGovern (Dundee, West) (Lab): Recently, a prominent multinational company that employs many of my constituents announced a decision to close its defined-benefit pension scheme. It claimed that that was largely because of increased life expectancy and the changes in actuarial advice brought about by that. Has my hon. Friend made any assessment of actuarial advice in relation to increased life expectancy and the effect on pension funds, and if so, what steps can we take to make sure that these problems do not arise in the future?

Ed Balls: I have made that assessment, as we discussed in our debate a few weeks ago. The assessment of Mr. Stephen Yeo, a consultant at Watson Wyatt and a former pensions adviser to the Conservative party, is that the dividends tax credit issue

"is not among the top three"

causes of concern to pension funds. He goes on to tell us recently that pension fund deficits are now at

"the lowest figure since records began."

Greg Clark (Tunbridge Wells) (Con): The Minister will know that the dividend tax credit changes have affected charities as well as pension funds. When I last raised that issue with the Chancellor, he claimed that gift aid changes had more than compensated for the reduction in tax relief. When he said that, was he aware that since 1997 the total tax repayment to charities has fallen by £100 million in real terms? In other words, charities are being taxed by stealth just the same as the rest of us.

Ed Balls: But the fact is that extra transitional relief was given to charities when the decision was made in 1997 and since then there has been a substantial rise in the amount of tax relief available for gift aid, as a result of decisions made by the Government.

Mr. David Drew (Stroud) (Lab/Co-op): Under the previous Government, one of the particular aspects of what happened was the offer of early retirement. In a whole range of employments, it was quite common for people to start retiring from their 50s upwards. Has any analysis been done of the impact that that has had on pension funds and, in particular, of the way in which that has completely skewed the employment of people in the labour market?

Ed Balls: My hon. Friend is right to point out those trends. There is also the fact that in the early 1980s the trend began to shift away from occupational schemes. There are also the pension holidays that occurred in the 1990s. The fact is that a fall in the stock market and an increase in life expectancy were the main drivers of the change in pension funds. Despite that, as we discussed in the debate with the shadow Chancellor, the assets of pension funds have not gone down since 1997; they have gone up.

Mr. Brooks Newmark (Braintree) (Con): Our estimates of the cost to pensioners of the Chancellor's tax raid range between £100 billion and £150 billion. What analysis has the Economic Secretary done of the cost to pensioners?

Ed Balls: The fact is that those figures are nonsense. As I said, the assets of pension funds have gone up, rather than down. The number of pensioners in poverty has not gone up; it has gone down by 2.1 million. The Government made decisions in 1997 to make the Bank of England independent, to introduce fiscal rules, to have a windfall tax on the privatised utilities and to make tax changes—all of which have delivered stability in our economy and all of which were opposed by Opposition Members. Government is about making tough decisions; we did that and they opposed them.

Employment

3. **Kitty Usher** (Burnley) (Lab): What steps he plans to take to increase employment levels over the next five years. [136447]

The Chancellor of the Exchequer (Mr. Gordon Brown): There are nearly 29 million people in employment—that is well over 2.5 million more people in work than in 1997. In the Budget, I announced a new partnership with retailers that could help up to 100,000 men and women to find employment over the next five years. There is now higher employment in every region and country of the United Kingdom than in 1997.

Kitty Usher: I am grateful for that response. With unemployment so low—it has gone down by 18 per cent. in my constituency alone over the past 10 years—and employment at record highs, does my right hon. Friend agree that now is not the time to be abolishing the new deal?

Mr. Brown: I agree with my hon. Friend. Employment in the north-west is up by 250,000 since 1997. In every region of the country, employment has risen fast since 1997. One of the reasons why employment has risen is the new deal, which helps people to get back into work and to train for new skills. It would be an absolute tragedy if, at a stage when we are trying to get further people back into work, the Conservative party's policy of abolishing the new deal was adopted. I hope that that party will think twice about its proposal to abolish the new deal, which would deprive the unemployed of help and bring us back to the days of high unemployment that we saw under the Conservatives.

Mr. Tim Boswell (Daventry) (Con): Could the Chancellor tell the House his opinion of the balance between full-time and part-time employment in the creation of new jobs?

Mr. Brown: I would have thought that the best way of looking at this is that we provide choices for people in the economy. By providing such choices, some can do part-time jobs while others can do full-time jobs. If the hon. Gentleman wishes to support that, I hope that he will support the tax credit system, which enables single parents, especially, to go into work by taking part-time jobs. That is one of the reasons why the percentage of single parents in employment has risen from 43 per cent. to 55 per cent. under a Labour Government.

If the hon. Gentleman is in any doubt about the Labour Government's success in increasing jobs, let me read to him the mid-term report of a Conservative policy group:

"For the last five years interest rates have been at low levels and credit therefore has been cheap. For the past ten years inflation has been low, the stop-go cycle has given way to continued economic growth and there has been full employment."

It is not us saying that, but the Conservative party.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Despite record high employment, far too many young people leave school without qualifications and do not go into training or a job. Does my right hon. Friend have any proposals on a new initiative to deal with that growing problem?

Mr. Brown: That was why we announced in the Budget new measures to help young people to make the transition from leaving school without qualifications and a job to getting back into the work process through getting either training or a job. It is why we are building on the situation between 1997 and now in which the number of 16 to 24-year-olds in work has risen from 3.9 million to 4.1 million, while the number in full-time education has risen from 2.1 million to 2.7 million. Let me quote the hon. Member for Henley (Mr. Johnson). He wrote:

"Most important of all, they have no trouble getting a job...we have almost full employment in this country".

It is not me saying that, but the Conservative party.

Mr. Michael Fallon (Sevenoaks) (Con): But how much higher would employment levels have been if more people had been encouraged into work by an efficient, well administered tax credit system that had not lost £2 billion? Has it not occurred to the Chancellor that the things for which he is not responsible, such as monetary policy and the private sector, have done rather well, while everything that he has touched—tax credits, the sale of gold and pensions—has been a complete disaster?

Mr. Brown: Mr. Speaker, this Member of Parliament and his party voted against the independence of the Bank of England—*[Interruption.]* Conservative Members say that that is history, but we will continue to remind them of the important lessons of history. Making the Bank of England independent gave us stability and prevented us from returning to the stop-go economics that bedevilled us for 18 years under the Conservatives.

If the hon. Gentleman was being honest with us about the tax credit situation and his statements reflected what was happening on the ground, he would acknowledge that one of the reasons why we have 2.5 million more people in work is tax credits. I fear that he wants to cut tax credits because he is a member of the No Turning Back group—[Hon. Members: "Oh."] Yes. Instead of wanting tax credits, the group wants £35 billion to £50 billion of tax cuts. That is the dividing line between the two parties.

Mr. Don Touhig (Islwyn) (Lab/Co-op): Encouraging business start-ups and entrepreneurship is vital to job creation in Wales. What is being done to help people who want to start up their own businesses?

Mr. Brown: We have done more over the past few years to help young people and entrepreneurs, in particular, to find the chance of being able to start their own business, whether that is in Wales, through the efforts of the Welsh Assembly, or throughout the whole of the United Kingdom. When we came to power, the rate of business creation was half that in the United States of America. The rate of business creation, particularly among young people, is rising, we are giving more incentives, and the venture capital industry is developing for people who want to move on from

simply starting a business to getting new capital, and we will continue to do more in the future. The record in Wales, of course, is one of more jobs since 1997, and we will continue that record in the years to come.

Mr. George Osborne (Tatton) (Con): May I welcome the Chancellor on what must be one of the happiest days of his political career? Even the blacked-out windows will not conceal the smile today. May I ask him a question that he has spent all week avoiding? Does he think that his failed policies, including his employment policy, which the Public Accounts Committee described this week as being responsible for

"the highest rates of error and fraud in government",

played any part in Labour's election defeat last week, or was that entirely due to the unique leadership of the Prime Minister?

Hon. Members: Answer!

Mr. Brown: What the Conservative party will not acknowledge when supposedly talking about the economy is that, as the Conservative party mid-term report on policy said—[HON. MEMBERS: "Answer!"] They do not like it, because the report also talks about a "period of unprecedented prosperity" in our country. *[Interruption.]* I remind the shadow Chancellor—this is, after all, a question on employment in the economy—that there are 600,000 vacancies in the economy. There is one more today, actually, as a result of announcements that have just been made. The shadow Chancellor has acknowledged Labour's success in macro-economic policy, and he has acknowledged that Labour has established economic credibility. Is it not about time that the Conservatives admitted that they have lost the argument on the economy, that we are creating jobs in this country, that we have unprecedented economic growth, and that we have a record of economic stability that is unparalleled in our history?

Mr. Osborne: If the right hon. Gentleman's employment policies are so popular, how come 500 Labour councillors and one First Minister are looking for jobs this week? He is responsible for the failures of this Government—the pensions raid, the chaotic administration of tax credits, the record stealth taxes and the chronic waste of money. How can he be the change that the country wants when he is responsible for the present mess? He has been in hiding for a week, but I ask him to answer this simple question: why did Labour lose last week?

Mr. Brown: What the shadow Chancellor will not acknowledge is that there are 2.5 million more jobs in the economy, that unemployment is at half the level that it was in the 1980s, that long-term employment has gone down by 75 per cent., and that youth long-term unemployment has been virtually extinguished as a result of what we have achieved. If the Conservative party will not, through the shadow Chancellor, face up to its weakness on the economy, let me tell Conservative Members about the speech of their guru, the former shadow Chancellor, the right hon. Member for West Dorset (Mr. Letwin), who says in explicit terms that the age of talking about the economy is over for the Conservative party; it will now just talk about social issues. He says:

"Instead of arguing about systems of economic management, we have to discuss how to make better lives out of the prosperity generated by the free market."

Is it not about time that the shadow Chancellor admitted that in his two years as shadow Chancellor, he has made absolutely no progress in developing an economic policy? He cannot even tell us, having promised to do so, that he will match us on public spending. We are the party that is creating economic stability, economic growth and jobs for the people of this country.

Helen Goodman (Bishop Auckland) (Lab): The Prime Minister is in his Sedgefield constituency this morning, where the level of unemployment is now below the national average, at 2.3 per cent. Will the Chancellor of the Exchequer tell the House whether he will continue with the policies of supporting science and co-operation between universities and industry that have brought so many jobs to the north-east?

Mr. Brown: I am grateful to my hon. Friend, and I know the interest that she takes in both employment and the development of creative and science industries. We have doubled the science budget; we have created a science city in Newcastle, and there is a science city in York. There is pressure to do more in other parts of the region, and we will respond to that, both through the development agency and through what central Government can do. We will continue our record, which has created in the north-east alone 108,000 jobs since 1997. The one thing on which the Conservatives are totally silent is any economic policy for the future.

Dr. Vincent Cable (Twickenham) (LD): The Chancellor is quite right that there is a positive story to tell about employment growth, but does he acknowledge that serious problems remain in the labour market? How, in particular, does he explain the fact that the employment rate among men is now 10 per cent. lower than it was when Harold Wilson presided over the economy?

Mr. Brown: There are 2.5 million more jobs in the economy. The reason why there are 29 million people in work is that we did not take the advice of the Liberal party but did the right thing by the economy, both in our policies for economic stability and in our public investment. If I may say so, the very tax credits that the hon. Gentleman's party opposes are one reason why more single parents are in work today, and we will continue with that.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): On the question of unemployment, in my constituency it has dropped like a stone since 1997. However, has the Chancellor taken stock of the position after the election last week on the momentum of those jobs and the continuing increase in jobs north of the border?

Mr. Brown: Scotland has increased its employment by more in the past year than almost any other part of the country, and it will continue to create jobs if it produces the right policies both in the Scottish

Parliament and in the UK Government. One of the things that we are determined to do over the next few months is help people get jobs in the retail, construction, and hospitality and hotel sectors, and there are programmes to develop the new deal in those areas that will create more jobs both in Scotland and in the rest of the United Kingdom.

Inequality

4. **Paul Rowen** (Rochdale) (LD): What steps he has taken to reduce levels of inequality since 1997. [136448]

The Chief Secretary to the Treasury (Mr. Stephen Timms): Stability in the economy, together with the new deal, the national minimum wage and tax credits, has led to a strong growth in living standards across the whole range of income levels. Employment is up by 2.5 million; the number of children below the poverty line has been reduced by 600,000, and the number of pensioners in that position by 1 million.

Paul Rowen: Could the Minister explain why the number of pensioners in poverty remains at 1.8 million? What steps can he take to try to eradicate or reduce those numbers?

Mr. Timms: The figure that the hon. Gentleman gave is 1 million less than it was 10 years ago, thanks to the success of the policies that we have introduced, particularly the success of the pension credit, which has relegated abject pensioner poverty, which was far too widespread in 1997, to the history books. It has had a dramatic impact, and the level of pension credit was subject to its biggest increase ever last month. We will maintain that policy. The consequence is that whereas in the past pensioners were more likely to be poor than other population groups, today they are less likely to be so.

Mr. Eric Illsley (Barnsley, Central) (Lab): How can the Minister reconcile himself to the notion of reducing inequality when his own Department has pioneered regional pay rates throughout the civil service, which means that people in different areas are paid different rates for doing exactly the same job? What message does that send out on the future of the national minimum wage? Will we have a regional minimum wage in future?

Mr. Timms: I think that it is right to ensure maximum opportunities for employment around the country, because it is the case that wage levels vary. On inequality, may I tell my hon. Friend that a good measure of income inequality is the ratio between incomes at the 90th and 10th percentiles of distribution, and that that ratio has fallen under the Government's policies?

Gregory Barker (Bexhill and Battle) (Con): A commitment to reduce inequality is totally at odds with the slashing of grants for domestic microgeneration announced yesterday, depriving the less well-off of access to new green technology. Is that not just further evidence of the fact that the Chancellor's sudden interest in the environment and climate change is about as credible and genuine as his professed love of the Arctic Monkeys?

Mr. Timms: The hon. Gentleman's question is inventive, given the topic for the original question. He should be speaking to his own Front-Bench team, who have failed to match our projections on public spending. If he wants more grants, he will need to persuade them to spend more money.

Angela Eagle (Wallasey) (Lab): Does my right hon. Friend share my pride that this Labour Government are the first Government ever to break the link between poverty and old age?

Mr. Timms: I do share that pride, and I am grateful to my hon. Friend for underlining that. It has been an historic breakthrough, thanks to the introduction of winter fuel payments and all the other steps that we have taken, and in particular the success of the pension credit.

Mr. Paul Goodman (Wycombe) (Con): The Minister did not mention equality in his original answer, so may I ask him this about the Chancellor's legacy: has the ratio of incomes of the top 20 per cent. compared with the bottom 20 per cent. risen or fallen since the Chancellor took office in 1997?

Mr. Timms: Let me underline what I said a few moments ago. The ratio of income at the 90th percentile of the distribution, which is what the hon. Gentleman is asking about, and the 10th percentile rocketed under the policies of the Conservatives when they were in government, but it has now fallen. Under the Tories, the richer one was, the faster one's income grew. Under the policies that my right hon. Friend the Chancellor has been promoting, income growth for the least well-off 40 per cent. of households has been faster than for the better-off.

Rob Marris (Wolverhampton, South-West) (Lab): I salute what the Government have done for today's poorest pensioners. However, we are building up a problem for the future in relation to equality for tomorrow's pensioners. We have tax relief that costs the Exchequer £18 billion a year. It is incredibly regressive—50 per cent. is claimed by the top 10 per cent. of earners, and 25 per cent. is claimed by the top 2.5 per cent. of earners, yet the Department for Work and Pensions has no evidence that tax relief on pension contributions encourages pension savings. Will my right hon. Friend re-examine that £18 billion giveaway, mostly to the rich?

Mr. Timms: We have considered all those issues in the recent review of policy on pensions, and the decisions that we set out in the White Paper have been taken forward in legislation. It is right that we continue to encourage pension saving, including through the tax relief arrangements that we have in place.

Household Debt

5. **Sir George Young** (North-West Hampshire) (Con): What assessment he has made of the average levels of household indebtedness in the UK in comparison to other European countries. [136449]

The Economic Secretary to the Treasury (Ed Balls): Levels of household debt have risen over the past decade, as in other European countries. As a proportion of total debt, unsecured household debt is at its lowest point since 1997, but levels of secured household debt have risen by 153 per cent. as a result of the 1.8 million rise in the number of home owners in Britain.

Sir George Young: But can the Minister confirm that the average UK consumer owes more than twice the average of the average western European consumer? Related to that, has he read a recent speech by the Governor of the Bank of England, in which he spoke of the rise in indebtedness and bankruptcies, and described it as a

"social problem that is materialising"?

Does the hon. Gentleman agree, and what does he intend to do about it?

Ed Balls: The right hon. Gentleman is right. We have a higher level of household debt than other European countries, because we have a higher number of people with mortgages who are buying their homes. Since 1997 we have also had a 65 per cent. rise in the wealth of households, and the average net wealth of households in the UK is higher than in France or Germany. The right hon. Gentleman is right that where consumers get into distress, we need to do more to help them. I shall be in Leeds tomorrow, launching a Leeds pilot on tackling loan sharks who exploit people who get into trouble with unsecured debt. However, the fact that there are more people with mortgages who are buying their homes is a good thing, which has been delivered since 1997.

Mr. Mark Todd (South Derbyshire) (Lab): Will my hon. Friend accept my commendation of the initiatives that have taken place to improve the availability of products to poorer families, which take them away from the loan shark market? That may be a partial explanation of the fall in unsecured loans to which he draws attention.

Ed Balls: My hon. Friend is right. We need to crack down on illegal loan sharks through policing and trading standards, but at the same time ensure that there are decent, affordable alternatives. That is why we have a £36 million growth fund which we have increased by £6 million so as to provide, through credit unions and other mutuals, more affordable credit for low-income consumers. We are determined not only to crack down on illegal lending but to ensure that decent alternatives are available for those families.

Mrs. Theresa Villiers (Chipping Barnet) (Con): The House will be aware that households struggling with problem debt are likely to face a further increase in interest rates this afternoon. Is the Minister concerned that after 10 years the Chancellor's economic legacy will be personal debt at £1.3 trillion, falling living standards, rising interest rates, and inflation at a 16-year high? Does he agree with Kate Barker's analysis that the Chancellor's fiscal policy has been partly responsible for the increasing interest rates that are hitting so many families so hard?

Ed Balls: I do not agree with the hon. Lady at all. The fact is that we have more people with mortgages buying their own homes and they are paying lower levels of interest rates than they were 15 or 20 years ago. Under the Conservative Government, we had 15 per cent. interest rates, negative equity above 75,000 and record repossessions. Since 1997, this Government have put that instability behind us and delivered stability. That is why people can afford their mortgages and their debt and can live with prosperity.

Mr. Denis MacShane (Rotherham) (Lab): If we might revert to the question, I hope that the Conservatives are not suggesting that the Government should dictate to people what they can and cannot borrow to buy a house, a car or whatever. Where the Government do have control over debt—that is to say, national debt—is it not a fact that British Government debt is about two thirds of the EU average, half that of Belgium, half that of Greece, far lower than France—where every penny of income tax is used to pay off French national debt—and 10 percentage points lower than when the Conservatives were last in power, when so much of our income tax was used to pay off debt because of their economic incompetence?

Ed Balls: My right hon. Friend is right. We have low levels of national debt because of tough decisions that we took on fiscal policy and on tax, including on pension credit in the early period of this Government. A few weeks ago, the shadow pensions Minister told "The Daily Politics" that the decision we took on pension credit should be looked at and that the Conservatives would like to find a way of putting that kind of money back into pensions. The question that I would like to ask is whether the shadow pensions Minister was acting with the permission of the shadow Chancellor.

Angela Watkinson (Upminster) (Con): Recent figures show that a record 30,000 people became insolvent in the first three months of this year. What assessment has the Minister made of that figure?

Ed Balls: It is right that in a dynamic economy we create businesses, and also businesses go out of business. In fact, we have a much lower level of insolvency than in the United States, which is a more dynamic economy. It is important to have more risk-taking businesses. We have many more small businesses now than 10 years ago, which is a sign of success in our economy.

International Debt Relief

6. **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): What recent steps he has taken towards international debt relief and financing of international development; and if he will make a statement. [136450]

The Chancellor of the Exchequer (Mr. Gordon Brown): Twenty-two countries have now received debt relief. We expect another five countries to qualify for cancellation in 2007. I am also working with international colleagues to ensure that Liberia can receive debt relief as soon as possible.

Alun Michael: In congratulating the Chancellor on his leadership of the international community on debt relief, which stands in stark contrast to the record of the Conservatives, may I probe him on the issue of international development? Does he agree that if we are to see long-term positive developments in the third world, it is important to have co-operative models that empower individuals and communities to be entrepreneurial and to take control of their own futures?

Mr. Brown: I thank my right hon. Friend for what he has done to promote international development, particularly through his interest in Africa. The discussions that we are having are not simply about debt relief, education and health, important as those are, but about how we can raise levels of agricultural productivity, enhance micro-credit and bring about economic development in these countries. It is, however, necessary, when we are doing these things, to ensure that there is sufficient international development aid available for supporting micro-credit and economic development, as well as education and health. My right hon. Friend is absolutely right about the record of the Conservatives, who halved the level of overseas aid as a percentage of national income. The figures that have just come out show that under a Labour Government we have doubled it.

Mr. David Laws (Yeovil) (LD): One of the countries in particular need of development assistance is Iraq. The position is worsened by the internal conflict, which we have partly helped to precipitate. What changes in Government policy on Iraq can we expect when the Chancellor becomes Prime Minister?

Mr. Brown: At the recent conference where the Iraq compact was discussed, more countries agreed to provide additional debt relief to Iraq. Everybody understands that it is incredibly important for the future for people to have a stake in Iraq through policies of economic development and creating employment. To answer the question specifically: there has been more debt relief for Iraq.

Sir Nicholas Winterton (Macclesfield) (Con): May I genuinely congratulate the right hon. Gentleman on being about to achieve a long-standing ambition, and wish him well? And in respect of this question, may I ask how he selects the countries that are eligible for debt relief? Clearly, it is important to select countries to give them debt relief, not only to enable them to borrow more money but so that they can create a better quality of life for the people of those countries. How are those countries selected?

Mr. Brown: The hon. Gentleman is right; we cannot give debt relief unless there is a guarantee that the money will go towards poverty reduction, education and health. In recent years, it has been remarkable that, as we have given debt relief and provided aid, in Kenya, for example, 1 million children have been able to go to school, in Uganda we have trebled the number of young children in education, and in Zambia and Tanzania the number of children in education is rising. Those are examples of the results of debt relief and providing aid. I hope that Conservative Members will not say, as they tend to do, that aid does not work. What does not work is doing nothing. What does work is what we have done to provide educational opportunity and health in Africa.

Millennium Development Goals

7. **Shona McIsaac** (Cleethorpes) (Lab): What recent discussions he has had with international counterparts on the provision of funding for the millennium development goals. [136451]

The Chancellor of the Exchequer (Mr. Gordon Brown): Since 2004, there has been an increase of 25 per cent. in real terms in aid. The UK has contributed £1.3 billion over 20 years to the international finance facility for immunisation to vaccinate 500 million children. We are one of six donors to a £1.5 billion fund to prevent more than 5 million childhood deaths from pneumococcal disease by 2030.

Shona McIsaac: May I congratulate my right hon. Friend on all that the Government have done to tackle global poverty, especially in Africa? I recently visited John Harrison school in my constituency to see the marvellous work that the children were doing as part of the "Send my friend to school" and "Every child needs a teacher" initiatives. Will my right hon. Friend send a message to those children about what the Government will do to secure free primary education for all?

Mr. Brown: Our aim is that the 80 million children who do not go to school at the moment will get the chance to do so. One of the ways in which that can be progressed is linking schools in our country with schools in Africa, so that teachers undertake exchanges with teachers in Africa. We thus build up the links that consolidate public opinion not only in Britain but in other countries, so that we can support the education for all initiative. *[Interruption.]* I am sorry that Opposition Members have lost interest in such issues over the past few months. I am sorry that they are not prepared to match us on overseas development aid. I am also sorry that, although the shadow Chancellor was asked on 1 March, and promised to tell us, whether he would match our spending programme, he has refused to do so—

Mr. Speaker: Order. I must say gently to the Prime Minister—*[Laughter.]* I am getting into practice for the Wednesday. Let me say to the Chancellor that I have given him a great deal of leeway, but we must stop now. He has done well.

Mr. Graham Stuart (Beverley and Holderness) (Con): What assessment has the Chancellor made of the number of millennium development goals that will be met by 2015?

Mr. Brown: It was precisely because we were worried that we would not meet the millennium development goals by 2015 that we held the education conference in Brussels last Wednesday. We received promises from a whole range of countries that they would step up to ensure that we meet the educational goal by 2015. As far as health is concerned, we are trying to bring together the international community to work together

to eliminate diseases such as pneumonia and tuberculosis, which will also require additional funds over the next few years. It is precisely because the rest of the international community has not done what we have already done, which is to raise development aid substantially, that we will continue to press the international community to do so—and I hope that the hon. Gentleman will join us in doing that.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): As a member of the all-party group that recently visited India, can I assure my right hon. Friend that we were very much focused on millennium development goal 6, particularly when 1,000 people a day die of tuberculosis in India and the country has other problems such as HIV/AIDS? The other side of the picture is that the growing economy in India offers hope that if resources are widely shared for the many and not the few, we can indeed achieve the millennium development goals. Will my right hon. Friend continue to support that strategy?

Mr. Brown: I am grateful to my right hon. Friend, who has taken a long-standing interest in these issues and who, like me, recently visited India. He has seen that there is a long way to go in India, with 10 million children still not in school. There is also a long way to go, even as that country develops its wealth, to solve the health problems that my right hon. Friend mentioned. We will continue to support the Global Fund to Fight AIDS, Tuberculosis and Malaria, which is not simply for HIV/AIDS, but for tuberculosis and other diseases. We will support all the necessary research to provide a preventive cure for malaria and other diseases where new inventions and innovations are needed, and we will continue to build the capacity of health care systems in the poorest countries in the world and work with those countries to do so. I see emerging partnerships between trusts and foundations such as the Gates Foundation and private sector companies, as well as Governments, in doing exactly that. I hope that we will gain all-party support when we do so.

Mr. Philip Dunne (Ludlow) (Con): The Chancellor has just highlighted the importance of education in achieving the millennium development goals, particularly in Africa—something with which I and, I am sure, all Members agree. Why is it, then, that a British-based charity, Book Aid International, which has a 40-year track record of providing books to schools in Africa—indeed, to 17 countries in sub-Saharan Africa—last month had its annual long-standing grant terminated by the Chancellor?

Mr. Brown: I have to say to the hon. Gentleman that that was not a decision by the Treasury, if it was a decision by the Government at all. I shall look into the matter that the hon. Gentleman raises with me. I also have to say that I have had talks with many educational publishers and foundations about how to increase the supply of books to Africa. I have to tell the hon. Gentleman that we have doubled the amount of money invested in schools, teachers, books and education generally in classrooms in Africa. I hope that, whatever has happened to that individual charity, the hon. Gentleman will not deny the basic fact that we have doubled expenditure on education, made £8.5 billion available for the next 10 years and done more than any other country to make such finance available, and are calling on the rest of the international community to join us.

Cremation Certificates

8. **Mr. Bill Olner** (Nuneaton) (Lab): Whether he plans to retain the exemption from VAT for fees charged by doctors on certificates required by the funeral industry prior to cremation. [136452]

The Financial Secretary to the Treasury (John Healey): The answer is yes. I can confirm that where fees charged by doctors for completing cremation forms are within the scope of VAT and are, from 1 May, no longer covered by the medical services exemption, VAT is still not chargeable. This is covered by the exemption in relation to services for burials and cremations. My hon. Friend is chair of the all-party funerals and bereavement group, and I hope that he and the other members of the group will welcome the announcement.

Mr. Olner: The whole industry will welcome what the Minister has just said. There was grave concern—*[Laughter]*—Pardon the pun. There was much concern within the industry that VAT would be levied at 17.5 per cent., so I am grateful for the Minister's response. Will he continue his dialogue with the National Association of Funeral Directors, so that these services, which are very serious for many of us at a time of loss, are continued?

John Healey: Her Majesty's Revenue and Customs will indeed continue its discussions with the National Association of Funeral Directors. My hon. Friend will recognise that the United Kingdom's VAT system has some of the most generous and wide-ranging reliefs and exemptions in Europe, and the Government have fought hard to keep it that way. I am glad that we have been able to avoid imposing additional costs in this area, as this is clearly a matter of concern to many in the industry, and to bereaved families at a time of great concern.

Miss Anne McIntosh (Vale of York) (Con): I congratulate the Minister on securing that exemption, but is he committed to securing similar arrangements regarding the requirement for two doctors' signatures in these circumstances? In cases of untimely and unexpected death, which cause supreme shock and loss to a family, will he confirm that the present arrangement involving two doctors will continue for the foreseeable future?

John Healey: We wish to operate a system that causes the minimum distress to bereaved families at a difficult time, while ensuring that the right kind of checks are carried out when the registration of a death takes place. I encourage the hon. Lady to join the all-party group on funerals and bereavement if she takes an interest in these affairs. I will look at the question that she has raised, and I will write to her.

Pension Schemes

9. **Mr. Andrew Robathan** (Blaby) (Con): What his latest estimate is of the number of people who have lost pensions through the collapse of company pension schemes following the entering into receivership of companies. [136453]

The Chief Secretary to the Treasury (Mr. Stephen Timms): One hundred and twenty-five thousand—and all of them will be entitled to help, thanks to my right hon. Friend's Budget announcement on the financial assistance scheme.

Mr. Robathan: Will the Minister confirm, or categorically deny—he may confer—that when referring to the 125,000 extremely unfortunate people who have lost the prospect of a secure and prosperous old age through the collapse of their pensions, the Chancellor said, with his usual compassion, "These are not our people"?

The Chancellor of the Exchequer (Mr. Gordon Brown): I never said that at all.

Mr. Timms: No, that certainly was not said. Those people have suffered an appalling loss, and every Member of the House will have met people who have been in that position. Certainly no one on this side has made any such remark. I hope that the hon. Gentleman will welcome the expansion of the financial assistance scheme that my right hon. Friend has announced. That will mean that people will get 80 per cent. of the pension that they were expecting to get at 65.

Mr. Andrew Love (Edmonton) (Lab/Co-op): I know that my right hon. Friend will welcome the strengthening of company pension schemes over the past couple of years. With many companies now making record profits, what steps is he taking to persuade them to divert more of those profits into their company pension schemes?

Mr. Timms: It is certainly welcome that we have seen a big increase in employer contributions to pension schemes. Under Tory tax rules, companies were encouraged to take pension holidays and, in far too many cases, not to contribute to their schemes at all. One of the most important steps that we have taken to build confidence was to introduce the Pension Protection Fund, which is boosting confidence in pension savings. It is a scandal that although the US equivalent of that fund was in place by 1979, for 18 years the Tory Government did nothing to protect pensions. However, the fund is now in place.

Mr. David Gauke (South-West Hertfordshire) (Con): Perhaps the Chief Secretary would care to answer the question that the Economic Secretary did not answer earlier. According to independent experts, the abolition of dividend tax credits in 1997 has cost pension funds a minimum of £100 billion. What assessment has the Treasury made of this? Does it disagree with that figure, and if so, what is the figure?

Mr. Timms: I certainly do not agree with that figure. As my hon. Friend the Economic Secretary said earlier, pension fund assets have risen. They actually rose immediately after that announcement. I suggest that the hon. Gentleman look at the assessment made last year by the Pensions Policy Institute, which came up with a figure a great deal lower than the one usually cited by the Conservatives.

Andrew Miller (Ellesmere Port and Neston) (Lab): The workers at H. H. Robertson in my constituency are extremely grateful for the increases in the financial assistance scheme introduced in the Budget. Their pension scheme collapsed under the previous Conservative Government, partly because of the practices of that Administration. Will my right hon. Friend have a word with the usual channels to ensure that the regulatory changes necessary to bring about those Budget increases are brought before the House at the earliest opportunity? My constituents, whose scheme collapsed in 1996, are now getting elderly, and the small amounts of money that some of them get from their pension scheme are very important to their economic well-being.

Mr. Timms: I agree with my hon. Friend. The matter is urgent, and I shall ensure that his concern is passed on to my right hon. Friend the Secretary of State for Work and Pensions.

Identity Cards

10. **Mr. Crispin Blunt** (Reigate) (Con): What recent discussions he has had with the Secretary of State for the Home Department on a contingency budget to underwrite possible overruns in the costs of the identity card programme; and if he will make a statement. [136454]

The Chief Secretary to the Treasury (Mr. Stephen Timms): The arrangements for funding the identity cards scheme were agreed in November 2003. Costs will be met from existing departmental budgets, and from charges.

Mr. Blunt: It is rather alarming that the Chancellor and the Home Secretary have not had discussions about such an enormous issue. Perhaps the Chancellor's famous inability to get on with Home Secretaries might be an explanation. The London School of Economics estimates that the cost of the identity cards scheme could run to £20 billion—four times the current projected cost—which will punch an enormous hole in the Home Office budget, creating a serious threat to the United Kingdom in terms of the Home Office's inability to protect our country from terrorism. Is it not about time that proper contingency arrangements were made, as this massive IT scheme is being administered by the Home Office, and we cannot expect it to run to budget?

Mr. Timms: I do not agree with the hon. Gentleman. The project will be well planned and taken forward in partnership with private sector suppliers. The threat to the security of our country comes not from that source but from his right hon. and hon. Friends' refusal to match our spending commitments in that crucial area.

Mr. Mark Hoban (Fareham) (Con): Clearly this is a good day to bury bad news, and that is why the report on the cost of the ID cards scheme has been published today, nearly a month late and in breach of the law. In an answer to my hon. Friend the Member for Rayleigh (Mr. Francois), the Chief Secretary said that despite the fact that the Cabinet backed ID cards, the Treasury had yet to approve the expenditure. Has approval now been given—or, once the Prime Minister and the Home Secretary are out of the way, will the Chancellor follow our advice and scrap the scheme that he once backed?

Mr. Timms: The procedure being followed in this case is precisely the same as with other major projects of this kind. Before substantive procurement begins, Treasury approval needs to be given, and it will be.

HM Revenue and Customs

11. **Andrew George** (St. Ives) (LD): What plans he has for the provision of Her Majesty's Revenue and Customs offices in rural areas. [136455]

The Financial Secretary to the Treasury (John Healey): As the hon. Gentleman knows, HMRC is carrying out a series of regional reviews of all its office accommodation. It has more than it needs at present, and far more than it will need in the future. Every review will involve detailed consideration and an impact assessment of any proposed closure, and that will take account of the impact on staff, local areas and the local community.

Andrew George: I am grateful to the Financial Secretary for that response, but I am sure that the whole House will be interested in any calculations and assessments that Ministers have made of the impact of staff reductions on recoverable tax. Given his remarks, will he emphasise the extent to which the Government will satisfy concerns in constituencies such as mine, which includes west Cornwall and the Isles of Scilly, that the true socio-economic impacts should be taken into account, and the local community should be fully and properly consulted before final proposals are brought forward?

John Healey: I can give the hon. Gentleman that assurance. If there are proposals to close offices in Cornwall as part of the review, which is unlikely to kick off in full until next year, full consultation will take place among staff, with local communities also involved, and there will be a full impact assessment on the local economy and the local area. We will take into account the responses that we get during the consultation. That is an important part of the process, and the hon. Gentleman might like to look at our revised proposals for central London, which were heavily influenced by the responses during the consultation period.

Mr. Bob Laxton (Derby, North) (Lab): May I tell my hon. Friend that there is already anger and concern in my constituency and the whole of Derby about the prospect of 430 staff being moved down the road to Nottingham—well over an hour's journey? That does not make financial or economic sense, and it certainly does not make environmental sense. It is already clear that the move should not take place. In relation to that specific case, will he consider not going ahead with the proposed moves?

John Healey: No decision on the closure of any offices will be made before Ministers have looked carefully at the results of the consultation and the assessments, and we will do that in the case of my hon. Friend's area. The representations that he and other Members have made will be among the matters that we will consider. At present, however, HMRC has about 40 per cent. more office accommodation than it needs, and taxpayers expect us to use their money in the most efficient way to deliver good services.

Hywel Williams (Caernarfon) (PC): What assurance can the Minister give about the continuation of the Welsh language helpline, which for many years has been run from Porthmadog in my constituency? It may now be moved to Cardiff, where all employers report intense difficulties in recruiting Welsh speakers in the first place. Can the Minister reassure us that the line will continue to be run properly, from Porthmadog?

John Healey: Concerns and questions about the Welsh language helpline will be considered as part of the review of the office and the location of services in the hon. Gentleman's area, but I can tell him this. We have given a clear commitment that in each and every case, an inquiry centre where taxpayers seek face-to-face advice will remain in its current location or, if necessary, move to another location in the same locality.

Fiscal Rules

13. **Mr. Andy Slaughter** (Ealing, Acton and Shepherd's Bush) (Lab): What assessment he has made of the effect of his fiscal rules on the economy. [136457]

John Healey: During the last decade the introduction of strict fiscal rules has been an important part of the United Kingdom's macro-economic policy framework, which has delivered higher growth, lower inflation, more jobs and greater stability than existed in the years before Britain had a Labour Government.

Mr. Slaughter: I am grateful for that answer. I am also grateful for the consequences of the Government's policy, which include the hundreds of millions of pounds being invested in my constituency. Two examples are the building schools for the future investment and the investment in Hammersmith hospital, which is bidding to become the first academic health science centre in the country. What, however, is my hon. Friend's estimate of the prospect of that investment continuing if a third fiscal rule is adopted?

John Healey: We have two central fiscal rules which have played a big part in the fact that the level of stability, growth and jobs has been higher over the past decade than ever before. The third fiscal rule that some have proposed would inevitably lead to deep public service investment cuts, amounting to more than £20 billion in the current year alone.

Sir Peter Tapsell (Louth and Horncastle) (Con): If, as he hopes, the Minister's right hon. Friend the Chancellor becomes First Lord of the Treasury, will the Minister—who, I am sure, will remain a member of his right hon. Friend's team—urge on him that when helping to determine the Government's future fiscal policies, he should agree with President-elect Sarkozy's strong belief in the importance of retaining large national gold reserves, and with his fierce criticisms of the incompetent behaviour of the independent European Central Bank?

John Healey: We will continue to make such decisions in the very best interests of the United Kingdom, as we have done in the past.

Identity Cards

14. **Damian Green** (Ashford) (Con): What recent discussions he has had with the Secretary of State for the Home Department on funding for the identity cards project; and if he will make a statement. [136459]

Mr. Timms: There have been no recent discussions. As I told the hon. Member for Reigate (Mr. Blunt) a moment ago, the position remains as agreed in November 2003 and confirmed in the House in October 2005.

Damian Green: The Chief Secretary gave the House a laugh a few minutes ago by talking about well-run Home Office IT projects. Perhaps he should read the startlingly honest remarks of the Under-Secretary of State for Justice, the hon. Member for Bradford, South (Mr. Sutcliffe)—the prisons Minister—who told me last week in a written answer:

"These figures have been drawn from administrative IT systems, which, as with any large scale recording system, are subject to possible errors with data entry and processing."—[*Official Report*, 30 April 2007; Vol. 459, c. 1421W.]

If the Home Office admits that it cannot cope with processing 80,000 prisoners, what hope has the Chief Secretary? Why is he wasting billions of pounds of taxpayers' money on trying to record the details of 60 million British citizens?

Mr. Timms: I hope that the hon. Gentleman will listen to the views of Lord Stevens, who is advising his party on these matters and who, as the Prime Minister pointed out yesterday, has acknowledged the absolute benefits of an identity card scheme. He may well find that he, along with his hon. Friend, must rethink his position.

Pension Funds

15. **Ann Winterton** (Congleton) (Con): What the Treasury's most recent estimate is of the cost to pension funds of the abolition of dividend tax relief in 1997. [136460]

The Economic Secretary to the Treasury (Ed Balls): As I told the hon. Lady and her colleagues a few moments ago, we took that action to address the historical problems of under-investment and short-termism which had held back the British economy, and following that, the assets of pension funds in our country rose.

Ann Winterton: The Economic Secretary has not replied to the simple question posed earlier: exactly how much? Does he recall the dire warnings given to the Chancellor, which were put into the public domain only after a two-year campaign by *The Times*? Those warnings highlighted the groups of people who would be adversely affected by the abolition of direct tax relief, and said that the lower-paid would be worse off under the new rules, that pensioners due to retire would lose out immediately, and that businesses would struggle to adjust to the change. Will the Economic Secretary apologise to those groups?

Ed Balls: As I said a moment ago, that decision also involved the recycling of revenues back to pension funds and investors through corporation tax and other tax cuts. Some people feared that the stock market would fall in 1997; in fact, it rose. Some people feared that investment might go down; in fact, it went up. Some people claimed that pensionable assets would decrease in value; in fact, they went up. However, if Opposition Members think that that was the wrong decision, why will they not make a commitment to reverse it? The shadow pensions Minister has made that commitment, but the shadow Chancellor cannot tell us whether he agrees with the shadow pensions Minister or not. Until that is cleared up, there will be no clarity on this issue.

Mr. Speaker: On Tuesday, I paid tribute to Speaker Weatherill on behalf of the House. Lady Weatherill has told me how touched she has been by the generous support given to her by Members and staff of the House. Immediately after business questions, I shall call those Members who wish to pay their tribute to Speaker Weatherill.

Business of the House

11.32 am

Mrs. Theresa May (Maidenhead) (Con): May I ask the Leader of the House to give us the forthcoming business?

The Leader of the House of Commons (Mr. Jack Straw): May I thank you, Mr. Speaker, for the opportunity that you have given the House to pay tribute after business questions to the memory of Lord Weatherill?

The business of the House for the week commencing 14 May will be:

MONDAY 14 MAY—Second Reading of the Concessionary Bus Travel Bill [Lords].

TUESDAY 15 MAY—Opposition day [11th allotted day]. There will be a debate entitled "Parliamentary Approval for Participation in Armed Conflict" on an Opposition motion.

WEDNESDAY 16 MAY—Motion relating to the home information pack regulations, followed by consideration of Lords amendments to the Corporate Manslaughter and Corporate Homicide Bill.

THURSDAY 17 MAY—Remaining stages of the Local Government and Public Involvement in Health Bill (day one).

FRIDAY 18 MAY—Private Members' Bills.

The provisional business for the week commencing 21 May will be:

MONDAY 21 MAY—Second Reading of the Further Education and Training Bill [*Lords*].

TUESDAY 22 MAY—Conclusion of remaining stages of the Local Government and Public Involvement in Health Bill.

WEDNESDAY 23 MAY—Opposition day [12th allotted day]. There will be a debate on an Opposition motion. Subject to be announced.

THURSDAY 24 MAY—Motion on the Whitsun recess Adjournment.

FRIDAY 25 MAY—The House will not be sitting.

Mrs. May: I thank the Leader of the House for giving us the future business.

Last week, as Ministers celebrated the anniversary of their Government and the Prime Minister boasted about his record, the people gave them—in the words of the Secretary of State for Wales—"a bad kicking". The Labour party lost 500 council seats. The Liberal Democrats lost 250 seats. The Conservatives gained 900.

Last week's elections also gave us yet another of the Chancellor's Macavity moments, although beforehand he had said that the people would be "voting on all" the Government. Does the Leader of the House agree, and as he is the Chancellor's campaign manager, will he make a statement on his behalf?

When everybody's attention was on last week's election results, the Government were up to their old tricks and quietly buried 12 bad news stories. They were not about minor and petty issues. We learned that the Chancellor spent £5 million on legal fees to recover tax credit overpayments from vulnerable, hard-up families. The NHS spent nearly £500 million on clinical negligence claims last year, and the Chancellor's friends at Opinion Leader Research won a £150,000 contract to organise a one-day seminar. Can we have a debate on honesty in government?

I was going to ask the Leader of the House to confirm that no bad news would be deliberately buried today but I understand that it is too late, because the Government have already started by burying the identity cards report. Perhaps he will tell us what other bad news is being announced today.

As I said, the Chancellor spent £5 million trying to recover overpaid tax credits, but according to the Public Accounts Committee £557 million in tax credits has already been written off and a further £1.4 billion is likely to be lost. The Committee says that that was caused by

"the highest rates of error and fraud in central government",

and that

"the design of the internet system for tax credits was deficient from the outset".

Can we therefore have a debate on the Chancellor's mismanagement of the tax credit system?

I have previously asked for a debate on the creation of the Ministry of Justice—a decision that two former Home Secretaries called "batty" and "balkanisation". When the Leader of the House was Home Secretary, he did not think that it was too much for one person, so may we have that debate? The Lord Chancellor—the new Secretary of State for Justice—wants to reduce the number of custodial sentences to deal with prison overcrowding. Given that the Leader of the House might be Home Secretary again soon, can he make a statement confirming that sentencing policy must be based on the severity of the crime, and nothing else?

As Leader of the House, the right hon. Gentleman is responsible for the reform of party funding. While he is still in the job, will he confirm that, as proposed by Sir Hayden Phillips, the Government will not legislate on party funding without cross-party agreement?

There is another post that will be vacant when the Chancellor becomes Prime Minister. The Health Secretary has refused to resign—but I am sure that she will be sacked soon enough. One in six hospital trusts treats patients in mixed-sex—

Mr. Speaker: Order. I have been patient with the right hon. Lady. She must talk about the business of next week, but she is not doing so. Perhaps she can do that.

Mrs. May: Thank you, Mr. Speaker. I was going to ask for a debate next week on boom and bust in the national health service, given the figures released today showing that one in six hospital trusts has mixed-sex wards. Moreover, cancer survival rates in this country are the worst in Europe, and there are 10,000 fewer nurses and health visitors than last year. A debate on boom and bust in the health service would give us an opportunity to set out the Government's failure in all those respects.

All these issues show that, whatever the Chancellor spins about providing a new start, he has been the No.2 in this Government for 10 years. Spin, crises in

[Mrs. May]

sentencing policy, boom and bust in the NHS—it is not just the Prime Minister's record, but the Chancellor's, too.

Mr. Straw: *[Interruption.]* I am sorry, Mr. Speaker—I missed the fact that the right hon. Lady had finished; I do apologise. I was waiting for the finale.

As the right hon. Lady knows, I spent 18 years in opposition and I am looking forward to her spending—*[Interruption.]* I therefore have avuncular, comradely advice for the Opposition. They should not believe their own propaganda when it comes to local election results. We had a difficult day last Thursday and Friday—that is obvious—and the Conservative party had a slightly better day. In my Blackburn constituency, however, the popular vote was up and we gained a seat. *[Interruption.]* The hon. Member for Somerton and Frome (Mr. Heath) can speak for himself about what happened in his constituency. If I were a hard-headed Conservative business manager looking at the next election, I would not regard the recent results as anything like the breakthrough that the Conservatives needed. They certainly did not parallel the situation that we achieved in 1995—or, indeed, in 1990, when, sadly, we went on to lose the following election.

On the right hon. Lady's question about the expenditure of £500 million on clinical negligence claims, all of us regret the fact that such large sums are paid out in respect of clinical negligence, but I would be interested to know whether she will make proposals to cut that sum in her manifesto at the next election. Sums paid out for clinical negligence have been rising because of an increase in patients' rights and a greater readiness by courts to award high amounts of damages. If she is saying that in future patients will not have those rights or that the sums paid out—*[Interruption.]* The right hon. Lady is wittering on about honesty in Government, but I do not understand what point she is trying to make.

On the ID cards report, I was asked about it two weeks ago as it was slightly overdue. As ever, I took the issue up and we announced it today on the Order Paper. The right hon. Lady witters on about this, but one of the many differences between this Government and the Government whom she supported is that we have greatly increased the accountability of Ministers in large ways and small. One of the things that I had introduced was proper notice for written ministerial statements. One used to have to find planted parliamentary questions buried in the Order Paper, which were sometimes not there at all—

Andrew Mackinlay (Thurrock) (Lab): And we do not do that now.

Mr. Straw: No, we have stopped that because it was wrong. Written statements now appear in the Order Paper.

I note the right hon. Lady's request for a debate on the Ministry of Justice, including sentencing policy, and I will follow that up. In respect of party funding, she should read what the hon. Member for Somerton and Frome and I said about any legislation. I hope that we are able to reach all-party agreement in the talks that are due to start next Tuesday, but before she starts looking at the mote in our eye, she should examine the beam in the Conservatives' eye. They never sought all-party agreement on party funding. The only legislation that they sought to introduce on party funding was against the Labour party's funding and also protected their funding. The legislation that I introduced in 2000 was done on an all-party basis. I want all-party agreement, but that depends on all parties to the talks being ready to be fair in respect of their opponent parties. I look forward to that happening in respect of the Conservative party—for the first time in its history, going back to the Osborne judgment in 1909.

Mr. David Winnick (Walsall, North) (Lab): As far as business for Friday 18 May is concerned, is my right hon. Friend aware that many of us are deeply disappointed that party managers are actively encouraging Members to come in to support the private Member's Bill that would exempt Parliament from the freedom of information legislation? Having legislated for everyone else and rightly so—we should be proud that as a Labour Government we did that—why should we exempt ourselves? Why are the party managers so determined that we should do so? If the Bill is carried—and it probably will be because of the active canvassing—Parliament will be accused of hypocrisy, and rightly so.

Mr. Straw: How Parliament is treated remains to be considered and the Bill will be decided on a free vote by Members. It is important that the House has an opportunity to make the decision. As someone who introduced the original freedom of information legislation in 1999, I can tell my hon. Friend that the original intention—which had all-party agreement—was that Parliament should be exempted from it, as is the case in respect of many other Parliaments, because parliamentarians can use other means to extract information.

I leave aside the issue of Members' expenses and Mr. Speaker has already made clear his intention that the publication scheme will continue regardless of any exemption. That must be right. Indeed, the publication scheme may need to be strengthened. It is right, in this respect as in every other, to review the progress of legislation. It was never an anticipation of this or the other place that a consequence of the freedom of information legislation would be that confidential Members' correspondence on behalf of constituents would be at risk of publication. That was never, ever the intention. Publication of such matters would drive a coach and horses through the relationship that we have with constituents. It is all very well for some people to say that there are some exemptions, but the truth is that the way that some journalists and the Information Commissioner are acting means that that intention is not being met in practice by the Information Committee.

Mr. David Heath (Somerton and Frome) (LD): Last Tuesday, the Secretary of State for Scotland made a statement about the failure of electoral arrangements in Scotland. May we have a similar statement about

electoral arrangements in England? It should deal with the isolated but quite serious instances of alleged fraud—to which the only response from all parties must be zero tolerance—and the mismanagement in many areas that resulted in postal and proxy votes not being sent in time, and in polling cards sometimes being sent in multiple numbers or not at all. Such a statement will be needed sooner rather than later, given that we will surely have a general election following the forthcoming change in the Administration.

The Finance Bill is in Committee at the moment. Will the Leader of the House look into why that Bill, uniquely among public Bills, is not open to evidence sessions? Surely it is most important that those who are affected by the Finance Bill should be able to give evidence so as to facilitate an informed debate, but it is the one Bill for which we cannot have evidence sessions.

May we have a debate on legal aid? The Government are precipitating a crisis of their own making in what is one of the key fundamentals of the welfare state. That crisis was precipitated by the report from Lord Carter—who, for heaven's sake, has now been asked to review our prison arrangements. It is essential that we get an opportunity to have a debate on the matter and, I hope, to forestall a very serious result arising from the changes to legal aid.

I was surprised that the Leader of the House was not able today to give us a date for a statement on the future of post offices. That is a matter that affects the constituencies of all hon. Members, and I had hoped that we might have a clear date for the Government's response.

Lastly, today we have finally learned the date of departure of the man who has characterised and epitomised the Labour Government for a decade. Therefore, can we have a debate on what exactly is the role of the Deputy Prime Minister, and why he costs so much?

Mr. Straw: The hon. Member for Somerton and Frome asked first for a statement on electoral fraud. All parties take very seriously any allegations of electoral fraud or mismanagement, and I shall certainly raise the matter with my right hon. Friend the Secretary of State for Justice and invite him to consider making either a written or an oral statement. It is important that we learn the lessons in respect of fraud, which is isolated but which needs to be investigated, and any failures in the administration of postal voting.

The hon. Gentleman's question about the Finance Bill is a rather late entry. We introduced changes to the public Bill procedure to provide evidence sessions for Bills that are programmed. I do not think that there is any objection in principle to having evidence sessions for the Finance Bill, but they would have to be programmed and I am not sure that the House would find that acceptable. Moreover, if the hon. Gentleman looks at the parliamentary proceedings on the Finance Bill, he will see that they are more extensive than those on almost any other Bill. The four days of debate on the Budget deal mainly with the legislative proposals that it contains. They are followed by one day for Second Reading of the Finance Bill and two days for Committee stage on the Floor of the House, after which the Bill goes upstairs. Whatever else one might say about proceedings on the Finance Bill, one cannot argue that it is not examined fully. It is examined very extensively, and although a few years have passed since I sat on Finance Bill Committees, my experience is that hon. Members of all parties are very well briefed and that some forensic examination is carried out.

The hon. Gentleman asked about legal aid, which was the subject of a debate in Westminster Hall in January. I am aware that there are some concerns about the future of legal aid, but the hon. Gentleman will know that its budget has been vastly increased in recent years, with no commensurate increase in court proceedings. The Government must take account of the fact that money is limited—I know that Liberal Democrats do not have to bother about such matters—and make choices accordingly.

Finally, the hon. Gentleman asked about the Deputy Prime Minister, but I was not quite sure what his point was. The role of Deputy Prime Minister goes back to a time way before this Administration.

Emily Thornberry (Islington, South and Finsbury) (Lab): Given the continuing, unfolding tragedy in Darfur, where latest estimates are that more than 200,000 people have been killed and 2 million people have been displaced, will my right hon. Friend find time for a debate on the Floor of the House about that tragedy?

Mr. Straw: The answer is yes. I think the whole House shares my hon. Friend's profound concern about the deteriorating situation in Darfur. Although the business is still provisional, we plan to hold that debate in the week beginning 4 June—the week we come back after the Whitsun recess.

Mr. Henry Bellingham (North-West Norfolk) (Con): The Leader of the House will be aware that I represent a large number of constituents who are members of the Albert Fisher pension scheme and have obviously suffered a huge amount of grief over the past five years. Those people have been seeking the advice of the pensions expert, Ros Altmann, so will the right hon. Gentleman clear up some confusion? Did she advise No. 10 and the Government on their pension policy over the past five years?

Mr. Straw: My deputy tells me that she was never a formal adviser. All of us have constituents who have suffered from the collapse of private pension schemes, but I have personally looked closely at the evidence behind their collapse and there is much independent evidence—I am happy to provide the hon. Gentleman with details—that suggests that the impact of the abolition of advance corporation tax on the later collapse of the schemes was remarkably small. Their collapse was principally to do with other reasons.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): May I draw the attention of the Leader of the House to early-day motion 1303 on the effect of legal aid reform on black and minority ethnic solicitors?

[That this House notes the speech by the Parliamentary Under-Secretary of State for Constitutional Affairs Vera Baird QC to the Black Solicitors Network in June 2006; further notes that she told her audience that black and

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minority ethnic solicitors should regard her as an ally in the fight 'to make the legal profession one that represents Britain in the 21st century'; further notes that black and minority ethnic solicitors are more likely to undertake legal aid work than the profession as a whole and that they are more likely to be small firms; further notes that one of the intended consequences of the Government's legal aid reform is to cut the number of small firms and encourage consolidation and that the Black Solicitors Network now estimates that up to two thirds of black and minority ethnic law firms will have to close as a result of the Government's legal aid reforms; believes that such an outcome would be bad for the cause of encouraging black entrepreneurship and for the cause of encouraging diversity in the legal profession and above all bad for clients; and urges the Government to look at this issue as a matter of urgency.]

The whole House applauds the Government's wish to get value for money in legal aid spending, but it is becoming increasingly clear that among other flaws the legal aid reform will decimate black and minority ethnic solicitors who are more likely to be in new or small firms, or more likely to be dependent on legal aid work. Will my right hon. Friend make time for a debate on the Floor of the House on the excellent report of the Select Committee on Constitutional Affairs on legal aid reform, which particularly emphasises its worrying effects on black and Asian solicitors?

Mr. Straw: I know that my hon. Friend held a short debate on that yesterday in Westminster Hall. I understand the concern she shares and, going back to my time as Home Secretary and my establishment of the Stephen Lawrence inquiry, I know how important it was to getting the inquiry established that there were minority ethnic firms of solicitors who could represent the family during their campaign in the mid-1990s for me—as it happened—to set up the inquiry in 1997. I understand my hon. Friend's concern and I am glad that she, in turn, recognises the pressures on the legal aid budget. I shall certainly consider a longer debate, either in Westminster Hall or on the Floor of the House, and in addition I will ensure that her concerns are made known to my right hon. and learned Friend the Lord Chancellor.

Mr. Greg Knight (East Yorkshire) (Con): Is the Leader of the House aware that each year hundreds of people are needlessly killed and scores more injured all because we go through the ridiculous ritual of putting our clocks back every autumn? May we, therefore, have a debate on the benefits of extending British summer time throughout the year? [Hon. Members: "Definitely not."] If the Leader of the House cannot give us that debate next week, will he at least tell the House today why the Government appear to be wedded to the current obsolete and unsatisfactory practice?

Mr. Straw: All I say to the right hon. Gentleman is that if he were to observe the views of his colleagues he would say that it is not a Government issue, but one on which there is much to be said on both sides. All of us greatly regret road and other deaths, but to attribute them to the change from summer time to Greenwich mean time is questionable, but I wish the right hon. Gentleman luck in obtaining a debate on the matter.

Sir Peter Soulsby (Leicester, South) (Lab): I think that the Leader of the House is aware of the proposals of Post Office Ltd to close 70 of its Crown post offices in our town and city centres and also of the proposal to replace them with outposts in nearby branches of WH Smith, and in the case of Leicester in the basement of a nearby branch of WH Smith—much smaller premises. As Post Office Ltd is not allowing debate on the principle of those moves, may we have a debate here about that serious change in the provision of vital public services so that the considerable public concern that has been expressed can be reflected in the Chamber?

Mr. Straw: I shall certainly consider that. My right hon. Friend the Secretary of State for Trade and Industry will make a statement on the issue in due course. In my case, the Crown post office building in Blackburn is not an object of beauty—unlike that in King's Lynn—so I have never been given a print of it. The Crown post office was moved to one run by a private contractor. I am afraid that the public meeting I attended attracted only 50 people, so the move came into force without incident. Although it is hard, the fact of the matter is that the Post Office is having to adjust to major external changes in people's habits; above all, the internet facilities that have greatly reduced post office business. There is a lot of external competition as well.

Angus Robertson (Moray) (SNP): Following the Scottish Parliament election results and the victory of the Scottish National party, may we have a debate in Government time so that we can learn how they will work constructively with the incoming SNP Administration? Will the Leader of the House clarify the Government's position, bearing in mind the Chancellor of the Exchequer's statement that he will not work with the SNP? Perhaps the Leader of the House would like to take this opportunity to be the first Minister graciously to commend and congratulate my hon. Friend the Member for Banff and Buchan (Mr. Salmond). *[Interruption.]*

Mr. Straw: The Opposition Whip says, "Don't be tempted", but I always congratulate everybody who wins an elected position in any forum because that is the essence of our democracy. That can be taken in the spirit in which it is intended—*[Laughter.]*—generously.

On the wider issue, it is of course the duty of the British Government to co-operate with all institutions of governance across the country. We have shown that we do so in respect of local government and we shall do so in respect of the devolved Administrations. That is nothing new and it will continue.

Anne Moffat (East Lothian) (Lab): May we have a debate on the security procedures at airports, especially those of the British Airports Authority, where personal searches have become robust and intrusive? Many of my constituents have complained to me about the process and I have experienced it myself as I travel back and forth. Could we not introduce a system of handheld scanners, such as that in other countries?

Mr. Straw: It is an issue about which I have thought a great deal. I understand my hon. Friend's concern and will certainly give consideration to a debate on the

matter. However, on the other side, BAA and all other airport operators are under a paramount duty to ensure security—

Mrs. May: So are the Government.

Mr. Straw: It is also a Government requirement, as the right hon. Lady says. Although the process can be inconvenient, it is inconvenient for everybody, and none of us would forgive the Government or the airport operators if, as a result of changes in procedure, a terrorist got through and passengers' lives were put at risk.

Sir Nicholas Winterton (Macclesfield) (Con): May I ask the Leader of the House a serious question? Mention has already been made of the freedom of information legislation. Is it not wholly unacceptable that private and confidential correspondence between a Member and a Minister does not remain private and confidential? It should not be released into the public domain. Departments are releasing correspondence from Members, on what they say are legitimate requests, so will the Leader of the House give instructions to all Departments that Members' correspondence with Ministers is private and, if necessary, will he come to the House and make a statement on the matter? I believe that trust and confidentiality between Members and Ministers is at risk unless action is taken immediately.

Mr. Straw: I am happy to accede to all the requests that the hon. Gentleman makes. I share his concern. The House of Commons Commission has given consideration to the issue. New guidance has been agreed with the House of Commons and what was then the Department for Constitutional Affairs and is now the Ministry of Justice, advising public authorities on how to handle requests that involve the correspondence of Members of Parliament. I personally accept that certainly the spirit, and in some cases the letter, of the guidance has not been properly followed and that public authorities, including—but not exclusively—Departments have sometimes been too ready to accede to third-party requests for the release of such correspondence without giving the Member of Parliament any say whatever. The issue is not about protecting the amour propre of Members of Parliament; it is about protecting the rights of our constituents to correspond with us in confidence.

Mr. Jim Devine (Livingston) (Lab): May we have a debate on so-called size zero models? *[Laughter.]* I am not joining them. Will my right hon. Friend join me in condemning the organisers of London fashion week, who have not followed the lead of the organisers of Madrid fashion week by condemning size zero models? Two models have died recently. Sadly, such women are role models for many teenagers and we have seen a substantial increase in anorexia.

Mr. Straw: I will certainly give consideration to that. My hon. Friend puts his point well. As he says, there is no danger that he will drift down that route, but he raises a serious issue. Anorexia nervosa is a terrible disease. The fashion industry has a profound responsibility not to do anything directly or indirectly to encourage young women, in particular, to become anorexic.

Jo Swinson (East Dunbartonshire) (LD): May I draw the attention of the Leader of the House to early-day motion 814 on excessive packaging?

[That this House notes with concern the excessive levels of packaging used by manufacturers and retailers, accounting for 4.6 million tonnes of household waste every year and 17 per cent. of the average household food budget; commends the recent campaign against excessive packaging run by the Independent newspaper, and urges supermarkets to reduce where possible packaging on goods sold, encourage the re-use of plastic bags, recycle packaging waste and encourage suppliers to reduce packaging further up the supply chain.]

May we have a debate on this important issue? The early-day motion has been signed by 147 Members, so there is clearly concern across the House. At a time when there is concern, controversy and debate among the public about how to deal with our refuse collections, should we not have a debate in the House about how to reduce what goes into bins in the first place?

Mr. Straw: I agree with the sentiment that the hon. Lady expresses. The waste strategy report is due out quite shortly and I will look for an opportunity for that matter to be debated.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): My right hon. Friend will be aware that next Tuesday the Department for International Development, on behalf of the Government, will publish the first ever report to Parliament to arise from the International Development (Reporting and Transparency) Act 2006. Given that, on Third Reading, when the Act was carried unanimously by the House, there was an overwhelming view that the report should lead to a debate on the Floor of the House, is he in a position to assure us that that important debate will take place? The report covers issues such as the achievement of the 0.7 per cent. gross domestic product target, the millennium development goals, aid effectiveness, and, above all, transparency itself.

Mr. Straw: My right hon. Friend is right to highlight the great achievement of the Government over the past 10 years—one of the many achievements of my right hon. Friend the Prime Minister—in ensuring a huge increase in the resources available to the Department for International Development and ensuring that resources are better targeted. Our record on international development is exemplary and better, than the records of any of the other major industrialised countries of the world. As he says, the report is due to be published. We are certainly giving active consideration to whether there can be a debate on the Floor of the House.

Sir George Young (North-West Hampshire) (Con): When we get to Question Time for the Ministry of Justice, which has substantial new responsibilities, including prisons, does the Leader of the House agree that the House is entitled to hold to account a Secretary of State who sits in the Cabinet?

Mr. Straw: There will be questions on Tuesday in respect of the Ministry of Justice. *[Interruption.]* May I just say in response to the sedentary intervention that

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the time allocated for parliamentary questions to the new expanded Ministry should be longer? We are looking at that. On the wider issue raised by the right hon. Gentleman, I refer to the statements that were made when the original announcement was made in March about a Ministry of Justice. There is an expectation that in due course the Lord Chancellor and Secretary of State for Justice will sit in this House.

Mr. Eric Martlew (Carlisle) (Lab): May I support my hon. Friend the Member for Leicester, South (Sir Peter Soulsby) in asking for a debate on the takeover by WH Smith of the Crown post offices, including the one in my constituency? I believe that that will be bad for customers, that the facilities provided will be inadequate, and that there will be a cut in the wages of the counter staff and a cut in their conditions. A debate would give the Minister responsible for the Royal Mail the opportunity to defend himself against the charge that he is indifferent to the concerns of hon. Members on the issue.

Mr. Straw: My right hon. Friend the Secretary of State for Trade and Industry is not remotely indifferent to Members' concerns. It was he who secured hundreds of millions of pounds by way of additional subsidy to ensure that post offices, including those in rural areas, can continue to operate. But none of us is able to resist the changes, not necessarily in our habits, but in the habits of our constituents, and the advance of technology. Of course I understand my hon. Friend's concerns and I will ensure that they are relayed to my right hon. Friend the Secretary of State. We will also look for an opportunity to debate the matter.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): May we have a debate on houses in multiple occupancy or HMOs? Their impact on constituencies such as mine is considerable. The problem seems to be that dwellings that were built with just two or three bedrooms are being converted to have six or seven bedrooms, with a major impact on parking, antisocial behaviour, noise and nuisance. Local authorities seem powerless to do much about it.

Mr. Straw: The hon. Gentleman raises an important issue. I will certainly look for an opportunity for a debate. It may have to be in Westminster Hall. If he wishes to give me more details, I will make sure that they are put before the relevant Secretary of State. There were some improvements to the powers for local authorities under housing legislation about two years ago. The legislation gives local authorities powers better to control and regulate private landlords, who often lie behind houses in multiple occupation. But I accept the point that the hon. Gentleman raises.

Andrew Mackinlay: May I ask for a debate on a sensitive matter? There is never a right time to mention it, but it is a serious constitutional point. I am talking about what happens when a Prime Minister suffers a sudden incapacity or dies. Neither of the two main political parties has adequate arrangements to deal with such circumstances. Is there not a case for institutionalising the post of the Deputy Prime Minister? The Conservative party does not have an elected deputy leader. The Labour party does, but that deputy leader might be out of government. Buckingham Palace would be obliged under the conventions to send for that person to fill the post. It is rather sloppy of our generation that, at a time when the country could be in the middle of an international crisis, we could have uncertainty about who should be in charge of Government if the Prime Minister were incapacitated or suddenly died.

Mr. Straw: I was going to observe that there are plenty of hazards of being Prime Minister, but dying in office is a very rare one.

Mr. Bellingham: What about Spencer Perceval?

Mr. Straw: Yes, but he was shot and the protection arrangements are different now. That was a very long time ago. Our constitutional arrangements, which have allowed for the transfer of power between one Prime Minister and another mid-term on five occasions since the last world war, are perfectly adequate.

Mr. Christopher Fraser (South-West Norfolk) (Con): Given the enormous financial commitment that the nation is making to the 2012 Olympics, does the Leader of the House agree that we should have a debate in this House on the legacy of the Olympics? Given that not everybody can compete in the events, we want to give a chance to young people and British companies at least to get involved and participate.

Mr. Straw: I am grateful to the hon. Gentleman for the notice he gave me of his question. We had a statement in March, but there has not been a debate on the Floor of the House since the proceedings on the legislation two years ago. I will certainly give consideration to a debate. I cannot promise exactly when it will take place.

Tributes (Speaker Weatherill)

12.9 pm

The Leader of the House of Commons (Mr. Jack Straw): As I said earlier, I am extremely grateful to you, Mr. Speaker, for giving me and many right hon. and hon. Members on both sides of the House the opportunity to express our condolences to Lady Weatherill and to pay tribute to the memory of Jack Weatherill, as so many of us knew him.

The most important and fundamental role of the House is to hold the Executive to account. The Speaker, above all, is here to protect and enhance the duty of all Members to fulfil that important role and to defend the rights and privileges of individual Members representing their constituents. From the moment that Jack Weatherill took the Speaker's Chair in 1983, he never forgot the duties of the House or the importance of his position in sustaining the democratic process.

Many of the tributes to and obituaries of Jack Weatherill have highlighted his kindness. He was indeed a kind man, as you and I, Mr. Speaker—we came into the House just four years before he assumed the august office of Speaker—have good reason to remember. Other obituaries have highlighted his professionalism and quick wit. Both were absolutely the case. He was always on top of procedure and Standing Orders—and sometimes, when necessary, individual Members. Many of us who were around at the time will remember receiving the sharp end of his tongue.

Of all Jack Weatherill's qualities, the one that I wish to emphasise is his courage. In the early and mid-1980s, politics in this country was raw and the divisions between the political parties were bitter. Without television, as all of us who were here at the time will recall, this place could be like a bear pit. The external divisions of British politics ran very deep inside the House. Jack Weatherill had to control the House. He also had to resist the ire of Ministers—I am not making a party point because you also know, Mr. Speaker, that that is a function of all good Speakers—to ensure that the fundamental role of holding the Government to account could be fulfilled and so that Members on both sides of the House could give vent to their anger.

Jack Weatherill was a traditionalist. He was the last Speaker to wear the full-bottomed wig and while he sometimes used to complain about it, he continued with the tradition. However, he was also very alive to the need to modernise this place. He embraced the idea of television and was the Speaker in the Chair when television was first introduced. Through that, he became the first Speaker to become not just a national but an international figure. He thus enhanced the reputation of the House throughout the world. Although the notices that we receive for our performances in the House probably mark us down compared with our predecessors, the House is still regarded as one of the most vibrant democratic Chambers in the world. For that, we owe a huge debt of gratitude to the pioneering work of Jack Weatherill, who ensured that the introduction of television meant that Members were better behaved and properly reflected the dignity of the House.

There is much else that I could say about Jack Weatherill, such as his contribution to his party in which he had a distinguished career before he took the Speaker's Chair. In the other place, after he left the Chair, he pursued many great and small causes. I will mention just one such cause, which goes back to what I said about his courage. He had a profound commitment to the sub-continent of India. He had great affection for the place and he was ready to speak up for constituents and those who had made this place their home at a time when doing so was far less popular than it is today.

We send our condolences to Lady Weatherill and her family. We salute a great Speaker and mourn his loss.

12.14 pm

Mrs. Theresa May (Maidenhead) (Con): I, too, am grateful for the opportunity to pay tribute to Lord Weatherill.

As many have already said, Jack Weatherill was not just an esteemed parliamentarian but a true gentleman. He served his country throughout his life. As a soldier during the war, he served in the Dragoon Guards and in the Indian army with the 19th King George V's Own Lancers. It was during his time in India that he learned to speak Urdu. During the 1942 famine, he became a lifelong vegetarian. Later, as we know, he served the constituents of Croydon, North-East from 1964 until 1992, after which he continued to serve his country in the other place. Between his service in the Army and Parliament, he worked as a tailor in the family business that his father established.

Jack Weatherill was, in many senses, the embodiment of the changes to the world, politics and Parliament that took place in the last century. As the Leader of the House mentioned, he was the last Speaker to wear the traditional wig and the first Speaker to see television cameras in the Chamber. At a time when we all talk a great deal about connecting Parliament with the public, we would do well to remember Jack Weatherill, who was determined that Parliament should be as relevant to the real world as possible. He said that it was his absolute intention to ensure that everything that went on in our nation was exposed in our House. That is not a bad motto for us all to remember today.

I am sure that many hon. Members are familiar with the story that shortly after Jack Weatherill was elected, he overheard an elderly grandee complain, "My God, what is this place coming to? They've got my tailor in here." However, he was very proud of his background. As you said in your tribute on Tuesday, Mr. Speaker, he used to carry a thimble with him to keep him humble, to use his words. That was a mark of the man.

Jack Weatherill was indeed a fine parliamentarian. As Speaker, he was a resolute defender of the rights of Back Benchers, which was not always easy in the face of his own party in government. However, in all that he did, he won respect and high regard from Members on both sides of the House. He was a devoted churchman and a loyal family man. I am sure that the whole House will want to send condolences to his wife, Lyn, and his three children and seven grandchildren. We will all remember Lord Weatherill as a great parliamentarian, a fine Speaker and a gentleman who spent his life serving his country.

12.17 pm

Mr. Alan Williams (Swansea, West) (Lab): I speak not only on my own behalf but, I hope, on behalf of many of Jack's ex-colleagues who would wish they could be here today to express their sympathies to the family. Like them, I remember him as an outstanding Speaker and, above all, as a delightful man.

Jack and I came into the House together in 1964, although we were each unaware of the other for a long time. Although I discovered this only the other day, we both ascended—if that is the appropriate term—to the Front Bench in 1967. I was a little green Under-Secretary in the Department of Economic Affairs, while he was a junior Whip. It is often the case that people can be together in the House for years and know each other to say hello without their paths crossing politically for long time. That was the case with Jack and me.

Our paths coincided, rather than collided, on an occasion that I will never forget, although I will come to that in a moment. I used to do the mischief job of trying to mobilise what the Leader of the House called the rather rowdy element on the Opposition Benches. Our job was to try to claim prime time. It was a matter not of being rowdy but of trying to use the procedures of the House of Commons to secure the time straight after questions when everyone was still in the Gallery. We used points of order and got people to table private notice questions that were backed up with requests under Standing Order No. 24. We were using the procedures of the House to try to seize the time when we still had a press audience. At the time, he was the Speaker and I was doing a massively less reputable job in the House, but I will never forget the time when our paths coincided.

Those of us who were here at the time will remember that Mrs. Thatcher did not often come to the House to take part in debates, although she took part in Prime Minister's questions. On one very big occasion—it was a debate on the Wright affair, which was a great scandal that had run for a long time in the press—the Chamber was absolutely packed. It was so packed that when I came in, slightly late, I could not even get on to the Front Bench; I had to sit on the steps between the Front Bench and the Bench behind it. During Mrs. Thatcher's presentation, various requests for information were made, and she insisted that she could not answer because there was a case under way in Australia and the matter was therefore sub judice. I was puzzled, because that did not quite fit in with my understanding of the rule, but I was not sure about the matter. Even Roy Jenkins, who was speaking from the third row below the gangway, did not challenge her, so I thought that I had better check.

I left through the Door of the Chamber and came down to the Table, where the ever-helpful Clerks confirmed my suspicion. I came back, muscled my way on to the Front Bench and got up and made a point of order, in which I asked Jack, as Speaker, to rule on whether the sub judice rule applied to a case in the Australian courts, or whether it applied only in this country. He confirmed that the rule was that it applied only in this country. The Prime Minister made no secret of the fact that she rather disagreed with him and she set about him, to some extent, so I jumped up on another point of order and said, "Isn't it normal to apologise when you've misled the House?"

Some time later, I met Jack in connection with another issue—in fact, it related to the decision to move the time when points of order could be raised from straight after questions to after statements. In our conversation, I apologised for the grief that I had caused him on that day, and a broad grin broke out on his face. He said, "Don't worry, I used to do the same job when I was in the Whips Office." He used to mobilise the Maxwell-Hyslops of the House—not many of us will remember him—and other Conservative Members who were discontented with the then Labour Government. Jack said, "In fact, when I did that job, I had a nickname." He told me the nickname, but unfortunately the proprieties of the House will not allow me to repeat it, and if I tried to, you would stop me, Mr. Speaker. If anyone wants to know it, the obituary in the online edition of *The Independent* carries it.

Jack was proud of the role that he played on behalf of the Opposition. In a way—I have said this on previous occasions, and not in a joking way—it would be a good thing if every Member could serve in opposition as soon as they came into the House, because it is in opposition that Members learn what accountability is about and why Ministers need to be brought to book. Today, I remember a fair, kind and humorous man, but also a very firm Speaker. My sympathies and thoughts, and those of so many of his ex-colleagues, are with his family today.

12.23 pm

Mr. David Heath (Somerton and Frome) (LD): Like the right hon. Member for Maidenhead (Mrs. May), and indeed the majority of Members of the House, I am afraid that I did not have the privilege of serving in this House while Lord Weatherill was Speaker, but I had the great privilege of meeting him, in rather odd circumstances, soon after I was elected. We were both at Farleigh Hungerford castle in my constituency on a cold December evening to celebrate the life of Sir Thomas Hungerford, the first recorded Speaker of the House. I suspect that he was a very good Speaker of a very bad Parliament. Indeed, it was dubbed "the bad Parliament" because it introduced cash for favours and the poll tax, so it was very bad indeed.

When I met Lord Weatherill on that bitterly cold night in Farleigh Hungerford castle's chapel, which had not been heated since the 14th century, and which was therefore not the most congenial of surroundings, what struck me first was his stoicism under the circumstances. He also gave the impression of being a kind, courteous man. He was interested in me as a new Member in a way that he had no need to be. He also struck me as a punctilious parliamentarian. He did not have to be in Somerset on a cold December evening, but he was there because, as a former Speaker of the House, he wanted to pay tribute to the first Speaker of the House, and he was there as a parliamentarian. The tributes that have been paid to Lord Weatherill all mention his fairness and assiduity in the post of Speaker and his preparedness to ensure that the people who make life difficult for Speakers, for Governments and for the Opposition were properly heard. That is the sort of testament that any Speaker would wish to hear.

We Liberal Democrats send our condolences to Lady Weatherill, and we mourn the loss of a great parliamentarian.

12.26 pm

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): The office of Speaker of the House is never easy to fulfil, and over the centuries people have interpreted the role in entirely different ways. The tributes to Jack Weatherill have rather hidden one aspect of him that was of enormous importance, and that was his intelligence. He was an enormously warm and witty man and he was fun to know. When he left us for the House of Lords, he took with him his strong commitment to the essential qualities of a Parliament, which include the need always to represent the views of the whole community. Sometimes we underestimate the strains and the pressures that we put on the Speaker.

I was honoured and delighted to know Jack Weatherill and to have the chance to work with him, not least because he interpreted the multicultural and multi-political views of our society in a very civilised way. His civility was very important. He was so cultured and so interested in everything that we did; he was a delight. He took enormous pleasure in his family—in his marvellous wife, who made it possible for him to be such a good Speaker, and in his grandchildren and children. I remember him talking, in his last Christmas in the Commons, of the debate that the family had had about whether they should remain in the palace for that Christmas holiday. His final decision was that it had been such a pleasure and a delight to be Speaker that he wanted the opportunity to have the family with him in the palace for his last Christmas in office.

What Jack Weatherill did in the other place was representative of him. He took on the role of keeping the independent Members of the House of Lords involved in the work of the House and able to express their views. To me that was a demonstration of the man. He was a remarkable man; occasionally he masqueraded as a very ordinary man, although only idiots would have been taken in. His role in both Houses of Parliament, and among the population as a whole, was to do that very British thing of moving us forward while appearing to remain stationary, and only Jack could have done it. He will be very much missed, and I have the greatest admiration for what Jack Weatherill accomplished.

12.29 pm

Sir Nicholas Winterton (Macclesfield) (Con): I am delighted to follow the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) in what she has said. To me, Jack Weatherill was, above all, a friend. Mr. Speaker, as you said in your tribute earlier this week, he was an excellent Speaker. He got to the Speaker's Chair not because he was the chosen representative of his party but because he was the person chosen by the House. I think that that indicates just how favourably Members from all parts of the House regarded Jack Weatherill. He was, as many of us know, deputy Chief Whip. He was, as you were, too, Sir, the Chairman of Ways and Means before achieving the highest office available to the House—that of Speaker.

Jack Weatherill was primarily a friend. He invited me to become a member of the Chairmen's Panel—a job that I have done ever since 1986, and which is a huge privilege as it enables people to serve the House and the institution of Parliament. He was a very personable man. I remember speaking in a debate on textiles. He was in the Chair, and during the debate, he arranged for a note to be passed to me. It just said:

"Nicholas, well spoken. You spoke from the heart and I agreed with you. I am pleased I was in the Chair when you spoke."

I think that that shows the personable nature of his relationship with Members from all parties in the House of Commons. He shared another common interest with me. He was very senior to me, and served for longer, but we were both members of a cavalry regiment. He greatly enjoyed his time in the Army, particularly, as has already been mentioned, his period in the Indian army. It is not wrong to say that he was indeed in every way an officer and a gentleman.

When Lord Weatherill left the House, he did me a great favour. He was involved with three City livery companies. I invited him to be my guest of honour at a major livery dinner of the Worshipful Company of Weavers of which, between 1997 and 1998, I was upper bailiff. He attended that occasion, and it indicates Jack Weatherill's loyalty to those organisations with which he was involved. He was a man who was greatly liked. As the hon. Member for Crewe and Nantwich said, he had a wonderful wife, Lyn. She was a wonderful tennis player, and I remember many games on the tennis courts of Westminster school in Vincent square. Jack himself did not come and play, but Lyn was a wonderful tennis player and a huge supporter of Jack during his time as Speaker.

I hope, Sir, that I am permitted to say that Jack Weatherill was hugely kind to my wife, our elder boy and myself. The reception after the christening of our first grandchild was held in the Palace of Westminster in Mr. Speaker's State Apartments. Perhaps I should not have said that, as it may open the door to many approaches to you, Mr. Speaker, and I do not seek to do that. It shows the fact—it has not really been said so far in the tributes—that Jack was a real family man. Perhaps above all, to Jack Weatherill, whom we mourn—we send our condolences to Lyn, his wife and to his two sons and daughter—the House of Commons was his family; latterly the same was true of Parliament. He stood up for it. He was a great Speaker, and he will long be remembered.

12.34 pm

Sir Gerald Kaufman (Manchester, Gorton) (Lab): I was fortunate in sharing some characteristics with Jack Weatherill. I shared with him the honour of having had conferred on me by the President of Pakistan the Hilal-e-Pakistan. Jack Weatherill was extremely proud of the place that he held in Pakistan and in the Indian sub-continent. He was held in the highest esteem in Pakistan, and he will be much mourned there.

Another shared quality, if it can be called that, is the fact that my father was a tailor, just as Jack was. Jack, however, was a master tailor—a cut above my father, who worked in a factory. The right hon. Member for Maidenhead (Mrs. May) recalled the statement made by a senior Tory when Jack entered the House of

[Sir Gerald Kaufman]

Commons: "My God, what is this place coming to? They've got my tailor in here." That, of course, was in the far-off days when the Tory party was led by old Etonian toffs. What was interesting about that, as has been said, was the fact that Jack Weatherill was always very proud indeed of having been a tailor. He always dressed immaculately. Indeed, if he was sitting in the Chair today, Mr. Speaker, he might well ask whether hon. Members have a tailor any more. He was a very generous man. The hon. Member for Macclesfield (Sir Nicholas Winterton) pointed out that he would be kind enough to send letters or notes to Members across the House when he appreciated something that they had done. Like the hon. Gentleman, I received one of those notes. He was very good, too, at protecting Members of Parliament when they were in difficulty.

At Prime Minister's Questions, after Nelson Mandela was released from prison, my hon. Friend the Member for Lewisham, Deptford (Joan Ruddock) put a question to the Prime Minister, Margaret Thatcher, which began with the words, "If the Prime Minister had been in jail for 27 years". I was sitting on the Opposition Front Bench, and I muttered to a colleague that she should have been. That was picked up by the microphones in the House; it was heard by the whole House and it caused huge uproar. He beckoned to me when the event had taken place and said, "Gerald, I think it would help you with the House if you apologised for what you said." I said, "Mr. Speaker, I very much appreciate that, but I don't think it would help me with the Labour party if I were to apologise in that way." He laughed, because he was a House of Commons man and he fully understood the quirks of the House. Like you, Mr. Speaker, and like his predecessor, Jack Weatherill never held high office, and I think that that is a very high qualification for being the Speaker of the House of Commons.

12.37 pm

Sir George Young (North-West Hampshire) (Con): It is a pleasure to follow the right hon. Member for Manchester, Gorton (Sir Gerald Kaufman). I hope that he will not dismiss me as an old Etonian toff.

I want to add a brief footnote to the generous tributes that have been paid to Jack Weatherill. Before he was Deputy Speaker and then Speaker, he was a Whip. In fact, he was a Whip for longer than he was Speaker. He was the Opposition's deputy Chief Whip from 1974 to 1979 in a Parliament that ended with an Opposition Whip's dream—the defeat of the Government by one vote. Whips get a bad press, but Jack never used the rougher tactics that are often attributed to members of the Whips Office. He was unfailingly courteous, good-humoured and totally disarming. If anyone threatened to rebel, he was not angry—he was disappointed. One would be invited to his office, and he would explain that the Government were on their last legs: they were losing by-election after by-election and they would not last the year so it was not the time to rock the boat. That argument lost a bit of credibility when the Parliament entered its fifth year, but it was very effective. He had a rapport with the many senior members of the party who had a good war.

Jack Weatherill was very kind, too, to those who entered Parliament in 1974, including my hon. Friend the Member for Gosport (Peter Viggers), Leon Brittan, Douglas Hurd, Nigel Lawson and the rest of that intake. He was kind and paternal to us. He was totally discreet, loyal and a shrewd judge of character, and he was very supportive of colleagues who went through a difficult time. He was a stickler for punctuality. It was not a good idea to be late for the 2.30 Whips meeting, which began with the order from Jack, "Stand by your beds." One colleague was late, but before Jack could rebuke him, he said he was late because his tailor, a colleague of Jack's, had been late for the appointment and had held him up.

Jack Weatherill had a difficult relationship with the leader of our party. There was a free vote in the 1974 Parliament—on whether we should have proportional representation for the Scottish Parliament, I think. Those who voted for PR found as they came out of the Lobby Margaret Thatcher taking the names of those who had voted that way. When we won in 1979, Jack Weatherill was the only member of the Front-Bench team who was not appointed to the Government. As we know, he then began an alternative career as Deputy Speaker and Speaker. He was totally fair, standing up for the rights of Back Benchers, and standing up to the gentle intimidation he received from members of his former party.

Jack was a generous entertainer in Speaker's House. He unearthed an old Victorian song about the MP who could not catch the Speaker's eye, which we all had to sing, with Toby Jessel on the keyboard. Jack was supported by Lyn. He had one of the happiest of political marriages. He was decent, honest, without pretension, without malice, one of the straightest men I have come across. He was not totally infallible. Just after the 1974 Parliament, he sidled up to a newly elected colleague sitting on the Back Benches and said, "I've been reading all about you. You're exactly the person we need to sit on the Council of Europe." My colleague was delighted that his talents had been recognised so early in the Parliament. Five minutes later Jack came back. "I'm frightfully sorry," he said. "Just remind me of your name."

Jack was a good friend. He was a popular MP for Croydon. He was a great Speaker. Our thoughts are with Lyn and his children and grandchildren as we mourn his passing.

12.41 pm

Mr. David Winnick (Walsall, North) (Lab): In October 2000, in a debate about the election of a Speaker, I praised—and rightly so—Betty Boothroyd, the outgoing Speaker, and said that in my view, for what it is worth, her two predecessors who had most defended the right of Back Benchers were Selwyn Lloyd and Bernard Weatherill. It was characteristic of Jack—everyone knows that he was known as Jack—that he sent me a note, which I have retained.

It is no secret that Labour Members wanted Jack as Speaker in 1983, just as it is said that the Prime Minister, Margaret Thatcher, did not. We thought he would defend the right of Back Benchers, and we were never disappointed. I am very pleased that he held the

Chair with such distinction. I first came across him during my Croydon days, in the 1960s, when I had a Croydon constituency with a marvellous majority of 81. From the beginning I found Jack—a political opponent, obviously—very easy to get along with. Over the past few days I have tried to recall whether I ever had a quarrel with him. All that I could remember was that we had a tiff some time in the late 1960s. Given my record, one disagreement is not bad. I am glad to say that we got on extremely well.

Obituaries do not always get it right, as we know, whether of politicians or of other people. What has struck me about the obituaries of Jack Weatherill is that they have been spot-on. To a large extent, they reflected his personality, which has been spoken about today. He was naturally a kind man. He was modest, as I found on many occasions, and very helpful in situations relating to oneself or family, as the case may be. Those who wrote the obituaries understood him well, I am glad to say.

I always got the impression that Jack recognised that he had had a number of advantages in life from the beginning, but he never forgot for one moment those who had not. I do not know what sort of Conservative one would describe him as—perhaps not in the Thatcherite tradition. I have no doubt in my mind that Jack had a genuine interest in people outside who never had the advantages that he had, and was very sympathetic, as he was to migrants in his constituency and elsewhere, bearing in mind his Army service in India.

Jack always carried a tailor's thimble. I remember that he said once that it was his mother who suggested that he should always carry it in his waistcoat pocket. If his mother had not suggested it, he probably would have kept it anyway. He knew his family background. His father had been an active trade unionist, sacked because of his union activities, and apparently his father had also been a Fabian socialist. I would have wished that Jack was a Labour Member, but he was not. Nevertheless, he was a person with the qualities that have been described. I kept in touch with him, as other Members did, when he was in the Lords. He was a good man, he was a kind man, and we shall miss him greatly.

12.45 pm

Dr. William McCrea (South Antrim) (DUP): I speak on behalf of my right hon. and hon. Friends, who cannot be present today because this afternoon they are burying a young friend who was a Member of the Northern Ireland Assembly.

I came to the House for the first time in 1983. Between 1983 and 1987 I had the privilege of serving under the speakership of Bernard Weatherill. I can honestly say that during that time Jack Weatherill was every bit a gentleman. He was very sympathetic, yet he was very strong. He had the strength and determination as the Speaker to control the House, but he had a sympathy for new Members who were trying to make their way and their mark in the House. That speaks much of him and the character of the gentleman.

Jack Weatherill was a great and distinguished parliamentarian who made his mark by becoming Speaker. I remember that he was not the choice of some of his colleagues, especially the Prime Minister at the time, but he certainly was the choice of the House and he had the confidence of the House. He not only allowed the House to hold the Executive to account, but defended the rights of Back Benchers and of the smaller parties, to which he gave an honoured place in the House.

Like many other hon. Members today, I salute the memory of Jack Weatherill and mourn his passing. To his wife, Lady Weatherill, and her family circle, on behalf of my right hon. and hon. Friends I offer my sincere condolences.

12.47 pm

Tony Lloyd (Manchester, Central) (Lab): On behalf of the whole parliamentary Labour party, I want to join in the tribute to Jack Weatherill and offer our sympathy to his family.

I first entered Parliament in 1983, at the time that Speaker Weatherill first took the Chair. I echo the remarks that have been made. It was obvious that, as Speaker, he had command of the House, particularly when it was a little buoyant, a little excited and a little excitable. He controlled the House well on those occasions, but it is right to say that he was also a man with a great sense of justice. He recognised that the Speaker of the House had a responsibility not only to the great and the mighty, but to the relatively humble, particularly those who were new in the House.

I recall that, new as I was and coming from a local government background, when I made one of my early speeches I addressed the Speaker as "Mr. Mayor". That was probably at 9.30 at night, when there were few Members present, so only a small ripple went round the Chamber. At the end of my speech the Speaker called me over, looked at me sternly and said, "Mayor? Not at all." I thought that was terrible. Then, with a smile, he said, "I wouldn't aspire to those dizzy heights."

That is a minor footnote among all that has been said, but it conveys the humanity of the man, who understood what it was like to be new and perhaps over-awed by this place, and therefore what it was like for someone in the position of Speaker to bring on and encourage those who needed it. In the end, it is the humanity that has come across today and in the various obituaries that we have all read, which is the mark of a man who was a good, sound parliamentarian, a very good colleague and a good advertisement for what we as a democratic Parliament should be about.

12.49 pm

Peter Viggers (Gosport) (Con): For a while after the election of every Speaker, there is a period when the House wonders what kind of stamp or mark they will put on the House, so for a few weeks after the election of Mr. Speaker Weatherill the House was wondering how he would be as Speaker. During that period, there was a vigorous debate—it was a noisy event—and a very much loved, popular Member on the Labour Benches, Eric Heffer, was in full flow. If Eric Heffer had a fault, it was that he had a bit of a temper. He was being baited mercilessly by one of our younger whippersnappers on the opposite side of the House. Eventually, Heffer completely lost his cool, spun round and shouted, "Shut up, you stupid git!" From the

[Peter Viggers]

Chair, Mr. Speaker Weatherill said, "Order, order. I think I'm meant to say that." *[Laughter.]*

Jack was universally respected and popular. I should like to join those who have expressed their condolences and best wishes to his charming family.

12.50 pm

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): I am very glad to be able to pay this short tribute to Speaker Weatherill.

Speaker Weatherill was my first Speaker. I entered the House in 1987 alongside the late Member for Tottenham, the former Member for Brent, South, and the current Member for Leicester, East. It is a long time ago now, but we were regarded with extraordinary trepidation by the House authorities, not least our own party managers. We were considered the very last word in black and ethnic extremism. The particular concern of the House authorities was that we would turn out to be the equivalent of the 19th-century Fenians and submit the House to endless disruption, all-night sittings, chaos and so on. I clearly remember that Speaker Weatherill went to enormous trouble to make us feel welcome and involved, even to the point of sharing a few late-night glasses of port with the late Member for Tottenham. The point of that was not just his courtesy, but that what he taught us was that every Member of the House was the equal of any other—that we were all primus inter pares. That reflected not just his kindness but his concern for the House as a living, democratic institution in which everybody ought to feel able to make a contribution; and I think that all of us, in our different ways, made some contribution to the House over the years.

I want to recognise and remember Speaker Weatherill's care for the House, not as a mausoleum but as a constantly evolving reflection of and avenue for the democratic process. Of course, as everyone has said, he was a tremendous supporter of the rights of Back Benchers, and I am glad to be able to pay this tribute.

12.52 pm

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): There have been many fine tributes in this Chamber this afternoon, all of them very well deserved. What comes through is a man of great humanity and great courtesy—a man who was respected in all parts of the Chamber.

I do not think that I can add very much to the fulsome tribute that you, Mr. Speaker, paid Lord Weatherill on Tuesday in the Chamber. However, on behalf of my party, Plaid Cymru, and the Scottish National party, I wish to associate myself fully with your words of tribute and condolence.

Lord Weatherill was, as we know, an outstanding Speaker, bringing gravitas to the office. He also brought wisdom and discipline to the Chamber, but always tempered by humility and by humour. He was ever mindful of the rights of Back Benchers and ever generous towards them. He was a founder member of the Industry and Parliament Trust and a founder member of the Industry and National Assembly for Wales Association, which is fairly new. He was also a great supporter of devolution, and he was a constant source of advice and assistance to my predecessor in my seat, Lord Dafydd Elis-Thomas, the Presiding Officer of the National Assembly.

Lord Weatherill will be sorely missed by all who had the privilege of knowing him.

12.54 pm

Robert Key (Salisbury) (Con): Mr. Speaker Weatherill was dragged to the Chair in the same year I was elected. Fulsome tributes have been paid, and I concur with them all. Like all good parliamentarians, he had a full life outside Parliament. That fact was brought home to me last September, when I attended the 80th birthday party of a mutual friend. I was struck by the enormous loyalty that he showed to his old school friends and that they showed to him. I realised, too, that his family were so important to him.

His sartorial elegance was legendary, but he also had a sense of fun, and, being a tailor, he was intensely practical. I remember that in the hot summer of 1983 I went to him in the Chair and said, "Mr. Speaker, it's really very hot and stuffy in here—could you ask for the ventilation to be improved?" He said, "You should wear short-sleeved shirts, like me." I have always taken that advice as the temperature rises.

12.55 pm

Mr. Michael Jack (Fylde) (Con): On occasions such as this, one thinks it sad that the person we talk of, Jack Weatherill, cannot be here now to listen to what we have all said; I expect that his spirit may well be. Lady Weatherill will no doubt draw great comfort from the very proper tributes that have been paid to this very human of beings.

I often think, Mr. Speaker, that the job that you and your predecessors have to do is like that of a good headmaster. You have to know your pupils and your staff: you have to know what makes them tick. I have learned one or two things from the tributes that other right hon. and hon. Members have paid so far. I, too, was a recipient of one of Jack Weatherill's little notes. I had been here for a couple of years and had made a particularly robust speech from the Back Benches, which in the days of Margaret Thatcher's Government was quite a brave thing to do. I got a little note of encouragement, and felt absolutely wonderful as a result. One gets very little feedback in this place. Our Whips will tell us if we are not doing the job properly from their standpoint, but nobody comes up and says, from an impartial point of view, "You're doing a good job", or "You're doing a bad job." To get a note from the Speaker, a person whom one immediately respects—one's new headmaster when one comes into this House—is very special indeed. He did, in a way, maintain a pastoral watch over Members of this House and make certain that we got the odd little bit of feedback and comment that was ever so useful.

I recall, equally, that when he left this place that kind of feedback and interest in what one was doing as an individual did not stop. I would see him in the Lobby or walking somewhere around the place, and he would stop and say, "How are you, Michael? How's it

going? What's happening in the party?" He remained very interested in what happened in this place and demonstrated, as colleagues have indicated, that he was, without doubt, a parliamentarian to his dying day.

12.56 pm

Ann Winterton (Congleton) (Con): I should like to pay my own very brief personal tribute to the late Speaker Weatherill. I was one of the cohort of 1983, among many colleagues who are in the House today. I well remember sitting almost diagonally opposite at the time when Jack Weatherill, as we all knew him, was dragged to the Chair. He was indeed a gentleman in the true sense of the word and was very much respected. He had a depth to him that at first, perhaps, people did not realise, and he had an independence of character. He was personally extremely kind, and opened up Speaker's House to Members on both sides of the House and their families. I remember going to Speaker's House on many occasions and meeting Mrs. Speaker, as she was known—Lady Weatherill. I would like to express my deepest sympathy to her and her family on their great loss.

At one of those informal occasions, I was able to say to Mr. Speaker Weatherill that we had in fact met many years previously. When I was about 11, I won an award at the Royal Windsor horse show for best rider in one of the show pony classes. The prize was a pair of jodhpurs to be made by, I think, Bernard Weatherill Ltd. So I was taken by my father by train to London—a big day out—and went to this very smart tailor's emporium, where I met Jack Weatherill. I told him that I still had that small pair of jodhpurs with buckskin strappings, which we had in those days, how very proud I was of them, and how they had done stalwart service. He was extremely pleased by that story. The fact that he carried a thimble in his pocket for the rest of life to remind him of what he was showed the character of the man. He will be greatly missed. He was a great man who was much loved, and the tributes that have been paid today bear out those comments.

1 pm

Derek Conway (Old Bexley and Sidcup) (Con): Several colleagues from my 1983 intake have spoken about how they found Speaker Weatherill when they were new to the House and the proceedings and he was new to the Chair. Hon. Members have rightly said that, as an occupant of the Chair, he had complete control of the Chamber and its proceedings. When I became a Whip, I found him extraordinarily helpful in the kind advice that he gave. As several hon. Members have said, he not only presided over the Commons but gave helpful advice when he was not in the Chair.

Like you, Mr. Speaker, and Mrs. Martin, he and his wife were equally generous in Speaker's House. When my daughter, Claudia, who is now 18, was baptised here, Mr. Speaker Weatherill generously allowed us to have the post-christening reception in his apartment. My middle son, who is now 21 but was then three-and-a-half, complained on my daughter's arrival that he would have preferred a rabbit and was disappointed to have a baby sister. Speaker Weatherill heard about that, so after the christening, at the reception in Speaker's House, he proposed a toast of health to Claudia—squalling baby that she was then—and, from behind his back, produced a stuffed rabbit and presented it to Freddie, who has it to this day. That was the mark of the man.

The number of times that people have commented on not how Mr. Speaker Weatherill conducted himself in your great office, Mr. Speaker, but his human side is enormously pleasing. I am sure that, although Lyn and his children and grandchildren will mourn the loss of Jack as a husband, father and grandfather, they will take enormous comfort from and great pride in the fact that, as the tributes have made clear, he was personable, kind and, above all, a great family man. That was reflected in his conduct in the great office that he held. He will be fondly remembered by those of us who saw him as our first headmaster as well as our first Speaker.

1.3 pm

Dr. Julian Lewis (New Forest, East) (Con): As a member of the 1997 intake, I can offer only the tiniest cameo from my knowledge of Lord Weatherill because I did not meet him until I attended a private dinner in 2003. In the course of the conversation, I happened to mention that my father, who was then only 90, had been a tailor for 71 years and recently had, sadly, had to go into residential care in the evening of his life. Lord Weatherill immediately insisted that I should give him not only my father's name but that of the residential home and the address. He said, "I'm going to write to him as one tailor to another." That is precisely what he did. When, from time to time in the years that followed, I bumped into him in the Corridors of the House, he unfailingly inquired after the welfare of Sam Lewis, my father. If you judge the largeness of a person's character by the thoughtfulness of their small acts of kindness, I will always remember Lord Weatherill for that act of wonderful kindness, if nothing else.

Mr. Speaker: I will undertake to send the extract of *Hansard* to Lady Weatherill. We will remember Speaker Weatherill with pride.

Point of Order

1.4 pm

Mr. David Heath (Somerton and Frome) (LD): On a point of order, Mr. Speaker. As the Leader of the House said, a couple of weeks ago in business questions I asked for the whereabouts of the identity card scheme cost report. It has today been published in a written ministerial statement. I have no further questions to raise on that specific issue—we now have the report. However, there is an issue for the House. What recourse do hon. Members have when the Government fail not only to fulfil an expectation of providing material to the House but a statutory duty to provide material in a timely way. Could that matter be examined? What recourse is available to us when the Government fail in their statutory duty to the House?

Mr. Speaker: I am obliged to the hon. Gentleman for raising the matter. Perhaps he will allow me to look into it.

Justice and Security (Northern Ireland) Bill (Programme) (No. 2)

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(7) (Programme motions),

That the following provisions shall apply to the Justice and Security (Northern Ireland) Bill for the purpose of supplementing the Order of 12th December 2006 (Justice and Security (Northern Ireland) Bill (Programme)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement at this day's sitting.

Subsequent stages

2. Any further Message from the Lords may be considered forthwith without any Question being put.

3. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*[Steve McCabe.]*

Question agreed to.

Orders of the Day

Justice and Security (Northern Ireland) Bill

Lords amendments considered.

Clause 7

LIMITATION ON CHALLENGE OF ISSUE OF CERTIFICATE

Lords amendment: No. 1.

1.6 pm

The Parliamentary Under-Secretary of State for Northern Ireland (Paul Goggins): I beg to move, That this House agrees with the Lords in the said amendment.

I am very conscious of the fact that, as we are deliberating this afternoon, the funeral of George Dawson, Member of the Legislative Assembly, is taking place. Earlier, the hon. Member for South Antrim (Dr. McCrea) referred to the tragic event that occurred this week. We send our condolences to George Dawson's family, friends and political colleagues, and especially to his wife and two children. Hon. Members will understand that, because of the funeral, several hon. Members who would usually be present cannot be in the House this afternoon.

In our deliberations in both Houses, we have had many discussions about clause 7 and the circumstances in which the Director of Public Prosecution's decision in favour of non-jury trial should be challengeable. I am sure that hon. Members will be pleased to hear that I do not intend to go through all the arguments again. Suffice it to say that it has been our clear intention to put the case law in Shuker on to the statute book.

We have listened carefully to the concerns that have been expressed, including those in the report of the Joint Committee on Human Rights on the Bill. Paragraph 1.37 states:

"A prohibition on judicial review except on grounds of dishonesty, bad faith or 'other exceptional circumstances' does not make sufficiently clear in our view that judicial review for lack of jurisdiction or error of law will still be available."

The amendment would reassure the Committee by confirming that a challenge on such grounds will be possible, provided that it meets the threshold of "exceptional circumstances". It will be for the courts to decide whether that threshold is met in any given case. I want to make it clear that that does not mean that lack of jurisdiction or error of law will of themselves constitute exceptional circumstances in every case. That will be a matter for the courts to decide, based on the arguments put to them.

I hope that the further change to the clause provides additional ground for consensus and confidence.

Mr. Laurence Robertson (Tewkesbury) (Con): On behalf of the official Opposition, may I send our condolences to George Dawson's family and his colleagues in the Democratic Unionist party?

As the Under-Secretary said, we discussed clause 7 at length in Committee and there is no need to drag matters out. I am grateful to the Under-Secretary for taking our comments and those of the Liberal

Democrats on board. We devised what we thought at the time to be the final solution, but their lordships have considered the matter and added a few more words to our proposal. I hope that that makes the provision as judicial as it can be in the circumstances. We have no objection to the amendment.

Mark Durkan (Foyle) (SDLP): May I take the opportunity to join the Under-Secretary and the hon. Member for Tewkesbury (Mr. Robertson) in recording my condolences to George Dawson's family? He was a fine and friendly man and I had been looking forward to serving with him in the new Northern Ireland Assembly on the Committee for Enterprise, Trade and Investment.

The Minister has explained the amendment before us, but I hope that he will take the opportunity to explain further how a defendant is meant to mount a challenge, even with the new additional wording, in circumstances where, as he has told us, there will be absolutely no information on the certificate. How is someone judicially to review a certificate in those circumstances? How can that happen when there is no information on the certificate as to what it is that the Director of Public Prosecutions is concerned about or what judgment he has made about whether a person is or was a member of a proscribed organisation or an associate of such a person? If there is no information about what has motivated the DPP's certificate, how can anyone mount a meaningful challenge?

Lembit Öpik (Montgomeryshire) (LD): I echo the concern, which has been discussed at length in the past, about the complete opaqueness of the process of issuing a certificate. That, as we have already argued, is one of the fundamental flaws of this legislation. I hope that the Minister will provide some further clarification today, but I am not optimistic that, even now, the Government realise the weakness that we are pointing out.

I should have expressed at the start the condolences of the Liberal Democrats to George Dawson's family. He died of cancer at the very young age of 45. My own brother, as the House knows, died at 37 and I know how difficult it was for my family to deal with that. I am sure that we are all unanimous in understanding the grief that the Dawson family now feels.

The advantage of the amendment is, as the Minister said, that it makes it quite clear that while judicial review will be exceptional, it will be fully available in cases involving matters other than dishonesty or bad faith. The reference to "exceptional circumstances" rightly includes cases where there was a "lack of jurisdiction" or other significant "error of law". For that reason, it evidently extends the breadth of the clause's operation, which is welcome, but as I said at the outset and as the hon. Member for Foyle (Mark Durkan) has just pointed out, it still does not overcome one of the fundamental deficiencies of the legislation—the opaqueness of the issuing of a certificate in the first place.

Paul Goggins: I am grateful for the support of the hon. Member for Tewkesbury (Mr. Robertson), but I fear that other colleagues, including my hon. Friend the Member for Foyle (Mark Durkan), may want to drag us back to Second Reading and Committee consideration of the legislation. Where we are at now is that we have achieved a great deal of consensus, including around clause 7, and are coming towards the conclusion of our deliberations. There is a clear test, which is set out in the legislation, and a decision has to be made. We have never hidden from the fact that the decision may rest in particular circumstances on intelligence or other information that is not in the public domain, or that we do not believe that the issuing of the certificate should be the occasion for putting such information into that domain.

The question has been how best to balance the need to keep a certain level of protection of the information, while allowing people in certain circumstances to be able to challenge the issuing of the certificate. We now think that, with this further Lords amendment, the balance is as right as it possibly can be. I am pleased that we were able to achieve a consensus in the other place and I hope that it is maintained here this afternoon. I know that my hon. Friend the Member for Foyle has pursued this issue and I fully understand the reasons why. However, I ask him to understand that what we have sought to do is to provide the necessary balance, including what I accept are narrow grounds for challenge, but grounds for challenge nevertheless.

Mark Durkan: Is the Minister confirming that the certificate issued by the DPP will contain absolutely no information? Will it simply say, "This is a case for a no-jury trial"? Is that all that it will say and is that what someone is supposed to challenge through judicial review?

Paul Goggins: That is all. The certificate will be issued by the DPP and it will not include any of the sort of information to which my hon. Friend refers. He knows that from our earlier discussions. All that we are doing today is further to clarify the grounds on which an appeal can be made. There has been some suggestion that what we are seeking to do here is completely to remove grounds for appeal. We are not seeking that at all, but we are limiting those grounds.

Lembit Öpik *rose—*

Paul Goggins: I will give way in a few moments, but I fear that, perhaps understandably, colleagues want to take us back to discussions that we have had long since. What we are seeking to do is to express our support as the Government for amendments agreed in the other place after extensive discussion and deliberation both on the Floor of the House and elsewhere, which brings us closer to the balance that we seek to strike between making sure that the grounds are narrow, but none the less there in appropriate cases. I shall give way to the hon. Gentleman and then swiftly bring my remarks to a conclusion.

Lembit Öpik: Let me explain that the reason why the hon. Member for Foyle (Mark Durkan) and I are making this point today is that we both feel that it could well become a problem. We are trying to register our concern now so that, in anticipation of the Government having to change the legislation in future, there will at least be some clarification in the record of today's debate that some hon. Members were already

[Lembit Öpik]

foreseeing a problem. At the end of the day, even with the improvements of the Lords amendment, challenging a certificate will still be down to guesswork and assumption because the certificate provides precious little evidence for how it might be challenged.

1.15 pm

Paul Goggins: The hon. Gentleman speaks for himself and his remarks are on the record.

Initially, clause 7 provided grounds for appeal based on dishonesty and bad faith. Consistent with the Shuker judgment, we have now included other "exceptional circumstances". In view of the deliberations in the other place, we now confirm that those other exceptional circumstances may include

"lack of jurisdiction or error of law".

We have now reached the point where the balance is clear and we have clarified all those points in the Bill. I hope that, as I say, that will give us a greater degree of confidence and consensus.

Peter Bottomley (Worthing, West) (Con): The House has heard the Minister and I do not want to provoke him into answering much of what I am going to say, but I want to make two or three sensible and serious remarks.

First, the likelihood of judicial review happening will, I suspect, be low, particularly if many of the hopes built up over recent months are carried forward, but it remains an important issue. The Government tend to operate to a degree by precedent and, if this goes unchallenged and unremarked, I do not believe that the House will have done its duty. I am glad that some hon. Members have put questions to the Minister and that he has responded to them.

Secondly, it may be possible to think of a parallel, albeit not a direct parallel. I remember being involved in the case of a senior officer of the Metropolitan police who had warrants issued by judges and certificates signed by Ministers saying that a particular person was a very serious threat to national security, providing reasons to grant those warrants. It turned out, however, that the information given to Ministers was completely wrong. Without opening all that up again, I hope that there will be some system whereby afterwards—whether it be immediately afterwards or after the trial or perhaps even some years after that—the information becomes open to review. If and when either judges or Ministers issuing certificates realise that they should not have done so, I hope that they will find some way of saying so.

Finding out what happens at the time is one issue, but trying to pick up the picture later is another. There needs to be some invigilation of the uses of the certificate to exclude review. I happen to believe that there are too many applications for judicial review for too many cases, but there are certainly times when they are important. There are the examples of Clive Stafford Smith's work on Guantanamo Bay, which has embarrassed other American lawyers, including military defence lawyers; and the work of Gareth Peirce in this country, opening up to judicial supervision cases that would otherwise have gone unchallenged. I am sure that the Minister would accept that we have a responsibility to ensure that powers are used properly and limited wherever possible.

Dr. William McCrea (South Antrim) (DUP): May I say on behalf of my right hon. and hon. Friends that I deeply appreciate the remarks expressed across the House about my friend in the other place, George Dawson? He was an excellent servant of the people, who represented the people [illegible]. I know that his family will find comfort in the remarks that have been made.

My colleagues and I accept the provisions in clause 7. They have already been debated in Committee, and we will therefore support the Government on this matter.

Lords amendment agreed to.

After Clause 8

Lords amendment: No. 2.

Paul Goggins: I beg to move, That the House agrees with the Lords in the said amendment.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss Lords amendments Nos. 6 to 8.

Paul Goggins: This group of amendments provides that the non-jury trial system in the Bill will expire after two years unless the Secretary of State makes an affirmative resolution order to extend it for subsequent two-year periods. The system contained in the Bill has always been intended to address the particular circumstances of Northern Ireland, especially the paramilitary and community-based pressures that jurors in Northern Ireland face.

Throughout the passage of the Bill, the Government have made clear their commitment to return to jury trial in all cases in Northern Ireland as soon as the security situation permits. Initially, it was our view that the special provisions should be allowed to wither on the vine. We have listened carefully to the debates on this matter, however, and that has given us cause to reflect on our initial view. We have paid attention to the quickening pace of change in Northern Ireland and the move towards more normal circumstances. Such a move has been evidenced by, among other things, Sinn Fein's commitment to support the police and the rule of law, and by the events earlier this week involving the devolution of power to Northern Ireland.

We also accept that the inclusion of a sunset clause will give greater clarity and certainty, and provide for a continuing role for Parliament in scrutinising the provisions. The amendments will provide for that. The amendments also provide for transitional arrangements for cases that begin under the new provisions to be allowed to come to a conclusion, even though the provisions might have lapsed. They also make a number of minor technical and legislative changes, and I am happy to support them.

Mr. Laurence Robertson: I thank the Minister for listening to the debate on this issue. When we were discussing the matter on Second Reading and in Committee, we were concerned about extending the

principle of non-jury trials beyond July 2007 because of the improving security situation. The Independent Monitoring Commission had reported favourably on the activity—or lack of activity, as it described it—of the IRA, and Sinn Fein had publicly declared its support for the police and the criminal justice system. We recognised, however, that there was some way to go regarding dissident republicans and loyalist paramilitaries, so we supported the retention of an ability to hold a trial without jury. We welcomed the change of emphasis, however, and the change to a presumption that trials would be held with a jury unless otherwise stated by the Director of Public Prosecutions—although we disputed who should actually make the decision.

I have one further question for the Minister. If these aspects were to be devolved in due course, what would happen? There is talk—although nothing is set in legislation yet—of further devolution in 2008, yet the sunset period in the Bill is for two years. How does the Minister envisage the arrangements working in those circumstances?

Mark Durkan: I, too, welcome the fact that the Minister has reflected further on the provisions to make permanent the option of non-jury trials in Northern Ireland. When the Government introduced the Bill, they said that those provisions were all about normalisation but, in trying to make permanent the temporary, annually renewable provisions relating to the Diplock courts, they were attempting to normalise the abnormal. I welcome the fact that the Government have thought better of permanently providing for a non-jury court option subject to a review by the Secretary of State, and that they have restored the principle that, if this provision is to be extended, it must be renewed by Parliament.

In the present context, I, like the hon. Member for Tewkesbury (Mr. Robertson), find it hard to accept the justification for continuing the provision at all. We had that debate on Second Reading and elsewhere. The Government's move from introducing legislation last year to end Diplock courts in July this year—or July next year at the latest—to providing permanently for the non-jury option did not seem to rhyme either with the Government's judgment of the more benign circumstances or with the very positive prospects that we see now. I was always at a loss to understand how special, annually renewable, temporary provisions that were introduced in the vicious heat of the worst violence of the troubles would be necessary as a permanent feature in the cool calm of the current circumstances. I welcome the fact that the Government have reflected further on this matter.

I hope that the Minister will clarify the point raised by the hon. Member for Tewkesbury about whether the Government intend the renewal of the legislation to be devolved to the Assembly. Do they intend the power to continue to reside with the Secretary of State for Northern Ireland and this House, rather than being transferred to a Minister for Justice in the Northern Ireland Assembly?

Mr. Alan Reid (Argyll and Bute) (LD): I support the amendments, as they certainly improve the Bill, and I am pleased that the Government have listened to the points raised in earlier debates. The amendments provide reassurance that the Government truly expect the provisions to be temporary. I am also pleased that the affirmative resolution procedure will be used to renew them. That will ensure that the Government need to review the operation of non-jury trials in Northern Ireland and consider whether they are still necessary. It will also ensure that the final responsibility lies with Parliament as a whole to make the decision. I certainly support the amendments.

Dr. McCrea: I would like the Minister to clarify a point that has already been touched on. In the event of the devolution of policing and justice functions to Northern Ireland, would the renewal of the non-jury trial provisions in the Bill be a matter for Westminster or for the Assembly? We need to have that point clarified in the House today.

Peter Bottomley: I want to speak to Lords amendments Nos. 6 and 7, although they are not the most important issues in the Bill. The amendments affect clause 50. Lords amendment No. 6 would limit the extent of the provision to England, Wales and Northern Ireland. That would exclude Scotland. An explanation for that might have been given in the Lords; I am sorry that I did not check up on that. Will the Minister tell us whether that aspect of the provision is an oversight, or whether there is some reason why trials of this nature cannot take place in Scotland? If that information is not available this afternoon, I would be happy to accept a letter of explanation from him.

Lords amendment No. 7 states:

Page 32, line 29, after "Schedule 1" insert "(and section 8 and (*Duration of non-jury trial provisions*)(1) to (4) so far as relating to those amendments)".

It is reasonably clear what the first part does, and presumably it is all governed by the clause relating to the extent to which these trials may take place in certain parts of the United Kingdom. If it is clear to the Minister, perhaps he could give us an explanation, but if not, I would find it useful if he could write to me. This is a very technical point and it is beyond my comprehension.

1.30 pm

Paul Goggins: I am grateful for the increasing echo of support and consensus for the amendments. I am pleased that, at long last, I have been able to do something that has pleased my hon. Friend the Member for Foyle (Mark Durkan), which has not happened too often during the course of the Bill. I should also place on record the fact that at this moment, as at others, we would have benefited from the advice of the hon. Member for North Down (Lady Hermon), who is assiduous in such matters. She is unable to be here with us this afternoon, but her contribution to debates on such issues is important.

I have been asked further questions about two substantive issues. On the issue raised by the hon. Member for Worthing, West (Peter Bottomley), there are separate provisions for non-jury trial in England and Wales and Northern Ireland, and those are contained in the Criminal Justice Act 2003. That legislation contains references to the special provisions

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for non-jury trials in Northern Ireland. As we are changing those special provisions, we must also change the references in that other legislation. I am happy to confirm that in further detail in writing.

A number of Members requested further information on the second issue, which was whether the decision on renewal will remain with Westminster or be devolved. The renewal decision will remain with Westminster. Clearly, three of the four conditions in the first limb of the statutory test relate to proscribed organisations, and the system of non-jury trial falls within that part of the Northern Ireland Act 1998 dealing with national security matters. It is therefore clear that the matter should remain one for Westminster, and that renewal should be considered by the House. That does not mean that we cannot discuss such matters with a future Justice Minister, First Minister or Deputy First Minister, as we reach a conclusion about whether to bring forward further affirmative resolutions. The decision, however, will be one for the House.

Lords amendment agreed to.

Before Clause 42

Lords amendment: No. 3

Paul Goggins: I beg to move, That this House disagrees with the Lords in the said amendment.

Madam Deputy Speaker: With this we may discuss Government amendment (a) in lieu thereof.

Paul Goggins: We are certainly with the Lords in spirit in relation to the original amendment, which is entirely in keeping with the policy that the Government have been pursuing administratively on community-based restorative justice. We wish, however, to address a number of minor drafting points.

The amendment provides that the Secretary of State shall maintain a public register of schemes that appear, to him, to be community-based restorative justice schemes, and that meet published requirements. The Government have already put those requirements into the public domain in a protocol for community-based restorative justice schemes, which was published on 5 February 2007. The Government further propose to maintain the register of accredited schemes and to make that fully accessible to the public.

Schemes will be added to the register when it can be demonstrated that they can meet the stringent requirements set out in the protocol. In making that determination, the Secretary of State will request a pre-accreditation inspection report from the chief inspector of criminal justice in Northern Ireland, which shall examine a scheme's ability to meet those standards. The new clause provides a power for the chief inspector of criminal justice to inspect schemes both prior to registration and subsequently, to ensure that they continue to meet the required standard. Reports of those inspections will be made to the Secretary of State, and the amendment provides that existing statutory arrangements for the laying and publication of inspection reports by the chief inspector will apply. By virtue of section 49(2) of the Justice (Northern Ireland) Act 2002, the Secretary of State must already lay all such reports before both Houses of Parliament and arrange for them to be published.

I acknowledge that the Government's amendment does not refer to the ability of the chief inspector to make specific recommendations about schemes—and to recommend removal from the register—as was provided in the Lords amendment. There are not explicit references, however, in the primary legislation governing the function of the chief inspector in relation to the making of specific recommendations about any other organisations that are subject to his inspection. The chief inspector's ability to make such recommendations as he thinks appropriate is plainly inherent within the inspectorate function, rather than requiring to be expressed explicitly in statute. The Government amendment is therefore consistent with the approach taken in existing legislation relating to the chief inspector's other inspection functions.

The Government amendment does, however, require the inspector, following a pre-registration inspection, to report on the ability of schemes to meet the requirements set out in the protocol—I am sure that the whole House would regard that as desirable, but it was not expressed explicitly in the Lords amendment. The chief inspector will clearly make such recommendations as he thinks appropriate, in each case, and the Secretary of State will take full account of his reports, which shall be published. The Government believe that the new clause continues to reflect the objective of the Lords amendment, and I commend it to the House.

Mr. Laurence Robertson: The Minister is aware of the Opposition's concern, which we have raised previously, about the potential for some of the schemes to fall into the wrong hands. We are still concerned about that. I am grateful to him, however, for discussing the new clause with me beforehand. As a result of those discussions, I am happy to support the Government amendment.

Mark Durkan: The Minister seeks to disagree with the Lords amendment and provide an alternative Government amendment. After listening closely to the Minister's comments, I have tried to distinguish between the two amendments on offer, and I am not sure that I can fully do so. I am reminded of the old advert for Campbell's soup, "The difference is in the thickness". It is not clear to me that the difference can be justified by the Minister's reference to the inspector's powers to make recommendations being implicit elsewhere, so that they do not need to be made explicit in the Bill. In earlier debates, the Government were at pains to say that they were trying to use the Bill to make things explicit in legislation that were already in case law, as established by the Shuker case. We are now being told that we ought to make pains not to make things explicit in legislation when they are implicit elsewhere.

In relation to the previous amendments, a number of Members asked questions about the Government's intentions or assumptions as to where the relevant powers would lie after the devolution of justice and policing. Is it the Government's assumption that the

Secretary of State's powers in the two different amendments will transfer to a Minister of Justice in Northern Ireland on the devolution of justice and policing, and that such a Minister will provide the register of community-based restorative justice groups, or might that power also remain with the Secretary of State for Northern Ireland?

Lembit Öpik: May I remind the House of how far we have come? We are now talking about restorative justice schemes being regulated in a formalised way. If we remember the previous position, that is a great step forward. The fact that we are arguing about the details is a source of great hope, because in the past there was no question but that acts of vigilantism, rather than formalised restorative justice schemes, were taking place in Northern Ireland. Let us give credit to those in Northern Ireland who have made that change, and to the Government for getting us this far. Thinking about how far we have come, I look at Airey Neave's name there above the exit to the Chamber, and I remember how he died. Now we are talking about nuances to try to get the legislation right.

The British Brands Group is very concerned about copycat products. It seems to me that the Government amendment is a classic example of a copycat product. Like the hon. Member for Foyle (Mark Durkan), I thought the original amendment was pretty good. It made the points very well, and was written by a man who was very well versed in the problem, Lord Trimble. The copycat product is the Government's amendment, which seems to be saying almost the same thing in slightly different words. I share the bafflement of the hon. Member for Foyle that the Government did not simply accept the original proposal.

As far as we can tell, the main differences between the two amendments are that the Government do not like the phrase

"justice schemes shall be inspected regularly",

and do not want to enshrine the work of inspection in the mandate of the Criminal Justice Inspectorate. Why not? As we have heard, they want the provisions to be implicit in the legislation, but why should we opt for assumption when those provisions are set out explicitly in the amendment that the House of Lords passed thanks to David Trimble?

I have no objection to the Government's amendment, but I do object to their monkeying about with an amendment that was perfectly good in the first place. Methinks their amendment is driven more by ego than by rational consideration, and I should like to think that even at this late hour the Minister may think again.

Mark Durkan: After all, the very amendment to which the Government are objecting to in this House was commended by the Minister who steered the Bill through the House of Lords.

Lembit Öpik: Indeed. This shows a lack of joined-up thinking, or joined-up thinking that is so poor that I call for the Prime Minister's resignation. I believe that I will secure it, and then I shall take the credit.

It would not harm the Government sometimes to accept amendments that are perfectly good even if they do not come from the Government's own stable. It would show good faith and good will, at no cost to the integrity of the legislation.

Mr. David Anderson (Blaydon) (Lab): I welcome the amendment, particularly as a member of the Northern Ireland Affairs Committee. Last year we conducted an investigation of community-based restorative justice schemes, looking at those in Andersonstown and Bangor. It was clear that while the schemes required some form of regulation, which the amendment will clearly provide, they were effective on the ground. That was because many of those involved had spent 30 or 40 years performing deeds that they now regretted—everything up to and including murder—and were now able to intervene early in the lives of young people, telling them "Do not follow the path that I took". We saw for ourselves the success of that programme. Reoffending rates were at least 10 times higher among people who went to prison than among those who had benefited from community-based restorative justice schemes.

I hope that whatever we agree today—and I am sure that we will agree to the Government's amendment—the aim is to make the schemes work rather than to limit their ability to work. And as well as being enabled to work within the letter of the law, they should be funded properly. That has not happened in the past.

Dr. McCrea: My colleagues and I have expressed concern about community-based restorative justice schemes in the past, and I am still concerned about many aspects of them. However, the Lords amendment endeavoured to assist, and I think that explicit legislation is always preferable to implicit legislation. I cannot understand why the Government did not want this House to accept that amendment. However, given the support of Her Majesty's Opposition as well as the Government, there is clearly no reason for the House to divide.

Peter Bottomley: I support the Minister and my hon. Friend the Member for Tewkesbury (Mr. Robertson). It is House of Commons procedures that have made the position rather more awkward than it ought to be. I think that "To move, That this House agrees with the Lords but will word the amendment in a slightly different way" would be a better way of phrasing the motion.

Some elements of the Secretary of State's amendment make elements of the original amendment more explicit, and are therefore welcome. I especially welcome the requirement for co-operation with the inspector, which appears early in the proposed new clause. The reference to the Justice (Northern Ireland) Act 2002 is another example of explicit provision that should be welcomed.

On this occasion, I have no questions to ask the Minister. I simply think that he is right.

1.45 pm

Paul Goggins: I am grateful for all the comments that have been made. My hon. Friend the Member for Blaydon (Mr. Anderson) was absolutely right, and I pay tribute to the work he has done as a member of the Northern Ireland Affairs Committee. As he said, community-based restorative justice schemes have

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great potential as a diversion from prosecution, dealing with a pattern of offending behaviour at an early stage in a way that diverts people from the criminal justice system altogether. I am sure we all support that, but there have been concerns about various schemes. What we have now is a system of accreditation and inspection that is rigorous, and can determine whether individuals working in schemes are suitable for the task. We have a robust system, including the protocol.

I pay tribute to the Minister of State, Ministry of Justice, my right hon. Friend the Member for Delyn (Mr. Hanson), who is no longer with us now that he is happily charged with other responsibilities. He has done considerable work to establish this system, which will be continued under the watchful eye of the Under-Secretary of State for Northern Ireland, my hon. Friend the Member for Liverpool, Garston (Maria Eagle).

There is no question of ego here. I pay tribute to Lord Trimble for his work—for the amendments that he tabled, and for his efforts to ensure that the Bill provides the certainties and securities that he seeks. My right hon. Friend Lord Rooker accepted the spirit of what was proposed, but made it clear that a check with parliamentary counsel would be necessary to ensure that the amendments did all that we hoped and expected them to do. The advice from parliamentary counsel is that the amendments that he initially brought to our attention are defective, in that they make specific requirements that are not necessary. Indeed, if we made specific requirements in relation to these schemes, we would need to legislate for reports and requirements in relation to a range of others that are not included in legislation. The inspector already has the power and responsibility to make reports and recommendations, and the Secretary of State is obliged to publish them and lay them before both Houses. The position is absolutely clear.

Let me say to my hon. Friend the Member for Foyle (Mark Durkan) and others that this matter will rightly be devolved to a future Minister of Justice in Northern Ireland. It does not relate to the matters that we were discussing earlier, and it can and should be devolved as we make progress towards the day of further devolution of policing and justice in Northern Ireland.

Question put and agreed to.

Lords amendment disagreed to.

Government amendment (a) in lieu agreed to.

Clause 42

CHIEF INSPECTOR OF CRIMINAL JUSTICE

Lords amendment: No. 4.

Paul Goggins: I beg to move, That this House agrees with the Lords in the said amendment.

Madam Deputy Speaker: With this we may discuss Lords amendment No. 5.

Paul Goggins: The Secretary of State is required to make an order abolishing the deputy Justice Minister post three years after the devolution of policing and justice functions, unless the Assembly has resolved that it be abolished earlier or, alternatively, that it be retained beyond that time. As originally drafted, the Bill made such an order subject to the negative resolution procedure. However, the Committee on Delegated Powers and Regulatory Reform considered the order-making power and observed that the circumstances specified in the Bill in which the Secretary of State is required to act are matters of ascertainable fact, not of opinion, and the timing, too, is preordained. In other words, the time scale is set, the period of three years is in statute, and it will be a matter of fact that either the three years have been completed or the Assembly has made a specific request.

In the consequent absence of any element of discretion for the Secretary of State, the Committee argued that the negative procedure was unnecessary. We are content to accept that recommendation, and the amendments give effect to it.

Mr. Laurence Robertson: Having discussed this matter with the Minister, I am satisfied that this is the correct way to proceed.

Mark Durkan: I welcome the fact that the Minister is moving to tidy up an absurdity that had been built into the legislation, for all the procedural and logical reasons that he has pointed out. There was a political anomaly underlying the whole Justice Minister concept—the concept of the creation of a temporary Justice Minister post. I am aware of the circumstances in which the Government produced this idea. It was one of a number of vacuous models that were produced to deal with the issue of justice and policing in relation to departmental structures. We do not need to get hot and bothered about this matter beyond the procedural and logical points that the Minister has raised, because I do not think that this option will have to be pursued, and certainly not for the reasons that the Government thought they should introduce it in the first place.

Mr. Alan Reid: We, too, support the Government on this amendment. As the Delegated Powers and Regulatory Reform Committee has pointed out, these matters are matters of discernable fact and not of opinion, and the timing is laid down. As the Secretary of State has no discretion, there is no point in having a parliamentary procedure, so we support the amendment.

Lords amendment agreed to.

Lords amendments No. 5 to 8 agreed to.

Ways and Means

Rating (Empty Properties)

1.52 pm

The Economic Secretary to the Treasury (Ed Balls): I beg to move,

That provision may be made for and in connection with the liability of owners of unoccupied hereditaments to a non-domestic rate.

This motion precedes a Bill being introduced to the House that will take forward recommendations made by Kate Barker and Sir Michael Lyons that the Government bring the rating of empty commercial property into the 21st century. As my right hon. Friend the Chancellor announced on Budget day, this reform has environmental, social and economic merits. Any Member who supports the continued regeneration of urban areas, the use of brownfield sites for developments to meet both our housing and commercial property needs, and the abolition of distortions in the tax system that artificially hold rents up and apply unwarranted costs to business, will want to join me in supporting the motion.

Perhaps it is worth setting out why Kate Barker and Sir Michael Lyons both considered reform of the rating of empty property to be important. Currently, a commercial property is subject to full business rates when it is occupied but is given relief when it is empty. Different types of property get more or less relief when they are empty. Shops and offices have full relief for three months after they fall empty and then 50 per cent. relief ad infinitum. On the other hand, industrial property enjoys complete relief for as long as the premises are empty. This distinction between the relief given to different types of property—which is, in fact, a very large form of state aid—has its history in the depressions of the 1970s and 1980s, when demand for industrial premises was low and demand from alternative users for such land was also low.

Two important things have changed since that distinction was drawn into the legislation. First, after a decade of sustained growth the demand for, and price of, land has increased dramatically, placing a burden on both households and businesses needing to access property. Efficient land use, and in particular the use of brownfield land to protect greenfield sites, has become a key priority for the Government. Tax relief for empty property—currently worth more than £1.3 billion—needs to be considered in this light.

Secondly, and as a direct result of this increased pressure on land, the Government asked Kate Barker to consider the incentives for efficient land use in her assessment of planning and land use. As part of her analysis, Barker found that the current empty property reliefs are not aligned with risks—there is little difference between the risks of different types of property falling empty. On that basis, the different tax treatments afforded to different types of property do not reflect real conditions in the market and are therefore creating a distortion.

On those grounds alone there is reason enough for Barker to propose reform, but the data become more startling when we look at where the tax relief is going. Sunderland, Redcar and Alnwick were each listed in the top 10 authorities with the lowest proportion of their commercial property stock claiming relief, while the City, Manchester and Birmingham are all in the top 10 authorities with property claiming relief. Clearly, land is not in such over-supply in those parts of the country that we should be offering tax relief to property that is not in use—and in doing so shift the burden of taxation on to other taxpayers.

Mr. Stewart Jackson (Peterborough) (Con): Does the Minister concur with the views expressed by the Royal Institution of Chartered Surveyors, which suggests in respect of the demise of the United Kingdom engineering industry in the 1970s that a major contributory factor was that the inability to mothball factories during recession and the requirement to pay full rates on non-producing premises frequently led to machinery being sold off and buildings being demolished?

Ed Balls: I will come back to the views of that institution in due course. Clearly, at that time the combination of low rents and the fact that in the '70s, '80s and early '90s recessions were a regular occurrence was a concern for businesses. As a result of the stability that we have put in place in recent years, that is now less of a concern.

The level of rents in the UK is also a key driver for reform. A series of recent reports by the private sector—including by CB Richard Ellis in 2006 and DTZ research in 2004 and 2005—have identified UK rents as among the highest in the world. That west end office space in London is regularly ranked as the most expensive in the world reflects a variety of influences; land supply and planning restrictions are two important factors. However, as London is the world's financial capital, it is perhaps less surprising that there are high rents in London than it is to find that office rents in cities such as Birmingham, Manchester, Leeds and Edinburgh are ranked as more expensive than in Manhattan, Madrid, Frankfurt and Sydney by these various reports.

There are significant regional variations in headline rents. In the south-east, Guildford's rents are £10 per sq ft but Brighton's are £5.50 per sq ft. In the north-west, rents are £6.25 per sq ft in south Manchester but £6 per sq ft in Trafford park. In the north-east retail sector, rents peak at £330 per sq ft in Newcastle, and fall to £145 in Sunderland and £65 in Stockton.

There is also significant variation within towns and cities. For example, in Newcastle rents vary from £330 in Eldon square—the central shopping mall—to just £70 on Lower Grainger street, which is within half a mile of Eldon square. Office rents in London range from more than £60 per sq ft in prime west end and the City to £48 in prime mid-town and £50 in prime Canary Wharf. In contrast, rents are £21 in Brentwood and £13 in Harlow. Rental prices have a real impact on business, and finding ways in which we can address the efficiency of the commercial property market is a key objective of the reforms.

I am sure that Members in all parts of the House recognise that land should not sit idle while labour and capital pay. Kate Barker said that reforming empty property rates

"would have a number of beneficial effects".

[Ed Balls]

She went on:

"when there is the prospect of continued vacancy, landlords are more likely to reduce rents in order to encourage occupation. This is beneficial for both new and existing business tenants".

She added:

"landowners have less of an incentive to hold back land in the expectation that property values will continue to rise or to secure a change of use. This will increase the supply of land for development".

She also said that

"development is encouraged on sites which have already been developed, which reduces the need to build on greenfield sites and improves environmental outcomes."

The Government accepted Kate Barker's report and asked Sir Michael Lyons to consider the implications arising from these recommendations as part of his proposals for reforming local government finance. Sir Michael received representations from local planners and local government bodies, from regional economic development offices and from the Federation of Small Businesses. All were in favour of reform and recognised that the measures set out in this Bill will increase the supply of land and commercial property available for occupation and redevelopment.

From such local authorities as Hull city council and Hampshire county council came requests for changing the rating of empty property to increase the supply of land and to reduce speculation. Birmingham city council suggested bringing industrial premises back into the scope of rating empty property, and bodies with wider development objectives also responded. For example, Merseytravel recommended that the unlimited period of rate relief in the current system be done away with. The Federation of Small Businesses had already identified this as an important area for reform in its 2005 report. It realised, as did the Barker report, that increasing the opportunity cost of holding property empty will increase downward pressure on rents. As companies that predominantly rent their premises, the availability of property at lower rents is critically important to small companies across the country.

Mr. Stewart Jackson: What feedback has the Economic Secretary had from urban regeneration companies and development agencies about these potential tax changes, given that there is a prima facie case that the entrepreneurial spirit needed to regenerate some very disadvantaged parts of the country—he mentioned such places as Hampshire but, as he knows, generally speaking it is not that disadvantaged—would have a big impact? However, these tax changes will be a disincentive to intervening in those areas to get businesses—retail and others—into those properties and premises.

Ed Balls: Once again, the hon. Gentleman pre-empts my speech. I shall come to how we can ensure that we support regeneration in the areas that he is talking about; indeed, there are ways we can do so through these provisions. As I said, we have consulted widely and we have received a wide range of positive contributions as part of that process.

Sir Michael also received representations that did not favour change, predominantly from the property industry. Some pointed to the past as a reason for not going ahead with change today, suggesting that reform would impact, as was said, on redevelopment. Others, such as the Royal Institution of Chartered Surveyors, suggested that there are a number of other aspects of business rates reliefs and exemptions that also merit re-appraisal. These are serious issues that we have reflected on, and they will in part be incorporated into the detail of the regulation that will be put before the House in due course, and into some of the accompanying measures that I will discuss in more detail in a moment. However, on balance, the Government agreed with Sir Michael and Kate Barker that reform should go ahead. Sir Michael said:

"Demand for land for development is growing as a result of economic change and household growth, and it is clear that, more than ever, we need to ensure that all previously developed land is used most effectively.

Analysis shows that vacant property is found in areas of high demand as well as in areas of low demand and former industrial areas.

Finding ways to raise the opportunity cost of holding unused land and property in areas of high demand at such a time would be desirable. Reforming the empty property relief would help to provide this, and thus assist local authorities".

It was on the basis of Sir Michael's advice that the Budget announcement on this issue was made.

Let me discuss the detail of our proposals, which will be set out in due course before this House in detailed regulation and legislation. The proposed reform will mean that most properties will enjoy a three-month rate-free period on becoming empty; the period for industrial properties will be six months. Three months was the limit on the rate-free period already established in legislation, but because Kate Barker demonstrated in her report that there is no inherently greater risk of particular types of property falling empty, it is right that there should be convergence in the tax treatment of all forms of property. We are therefore bringing the treatment of industrial property toward that for office and retail property, allowing it a six-month period with no rates. We intend to exempt charities and community amateur sports clubs altogether from paying rates on empty properties that they own.

These reforms will impact on the owners of long-term empty property, including existing and new build premises, but because the Government now have the evidence that we need to create targeted support in areas where it is needed, we are bringing forward reform to empty property rates as part of a wider package of incentives for the future use and re-use of land and property.

Anne Main (St. Albans) (Con): I welcome the fact that the Economic Secretary appears to want to target this relief. If he has the information, will he say now whether an assessment has been made of where most of these empty properties are and what sort they are? For example, are they historic buildings or commercial premises built for speculative let?

Ed Balls: I said earlier that these issues apply to the whole country, in both high and low-demand areas. Particular protections are in place for charities, sports clubs and listed buildings, which will be considered as

part of ongoing consultation on the legislation. However, what we can do is to target particular help on low-demand areas.

We recognise that in some parts of the country there are low levels of demand and that, as a result, commercial property can sit empty for longer periods. By way of response, we have introduced with effect from 11 April—a full year in advance of the proposed changes to empty property rating, which will not come into effect until next April—a new 100 per cent. capital allowance for the renovation of business property in assisted areas across the UK. The business premises renovation allowance is available to owners in these areas of property that has stood empty for more than one year, and it will provide a huge boost to those who want to create attractive commercial property fit for the needs of new and existing businesses.

Given that we also want to maintain high levels of development on brownfield land, especially that which it is costly to remediate, we are consulting now on the extension of land remediation relief to a wider range of contaminated sites. The consultation includes extending the scope of the existing 150 per cent. capital allowance to the clean-up of sites with long-term derelict property on them, as well as to those that have been invaded by Japanese knotweed—which I am sure at least some Members will recognise as a serious threat to many urban and rural locations. We intend also to increase the incentives for on-site remediation, thereby decreasing the pressure on landfill.

To provide flexibility for leaseholders faced with onerous penalty payments to enable them to rid themselves of leases that they no longer need, or which do not provide them with the flexibility that they require, we intend to consult on changing the tax treatment of such payments to ensure that they are fully recognised by the tax system. For those companies actively using property and paying business rates, we have also accepted Sir Michael Lyons' recommendation that the retail prices index cap on business rates be retained. This fits into our wider strategy of improving business competitiveness. We will also examine the case for local supplements on the rates, as set out by Sir Michael, but while paying the closest attention to ensuring that business has a strong and clear means of holding local authorities to account. Reforms to be outlined in the planning White Paper will help to provide an environment for the development of the quality and quantity of property that UK businesses and homeowners demand.

Finally, let me put this in a slightly broader context. Investment in property is essential to business and to creating a modern, dynamic economy. At the centre of the reforms that we have put in place in recent years has been the launch of UK real estate investment trusts. Thirteen companies have already become UK REITs since the beginning of this year. In addition to the measures that we are debating today, REITs are another way in which we can improve the quantity and quality of finance available for property in a revenue-neutral fashion.

We also announced in the Budget that we are taking the same principles that shape UK REITs and building tax equivalence for property authorised investment funds, thereby allowing open-ended investment in property through unit trusts to enjoy the same tax treatment as that enjoyed by UK REITs. These are supportive measures to boost the supply of property suitable for investment that meet the needs of British firms. Today's motion is one part of that reform and modernisation, which spans the whole commercial property market and provides incentives for owners, developers and tenants to produce the right kind of property, and to take advantage of efficiencies in the use of land and property that will increase supply and drive down costs for their consumers.

The Government are working hard to ensure that we provide the right conditions for businesses to grow, for land and property to continue to be developed, and, once developed, for it to be used efficiently. In its submission to the Callcutt review of house-building delivery, the Home Builders Federation signalled the supply of land as the major factor that will determine whether the Government's target of 200,000 new homes built by 2016 will be met. As the Government increase the supply of housing to meet the needs of households across the UK, a tax relief for property sitting empty on developed sites makes neither economic nor environmental nor social sense. That is why this is a principled reform that is overdue and forms part of a positive set of announcements on the future taxation of land and property.

The measure has had extensive work and consultation by my hon. Friends the Financial Secretary and the Minister for Local Government. It is hard to achieve a consensus with the Opposition on the importance of building new homes, given the continual opposition of shadow Front Benchers to house building in our country, but I hope that we will reach consensus at least on this measure.

2.10 pm

Michael Gove (Surrey Heath) (Con): It is a pleasure to see the Economic Secretary in his place today. I am grateful for his breaking off early from the celebratory lunch that I know will be taking place in No. 11 Downing street today, but given the scant number of contributors we may expect this afternoon there will be ample opportunity for him to return to the Treasury before midnight and I expect that the party will still be in full swing.

I also thank the Economic Secretary for being so fluent and authoritative in his remarks. I wish, however, to pick him up on just one error. He seems to labour under the misapprehension that Opposition Front Benchers in some way oppose house building and development. I have no wish to detain him from the celebrations that he will attend later, but I refer him to the variety of speeches that I, my hon. Friend the Member for Tatton (Mr. Osborne) and my right hon. Friend the Member for Witney (Mr. Cameron) have made, in the House and elsewhere, identifying the need for more housing development in our country and making the case that without additional house building we will not have the supply to meet the demand that exists. Without that additional house building, we will not be able to help first-time buyers on to the property ladder as they deserve. I am always happy to reach a consensus with the Economic Secretary and with his hon. Friend the Minister for Housing and Planning. Every opportunity to reach a consensus on the need for more house building is one that I am delighted to take.

[Michael Gove]

Ed Balls: We have discussed this issue regularly over the past few years in proceedings on the Finance Bill and, from time to time, over breakfast, as the hon. Gentleman acknowledges. I understand that speeches have been made containing general statements about the support for house building and first-time buyers, but statements are also regularly made on the websites of the hon. Gentleman and his Front-Bench colleagues that oppose house building in their own constituencies. Have those website references been removed or do his nimby tendencies continue to flourish in his constituency?

Michael Gove: I am flattered that the Economic Secretary takes such a close interest in what appears on my website. I hope that he has also been reading my articles in *The Times*. I have written repeatedly to the Minister for Housing and Planning and the Secretary of State for Communities and Local Government specifically asking for more development in my constituency. As I am sure the Minister for Local Government is aware, there is a particular issue in my constituency as a consequence of a European Union ruling. The Thames basin heath special protection area, which covers much of my constituency, has an effective moratorium on development, and I am seeking its removal. As a constituency Member and as shadow Minister for Housing and Planning, I am anxious to see more development, reflecting both the national interest and the interests of my constituents. I am grateful to the Department for Communities and Local Government for the help that I have received as a constituency Member.

Ed Balls: You'll be in trouble with your colleagues.

Michael Gove: No, I have no trouble with my colleagues. I receive from them a generosity of support and enthusiasm in making the case for more house building that I find more encouraging than I can say.

Anne Main: My hon. Friend will know that we had a good debate about housing totals in Hertfordshire. We welcome our share of development in the area, but we do not welcome unsustainable development or development that has no environmental impact assessment. Unfortunately, that is what we are suffering at present. We ask only that the level of development is reasonable, not unreasonable. The unreasonable figure of 93,200 was not acceptable, but 79,200 was. It is a case not of no building, but of sustainable building. I know that my hon. Friend feels the same about that issue.

Madam Deputy Speaker (Sylvia Heal): Order. I have allowed some latitude, but rather than debating housing we should now be debating the motion before the House.

Michael Gove: Thank you, Madam Deputy Speaker. Your intervention enables me to make the point that struck all of us listening to the Economic Secretary. Fascinating as it was when he gave us a tour d'horizon of market rents in the commercial sector, the real aim of his speech was not so much the more effective operation of the property market as to speak in service of yet another tax increase. Fluent and authoritative as he so often is, all that fluency and authority were bent towards one end—ensuring that the Chancellor can get the £900 million additional revenue that this measure will raise every year. The most compelling argument in favour of the measure was not made at the Dispatch Box today by the Economic Secretary, but in the Red Book when that figure was produced. That is the principal justification for the change. The Chancellor's imperative is plugging his black hole, not the sensitive rebalancing of rates and reliefs to secure the better working of the property market.

The Economic Secretary mentioned Sir Michael Lyons' report, and it is fascinating reading. If the Economic Secretary had told us everything that the report contained, he would no doubt have reminded the House that it had suggested that any change to the relief be introduced only in 2010 after extensive consultation. He is introducing it two years before Sir Michael envisaged, without the consultation that he requested.

Ed Balls: Last week, shadow Treasury Ministers spent £500 million on opposing pension term assurance. Four weeks ago, the shadow Pensions Minister spent some £3.5 billion a year on a pledge to reverse the pension tax credit reform of 1997. Is the hon. Gentleman now saying that he would trump those pledges by spending £1 billion a year under a future Conservative Government by reversing this reform?

Michael Gove: That is an intriguing question, but it is the Opposition who ask the questions here, and I have several for the Minister for Local Government to answer when he winds up. It is the answers to those questions that will dictate what we will do. We will see what happens as a consequence of the arguments made by the Minister.

Mr. Stewart Jackson: Given that the CBI has estimated that the tax burden on business has risen since 1997 by £50 billion, would my hon. Friend find more merit in the proposals if there was a compensatory reduction in business taxes to match the rhetoric of the Chancellor and the Economic Secretary?

Michael Gove: As ever, my hon. Friend makes an excellent point. Some of the Economic Secretary's comments about the support that he wishes to see for small business would carry more credibility if the Budget that he helped to co-author had not been responsible for such a comprehensive tax hit on small businesses overall. The record of the Economic Secretary and the Treasury in supporting small businesses is far from exemplary. In that respect, one can understand the degree of scepticism on this side of the House.

I wish to raise three broad issues in connection with this measure, and I have several specific questions. I appreciate the kind invitation from the Economic Secretary to reach a measure of consensus. As I said earlier, I love consensus and I always like to reach it whenever possible. But we can be certain that the measure is worthy of support only if we get satisfactory

answers to those questions. The three broad areas are a matter of theory, a question of principle and the reality in practice.

On a matter of theory, on what basis do we levy business rates? What is the theoretical principle behind them? As widely understood, they are a tax on business activity. As my hon. Friend the Member for Peterborough (Mr. Jackson) might say, it is one of all too many taxes on business activity. Nevertheless, business rates are an accepted part of the Chancellor's portfolio. Business rates are supposed to be a tax not on land values but on commercial activity. That is why there is a relief when there is no activity. Changing the principle to remove that relief does more than increase revenue: it changes the very nature of the levy, and it raises key questions in turn.

The principle that there should be tax relief on empty properties was outlined by the admirable Kate Barker, whom the Economic Secretary prayed in aid in support of the measure. However, it is also clear that, in her report, she made the case for a relief on business rates when properties are empty. She said:

"The principle behind empty rates relief is to create a broadly symmetrical tax, given uncertainty. When property earns a positive revenue, it is taxed; when it does not, relief is granted. This helps remove what would otherwise be a distortion."

According to Kate Barker, therefore, the Government, by removing the existing relief, are introducing a distortion. They are levying a tax that should be designed to get revenue from activity on property that is inactive and, in the process, changing the nature of the tax itself. Why? Do the Government accept Kate Barker's argument that the change would be a distortion? If not, why not? What is the justification for the change?

We acknowledge that, all other things being equal, the change will raise revenue. The Economic Secretary said with some pride that the amount would be £900 million. However, that tax increase raises another issue. One of the principles underpinning business rates is that, overall, the yield nationally from them should remain broadly neutral in real terms. In other words, when business rates rise, they should do so broadly in relation to the retail prices index.

If the proposed change is made, the amount generated by business rates will increase by more than the rate of inflation—even as that has been adjusted under this Government, and even as inflation rises and the Governor of the Bank of England writes to the Chancellor warning of the consequences.

The question that we have to ask is as follows: are the Government contemplating a balancing reduction in the burden on business? My hon. Friend the Member for Peterborough asked that question earlier. Alternatively, are the Government breaking another golden rule—that business rates should not be used to make up losses elsewhere?

The danger in using business rates as another source of revenue to make up shortfalls elsewhere was explored in the review by Sir Michael Lyons. The Economic Secretary also prayed in aid Sir Michael in support of his argument, but we should look at what he actually said. Sir Michael said that

"the national business rate is not an appropriate way to raise additional resources to fund services...particularly given the high level of taxation on property that business rates represent, by international standards".

Are the Government therefore breaching that principle as well, and rejecting Sir Michael Lyons' advice? In his report, he made an explicit recommendation:

"The RPI cap on the national level of business rates should be retained."

Will the Minister for Local Government spell out whether the Government agree with that principle? If so, given that the measure amounts to a tax increase, will there be compensation elsewhere in the level of business rates? I shall be very interested in the reply.

I have asked a series of questions about the theory of the business rate, and all of them touch on the fact that, under this Government, business faces a bigger burden of taxation than ever. I now want to move to the key issue of principle at the heart of the relationship between business and Government—the need for certainty.

When business is asked what it wants, the answer nearly always is that it wants certainty and stability. However, some businesses fear that this change will jeopardise all that. Many will have built the rate reliefs into their plans and accepted them in their balance sheets, and altering the reliefs could throw into uncertainty a series of developments that would bring economic growth and regeneration to parts of the country.

Conservative Members' guiding principle is that the tax system should raise revenue and support economic growth and development wherever possible. The process of assembling suitable sites for redevelopment or of putting together the complex business deals that can bring regeneration is often complex, with many variables. Some companies might have to accept that some sites will be left vacant for longer than might be desirable in other circumstances. For instance, they might be left vacant until the correct combination of land sites and finance is in place to make a significant regeneration project truly viable.

For some deals, the existing reliefs will have been factored into the equation already. Under the changes proposed by the Chancellor some companies will have to look again at potential regeneration projects.

That consideration is more than theoretical. I am sure that the Economic Secretary will have read this week's *Property Week*. It reported that, as a result of the measure, a company called Palmer Capital Partners had suffered what was described as an £80 million "hit". The company has had to "scrap" a project on which it was planning to embark as a direct consequence of the proposed change. Regeneration projects and economic growth that would have taken place are now not happening. A director of the company, Alex Price, said that it could not go ahead with the plan

"because we couldn't quantify what business rates would be."

That shows that an element of uncertainty had been introduced into the calculations, with the result that the project could no longer go ahead. I would be grateful if the Minister for Local Government let me know what assessment was made of the potential impact on current regeneration projects that were factoring the

[Michael Gove]

relief into their calculations. That is not merely a theoretical concern, as it goes to the heart of the active business of regeneration today.

I have discussed the theory of business rates, and the matter of principle in connection with certainty. I turn now to some specific matters of reality, in an attempt to discern what happens on the ground when it comes to regeneration. I have a series of questions to which I hope the Minister will respond.

First, it is appropriate that we learn from history. A very similar measure to the one being proposed was introduced in February 1974, when the Conservative Government of the day were on their way out and desperate to secure tax revenue by any means necessary. If any historical parallels suggest themselves, I am more than happy that Ministers should draw them.

Ed Balls: Look at the interest rates then.

Michael Fabricant (Lichfield) (Con): Interest rates have just gone up again today, to the highest level since 2001.

Michael Gove: I am grateful for the other historical comparisons being drawn to my attention.

One consequence of the removal of rate relief introduced in 1974 was that empty properties were not proposed for development or deployed for commercial use. Instead, some properties were wrecked or left to become dilapidated so that people could escape paying rates on them altogether. What guarantees can the Minister give that the change will not create a perverse incentive? Can he assure the House that empty properties will not be turned into derelict sites rather than being proposed for productive economic use?

Secondly, the presumption inherent in the Economic Secretary's speech was that business is deliberately keeping property idle instead of using it, because it wishes to earn that relief. Will the Minister for Local Government give us the evidence base for that assumption? Can he point to specific examples of companies that have not put sites to productive use because they prefer to earn the tax relief rather than create viable economic activity? I can understand the theoretical justification behind the Minister's argument but he produced no practical examples, from any business sector or from any part of the country, to show that landlords or owners were deliberately sitting idle to earn the relief. Production of that evidence base would certainly be useful for the House.

The change in timings goes to the heart of the measure so, thirdly, what assessment have the Treasury and the Department for Communities and Local Government made of the genuine turnover in the business cycle? For example, the British Retail Consortium argues that it can often be 21 months between one business winding up and another being economically active on the same site. Have the Treasury and the DCLG conducted a proper survey into the speed with which vacant and void sites become not just occupied but economically active as new tenants take them over? What evidence base is there to justify the change?

Fourthly, there is a real risk, which has been outlined by both the BRC and the Royal Institution of Chartered Surveyors, that the change will hit the areas of the country most in need of redevelopment. Property developers face the greatest risk in those areas, because by definition that is where there is the least current demand for property, whether commercial or residential. By removing the relief, the risk of making an investment in those areas increases, because one would have to be absolutely certain of securing occupancy to make the same investment viable. What assessment has the Minister made of the impact on areas most in need of regeneration of, in effect, introducing an extra cost and an extra risk for development in those areas?

Fifthly, the change could have a particularly adverse effect on businesses in the event of a recession, as my hon. Friend the Member for Peterborough pointed out. It will add lead to the economic pendulum, because it will mean that businesses that have to relinquish property to downsize during an economic downturn will face an additional cost just as the economic weather is turning. Has the Minister factored into his calculations the impact of an economic downturn on the commercial property market once the reliefs have gone?

Sixthly, there is a clear disincentive for certain businesses to take on leases. Given the operation of the commercial leasehold market, taking on a lease could involve bearing additional cost and risk in the event that commercial activity means that the property becomes vacant at any point in the future. Again, what assessment has the Minister made of the likelihood of companies shying away from taking on leases because they have to take into account on their balance sheet an additional risk factor?

Overall, I have spelled out a number of ways in which there is increased risk. My seventh, and final, point about the genuine, practical, real-time effect of the measure is that increased risk may have an effect on property values. If there is a downward effect on commercial property values as a consequence of increased risk, it may have an effect on the share price and on the dividends paid by commercial property companies. Given what has happened elsewhere in the economy, especially in equities, over the past 10 years, more and more pension funds—public and private sector—rely on commercial property as part of their portfolio. If there is downward pressure on the balance sheets of companies that operate in the commercial property sphere and if it has a knock-on effect on the portfolios of pension funds, what is that effect likely to be? What calculation has been made? We know from the past that there can be, and often are, dangerous unintended consequences of changes made by the present Chancellor that have a knock-on effect on pension funds and the capacity of individuals who have saved to receive an appropriate rate of return?

I would like answers on those seven practical points, as well as the two theoretical matters that I mentioned. I look forward to the Minister's clarification before the debate concludes.

2.33 pm

Dr. Vincent Cable (Twickenham) (LD): As this is a pre-legislative phase, where we are asking broad questions rather than making forceful assertions about

legislation that we have not yet seen—I agree with the hon. Member for Surrey Heath (Michael Gove) that that is the best way to approach the measure—I want to start by asking about the process.

The Economic Secretary based his presentation on the Lyons recommendations, and although it is certainly true that the Lyons report recommended precisely what the Government want to proceed with, that recommendation does not quite fit with his recommendation in a later paragraph, which is not a criticism of the Government but of the report. In paragraph 8.6, Lyons recommended:

"The Government should conduct a review of exemptions and reliefs to consider the scope for removing inappropriate subsidies and distortions, and to simplify the system."

There was thus a firm recommendation, but also a recommendation for a review, so it was not clear how the two would hang together.

Having read through the relevant paragraphs of Lyons, it is fair to say that although he made a firm recommendation, on which the Government have acted, his arguments were more equivocal and balanced than those in the Minister's presentation—I know that the hon. Gentleman takes economic arguments seriously. Lyons called in aid Tony Atkinson and Stiglitz, who made a good theoretical case for keeping empty property relief, because of the risk-sharing problems. So, there are clear arguments on both sides, which is all the more reason to have proper consultation and consideration.

The other reason why the process—whatever the outcome—needs to be carefully staged is that the feedback that the Government have had from both interested and disinterested bodies is not clear cut either. The Federation of Small Businesses is quite supportive of what the Government said, but it made the interesting recommendation that the legislation should take account of the fact that some businesses are making a genuine effort to fill their property. It is not clear how the legislation will accommodate that. The Campaign to Protect Rural England was, again, broadly supportive of what the Government are trying to do, but it said that the Government must undertake the measure in conjunction with changes to the VAT regime to make it more attractive to improve property. The Royal Institution of Chartered Surveyors and the British Retail Consortium were much more critical. The first issue is about the process and why the Government cannot undertake a process of consultation over the next year or so, which is what Lyons appeared to envisage.

My second set of questions is about the revenue implications. The hon. Member for Surrey Heath has suggested that, whether we call this measure a withdrawal of state aid or a tax, there clearly are major revenue implications. That may indeed be right. First, I would like to be clear what the implications are. In his speech, the Minister referred to various offsets. I want to be clear whether he envisages a full whack of £950 million on the commercial property sector or whether there are any offsets and, if so, what they are.

My other question is about the behavioural implications of the change. I think that the Government are arguing that the measure is necessary both to raise revenue and to change business behaviour to make it more efficient. There is nothing wrong with that. In the context of environmental taxation, we argue—as do the Government—that it is possible to raise revenue and change behaviour at the same time. There is nothing wrong with the argument, but I want to be clear what assumptions the Government are making. Lyons implies that the cost of empty property rate relief is £1.3 billion. The Government say in the Red Book that they will raise an additional £950 million. Does that mean that the difference is accounted for by improvements in the utilisation of commercial property? Are the Government assuming that commercial property use will improve by a factor of a quarter? Or are the figures completely unconnected?

A related question is: who will pay the tax? As we know, with all business taxation the cost is shifted in one direction or the other. There is an assumption that the tax will be paid by inefficient landlords and over-exuberant speculators, but is that in fact the case? We must assume that, in most cases, the increased taxation of commercial property will, at some point, be paid for by occupiers. It could be paid for by the landlords' other occupiers or in the form of longer leases.

Mr. Stewart Jackson: The hon. Gentleman touches on an important point. Does he agree that the Government have not looked at the macro-economic impact in respect of the cumulative impact on inflation that this change may well have? As he concedes, the cost will be passed on in the form of higher rents and service charges, which could potentially cancel out any overall benefits to the economy.

Dr. Cable: Whether the measure will lead to more inflation or to less utilisation of capacity elsewhere in the economy is not clear, but the hon. Gentleman is quite right to say that there are knock-on effects. One that has not been referred to and that is potentially rather important is the fact that a large chunk of commercial property is owned by pension funds. Eventually, the measure will feed through into reduced returns for pension funds. There will be a hit on pension funds. Of course, they have had other hits—some of which have been much more important than this—but it would be useful to have some acknowledgement from the Government and some estimate of what the measure will ultimately cost the owners, who are institutional finance bodies.

I have several questions about such a measure's possible impact on the market. I understand the basic problem involving empty commercial property and have a couple of anecdotes to illustrate it. An appalling derelict Co-op completely blights the whole of one of my local high streets. As far as I can establish, the property has been sitting empty for many years simply because of the lethargy and incompetence of the Co-op management. If a change to the tax regime would persuade the company to do something with the property, that would be welcome. However, we all know of shops in our local shopping centres that were not viable and had to be closed by the occupiers. Those people are often desperate for planning approval to convert the property into a housing development, but local planners refuse to give that because it would change the nature of the shopping centre. Are we going to penalise those shopkeepers? How will they be accommodated following the change?

Anne Main: I am sure that the hon. Gentleman is aware that people who wish to change a commercial building to a different form of development, such as housing, have to market it actively for a considerable time to show that the property has no commercial use. Unless the Minister tells us differently, I assume that such people would be paying business rates during all that time. The planning process can often hold things up for a considerable time, so several years could pass while there was a debate about the matter, or even during the assembling of sites.

Dr. Cable: The hon. Lady is absolutely right and makes the point that I was trying to raise. The Federation of Small Businesses asks what we will do about commercial occupiers who are genuinely trying to do something about the utilisation of their properties. Should they be treated in exactly the same way as companies that wilfully keep their properties unoccupied, or do so due to incompetence? As far as I can tell, that distinction will not be captured. It is possible that the distinction cannot be made because it can be difficult to legislate for such things. However, we should realise that there is a distinction in the real world.

Several issues are being raised by representatives of the property industry. We understand that some of them are self-interested, but it is worth quoting the British Retail Consortium, which has considered the matter primarily not from the perspective of property developers, but in the context of its interest in the retail sector. It comments unequivocally:

"The BRC believes that there has been a fundamental misunderstanding of the mechanics of the property market and this reform will, as a result, fail to achieve its objective of bringing empty property into use."

Leaving aside the particular problems of retailers, I have received several representations from people who are interested in industrial development in parts of the country that have a regeneration problem. For example, an email that I received from a group in Wales said:

"Here in South Wales we have a number of redundant large industrial buildings. They are a legacy from when previous administrations enticed overseas manufacturers to set up here with offers of cheap land, cheap labour and big grants...By introducing a new rates liability for empty industrial buildings in particular, we fear that...property entrepreneurs will not be prepared to take the risk and these buildings will crumble and die."

Unless the measures are properly thought through, they will have an impact on entrepreneurial risk taking and development in parts of the country that are badly in need of regeneration.

Let us consider the situation in Yorkshire, which is the part of the country that the Economic Secretary represents. I received a message from an organisation that referred to the fact that King Sturge's "UK industrial and distribution floorspace today" report—that is a bit of a mouthful—says that almost 50 per cent. of all industrial development is speculative. It said that the measure was bound to have an impact on business behaviour and cited rather marginal Yorkshire towns—Halifax, Keighley, Hull, Goole, Barnsley and Grimsby—that are trying to attract speculative industrial development, yet will struggle to attract the amount of industrial investment that they get now after the introduction of the measure. The people in the trade who are making these assertions might well have an interest in opposing the Government's proposal, but it would be useful and appropriate for us to have an understanding of whether the Government have made an assessment of those possible effects.

Finally, I have a series of questions about how the measure would be implemented. One of them relates to a point that I have already made, and to the issue that the hon. Member for St. Albans (Anne Main) raised in her intervention: what will happen to those companies that are genuinely trying hard to market their property and to utilise it, but that are none the less caught by the new provisions? That was the issue raised by the Federation of Small Businesses.

My second question relates to local discretion. The Economic Secretary mentioned that there is a bigger issue to do with whether commercial rates should be localised. As it happens, my colleagues and I want to push that idea as far as it can go, but the current controversy raises the question of how much local discretion should be allowed under the provisions that the Government are proposing. For example, would people in a depressed part of south Wales be allowed to implement the measure over a different time frame and in a different way from people in a more prosperous part of the country? Will local discretion be allowed, and if so, how will it be applied? There are many quite major issues to consider. At the end of the day, the provision may well be sensible—it certainly has endorsement from some authoritative sources—but it clearly needs a lot more thought and a great deal more consultation.

2.46 pm

Robert Key (Salisbury) (Con): I am tempted to say, "What a splendid day to bury bad news," but I do not want to go there because I want Ministers to listen carefully to what I have to say and to take it seriously. So far, this has been an urban debate about the impact of the change, but I want to change the focus and consider the impact on the countryside and the greater proportion of the United Kingdom's land area. In other words, I want to focus on the impact on rural economies.

We need to start from the point that my hon. Friend the Member for Surrey Heath (Michael Gove) made, which is that the measure is really no better than a window tax. It is a revenue-raising tax, and it is none the worse for that—Governments of all colours introduce taxes. They need the money and it is amazing, really, that we have avoided the measure thus far, but as a grab on a particularly vulnerable area, the proposal is not much better intellectually than the window tax. Under the window tax, windows were blocked up and light was kept out of the lives of hundreds of people across the country, and I fear that the proposal might have the same impact.

The Economic Secretary pointed out, fairly, that he is making special provision for what he called low-demand areas. Of course, those are not just the assisted areas to which he referred. Indeed, it is only nibbling at the edges to talk about land that qualifies for remediation relief. He referred us to the planning White Paper, and I want to talk about the impact on, and interaction with, planning. It is important to realise that a vacant property tax hike will hit the rural

economy. It will discourage the farming sector from diversifying and from changing old farm buildings into business units.

The Country Land and Business Association has commented that there will be an impact on rural business. It says that the measure will

"slow down and reduce the overall growth of the rural economy".

Interestingly, it estimates that the measure will reduce the tax take for the Treasury over time. My hon. Friend the Member for Surrey Heath mentioned the consequences of having derelict property, which we experienced in the 1970s—property that is not capable of beneficial occupation is exempt from business rates, and I fear that we could find ourselves staring that same situation in the face again if we are not careful. I am sure that we all wish to avoid that.

The National Farmers Union also has reservations. It points out that the situation in urban areas is different from that in rural areas and that both converted buildings and new build

"can stand empty for months awaiting a suitable tenant in some rural areas."

There is a fair consensus on that point, but I want to back up my arguments with three cases taken from my constituency that illustrate my fears. The first case concerns hard-to-let village premises. Anyone with a rural constituency will know the problem of a pub closing and the owner applying to convert it into a house. The village usually reacts by setting up some sort of co-operative venture to try to buy the pub and run it. The problem is that if people do not buy their beer in the pub, it does not matter who owns it—if it does not make a profit, it is going to close. There are implications, too, for the village shop and post office, which are in a similar situation.

As someone who spent a very happy nine years living near South Newton in my constituency, I was familiar with the post office in that village. However, it did not thrive. It was run by a wonderful couple—Mr. and Mrs. Hutchinson. Heather was born in the village, so there was no question of a lack of loyalty to the village. However, the Hutchinsons decided that the time had come to retire, so they tried very hard to let the property. As far back as 2001, in fact, they tried to do so. They put the property on the market for six months, as required before a change of use, but they did not make a sale. They waited and they eventually found a tenant. They invested £14,000 to adapt their property so that it could be used as a hairdressing salon, which involved a change to A1 use. Sadly, however, the tenants' business failed, so the Hutchinsons were left with nothing.

Mr. and Mrs. Hutchinson took professional advice again and they submitted an application to the planning authority. The planning committee agreed, but the regulatory committee threw out the application. They have now been told, some seven years after the original decision, that they must go back to square one. They have spent almost £20,000 because of the planning system, which impacts on such matters, as my hon. Friend the Member for St. Albans (Anne Main) rightly said. I referred the matter to the head of development services and asked which planning policy was causing apparent distortion in the market. It was Salisbury district planning policy PS3, which says:

"The change of use of premises within settlements that are currently used, or have been used for retailing, as a public house or for providing community facilities central to the economic and or social life of the settlement, will only be permitted where the applicant can prove that the current or previous use is no longer viable."

That is the justification for the distortion. The fear is that as a consequence of the proposals, in the intervening period after the planning authority, acting on behalf of the local community, has decided that people should not be allowed to stop a shop being a shop if no one wants to buy anything there, the owners must pay business rates on the property for years. It is not their fault—it is because the planning system has introduced a distortion in the market allocation of resources. That is a very important issue that I hope Ministers will consider.

My second case concerns redundant farm buildings. Late last year, my constituent, Philip Kitson of Manor farm in Chilmark, referred me to a problem with a unit in his farm buildings. He has wonderful farm buildings, but they are completely useless for farming. They were built in the early 19th century, and one could not get a quad bike in there, let alone a modern tractor. The Kitsons did what the Government wanted and diversified. They sought to convert the property, and they did so professionally and successfully. However, tenants move on, so they were left with a building—in this case, a B1 workshop and office premises. They therefore had to find money for business rates for an unoccupied building . Mr. Kitson pointed out to me:

"We are a farming business, not a property company, and have no alternative sources of income to offset any loss of rental income...we have invested a considerable amount of time and money renovating buildings for rental which have rarely been empty."

The district council has benefited hugely, at no risk to itself, because those buildings are bringing in business rates.

In the end, the matter went to the desk of the Minister for Local Government—I am pleased that he is in the Chamber today—and he and I have been in correspondence for some months. Referring to the Lyons report, he said to me in a letter of 17 April this year:

"We understand that these reforms will increase the liability on owners like Mr Kitson. However, as the Chancellor's announcement made clear, the purpose of reform is to enhance the supply of commercial property, reducing rents and improving access for new and existing firms. Downward pressure on rents will have significant benefits for UK business and wider UK competitiveness."

That is not what the local market says in my constituency, where there is already overcapacity. It is all very well saying that that might be the impact in urban areas, but in scattered rural communities in south-west Wiltshire there is already overcapacity in such units, and I fear that the measure will make matters worse. Can we be quite sure that when Ministers are working out the process and the machinery for introducing the change, they take due account of the need to be careful about rural proofing the measure? The least they should do is introduce it over a number of years and not say, "From 1 April 2008, wham! Bang! You're going to have to pay the bill."

My third example is a very particular example.

Ed Balls: I want to understand the hon. Gentleman's argument. I am worried that the point he is making is not market-based and is more dirigiste. When he uses the term "overcapacity", he means properties that are unused. Are they unused because there is no demand or because the rent is too high? Are we not looking for a way to get the price down so that they can be put back into use and there can be more activity?

Robert Key: That is an entirely fair point. Without getting into either endogenous growth theories or Marxism, I would point out that the Minister is right to ask the question, but the answer is no. The problem is overcapacity, not rents that are too high. I will illustrate that with my next example.

We have a large number of former military establishments in my constituency and in Wiltshire as a whole. One of them is the former royal naval armaments depot at Dean Hill, which was built in 1938 and became a major armaments depot, storing under the chalk hills enormous quantities of arms for the Royal Navy from Portsmouth, and latterly for the RAF as well after the closure of RAF Chilmark, which was another establishment that was redundant to the needs of the Ministry of Defence.

The area is huge—some 500 acres with 1,600 sq m of office space. It has a variety of business units—more than 40 of them—and 24 vaults cut into the chalk offering more than 9,000 cu m of high quality dry, secure storage. That is where the bombs and depth charges were kept. The problem is how the Ministry of Defence disposes of property. It is part of the Chancellor's remit to persuade the MOD to get rid of redundant property.

After the property had been empty for years, a splendid company has taken over the site, bought it from the Ministry of Defence, and is successfully converting it into very attractive office and industrial premises in a wonderful environment, with a site of special scientific interest on the spot. I cannot speak warmly enough of the effort of Mr. Richard Parry and his company, who have taken a substantial risk. Having taken over 500 acres from the MOD with all those buildings and facilities, which they had expected to be able to bring into use over a number of years—with the agreement of the planning authorities in order to avoid overdevelopment, too much traffic on rural lanes in south-east Wiltshire and Hampshire and so on—they could face a crushing liability for business rates if the measure is suddenly introduced now.

That will dissuade investors like Mr. Parry. They simply will not do it. The holding costs of the property will be too great. What about valuation? The district valuers already value Ministry of Defence estates, but they put them on a low value because they are of military use or are not used at all. To return to the point made by my hon. Friend the Member for Surrey Heath, they are not producing business activity or generating wealth, so they currently do not qualify for taxation. What about the district valuer now? He has been to Dean Hill park and assessed individual buildings. As they are brought into use, the district valuer assesses them and the owners rightly start paying their business rate.

What will happen in future? We need to be sure that Ministers have thought about that. Will they suddenly create an extra army of district valuers who can go round to all these Ministry of Defence sites and revalue hundreds of buildings and other facilities? Have they got the staff to do it? I guess not. When will the clock start ticking? Will people have to start paying this new business rate on 1 April next year or six months afterwards? Perhaps the Minister has not thought that question through yet, but I would be grateful if he could answer it.

We see here, once again, the need for rural proofing. I wonder what the Ministry of Defence will say about this, given that the defence budget is still strapped, despite a modest increase in cash terms. The pressure on it is enormous. Will it be liable to pay the new business rates on all its empty industrial properties, given that it no longer enjoys Crown exemption? I would be grateful if the Minister could answer that, and I dare say his colleagues in the MOD would like an answer too.

I have tried to draw the House's attention to some of the problems that will affect everybody in rural areas, from large investors to very small family businesses, as well as farming communities. If we must have a window tax, let us make sure that it does not keep the light out.

3.1 pm

Anne Main (St. Albans) (Con): My hon. Friends and I have a lot of questions about this proposal. As my hon. Friend the Member for Salisbury (Robert Key) said, we all have our own particular set of problems that it will draw to the surface. I should like to give the Minister a few illustrations from my constituency. It is a city, not a rural area, but it has its own set of unique issues that will be exacerbated or affected by perverse consequences.

One example is the West Hall site in Napsbury, formerly the site of a hospital. It has many buildings that do not come under the national listings but are locally listed as having importance. The site has been designated for housing, but many such applications get stuck in the system for a long time, and rightly so according to local residents, who do not want bad development in St. Albans. While they accept the need to have housing on the site, they also feel that a degree of caution should be exerted. They do not want to end up with 37 flats all squeezed into one commercial building; that is also seen as unacceptable by the local authority. Being stuck in the planning system can be a good or a bad thing. The problem is that we are not sure whether the proposals will make matters better or worse.

Another example is the former Eversheds commercial print works site, which has been vacant for a considerable period. It was redesignated for housing, and housing permission was sought and obtained. However, it has since been sold on to Tesco, which is trying to develop it as a commercial site again. We would prefer that it remained designated for housing. I am worried that the rush to try to make it a commercial development will stand in the way of local people who would rather see housing on what is a truly sustainable site, and that Tesco will try to get its big building up as quickly as possible before local people can exercise a degree of pressure on their local authority to ensure

that the local district plan is upheld and housing is built there. Can the Minister tell me at what point the commercial building rates will be paid? Will they have to be paid until development occurs that changes the site's use?

On the London road in St. Albans, we have a listed cinema—the Odeon, which has an art deco façade. Unfortunately, it went out of use some 11 years ago. People are desperate to keep that landmark property in St. Albans. It has been stuck in the planning system for 11 years. Perhaps it will be turned into some form of housing development, but local people welcome the fact that there is no rush to do that because they hope to bring it back into commercial use as a cinema, which we do not have in St. Albans. There is huge support for that but, because the building is small, it is difficult to find somebody who is prepared to take it on. Delicate negotiations are going on all the time behind the scenes, conducted by those who want a cinema in St. Albans.

However, 11 years have passed. At one point, the decision was held up speculatively and then applications for housing were constantly refused. However, local people do not want things to be rushed. They do not want the cinema, with its characterful façade, which could be revitalised, to be quickly put to another use because of the commercial rates that suddenly have to be paid on it.

There are flip sides. Good results can be achieved through bringing buildings back into use, but I am worried that the process may mean the loss of the slow pace of change that local people welcome when they want to ensure that historic sites and buildings are not suddenly put to commercial use or demolished, with the site used for housing. We need answers, and I believe that the planning system will play a crucial role.

A roof tax has been mentioned. However, as my hon. Friend the Member for Salisbury and many reports stated, there is a concern that it may mean that the roofs are simply removed from buildings, resulting in some vandalism. The Odeon cinema still has its roof. The vandals have picked away at it, but it remains intact. I would hate to allow commercial vandalism, resulting in the removal of the roof, simply because people who are suddenly in the position of having to pay tax on a building want to ensure that it is useless, and thus take away all hope from local people.

Estate agents, such as Cluttons, who have an interest in the matter, have expressed some views. I would like some answers to their concerns and to ascertain whether the Minister has conducted any assessments. People already challenge the Valuation Office Agency's level of rating. Several cases of buildings, which currently pay only 50 per cent. but seek a nil value, have been heard before the tribunal office. If empty commercial property owners now have to appeal against rating assessments and any new categories that are introduced, surely the appeals will create an increased administrative burden, as people in the nil rating bracket find themselves in a new rating bracket. Has any assessment been made of the extra staff that the Valuation Office Agency may need and the extra costs that it will incur through the additional burden?

I should like some clarity at some point in future, if not today—I understand that we are exploring the matter today—about buildings that might be considered exempt. I should like to ensure that the many historic buildings such as churches, which may not have charitable status and could simply be landmarks, do not face an extra tax burden. I am sure that it is difficult to identify the ownership of some buildings. I know of a house in St. Albans that was caught up in that sort of confusion for some time. It was eventually compulsorily purchased. I am also concerned to ensure that a retrospective charge is not levied against families who are unaware that they own and may have some ongoing interest in a building, which suddenly comes to their notice. There are some complex probate cases and I wonder whether the Minister has taken them into account.

We are being asked to vote for a pig in poke if we are not absolutely sure that all the questions that my hon. Friends have asked today are considered. We do not want properties to remain empty. The Economic Secretary made the valid point that that makes no environmental sense, and I agree with him. However, it does not make environmental sense to rush towards removing roofs or damaging buildings in some way, yet such acts may be the perverse consequences of the proposals. As my hon. Friend the Member for Salisbury said, it makes no environmental sense to charge people who are genuinely trying to market a building.

In areas where there is a commercial property, people often have to fight the rigmarole of a local district plan to prove that the building no longer constitutes viable commercial premises. That can take such a long time that some poor family or small business could be left with an enormous charge on a property that has been incurred through no fault of their own. That is perverse.

I welcome the exploration of the idea of bringing back buildings into use, because St. Albans is very tight on space. It is a matter of record that I feel that we are put under enormous pressure to build and develop in St. Albans, but we also consequently have commercial premises sandwiched in areas that we do not want to be vandalised. We want to see buildings brought back into use, but where that is not feasible, we want to ensure that time is spent considering the best uses for them and that nobody pushes through a quick commercial use order to avoid paying any form of development tax.

I would welcome the Minister's consideration of all the points raised in the debate, and particularly of whether, when a change is made under the planning system—as on the Eversheds sites, for example—it should apply when planning is granted or when development occurs. Those vagaries will not provide much confidence or support for the measure.

I agree with some of the business-related comments that have been made, as the proposal is seen as a stealth raid grab. If it is seen as a stealth raid grab with good consequences, there may be some support for it; but if it is seen as a stealth raid grab with perverse consequences, I feel that many Conservative Members will view it as a move too far. Given that the Federation of Small Businesses also has many concerns, I am sure that we are going to hear a lot more detailed comments about the measure in the future.

3.11 pm

Mr. Stewart Jackson (Peterborough) (Con): If I may pre-empt the Chancellor and beg the House's indulgence, I would like to congratulate the Economic Secretary on his inevitable promotion in approximately seven weeks' time.

It is a pleasure to follow my hon. Friend the Member for St. Albans (Anne Main) and, indeed, my hon. Friend the Member for Salisbury (Robert Key). They were perhaps far too polite to state the obvious and place this particular proposal in context by observing that it is one of 111 stealth taxes that the Government have imposed over the past 10 years. It represents the big clunking fist approach to commercial property, and we are no doubt going to see a lot more of it over the next few years.

This proposal has all the characteristics of the stealth taxes that we have learned to know and love. It is a consummate stealth tax because it is typical of the sleight-of-hand taxes that we have become ured to over the past 10 years. It is sneaky. It has been announced only in the last few months, but its effects will not come into force until April 2008. Of course, it does not appear in the Finance Bill, but has been brought before the House through a Ways and Means resolution. It is also ill considered and damaging, and, as my hon. Friend the Member for Salisbury eloquently explained, it will have unintended consequences. It is indeed, as my hon. Friend the Member for St. Albans said, a straightforward tax grab, netting the Treasury £1.85 billion over the next two years. The proposal is, of course, dressed up in euphemistic language, when it is described as modernising empty property relief. That is rather like the Prime Minister saying that Labour's local government election results were a springboard for a general election victory, when we all know that it was more like a belly-flop.

We can see a dichotomy in the Government's treatment of private and commercial property. This is a Government who have entrenched the principle of holding capital by way of property—forgive me if I sound rather like the right hon. Member for Oldham, West and Royton (Mr. Meacher), who is the Minister's parliamentary neighbour—when foreign nationals who are non-domiciled in this country own huge portfolios of property, which are left empty while people are left homeless and more people than ever before in the past 10 years are on waiting lists or in bed-and-breakfast accommodation. There are 6,000 of those people in my own constituency. At the same time, the Government seek to penalise and disadvantage British business people with this particular tax grab.

As I said when I intervened on my hon. Friend the Member for Surrey Heath (Michael Gove), this has been a £50 billion tax grab over the past 10 years, and there has been no corresponding offsetting tax reduction, as expounded by the Treasury. Indeed, small businesses took a significant hit in tax increases in the Budget.

The proposal will have the effect of pushing up existing business rents and adding to inflationary pressures. It will distort the commercial property market by driving up service charges as well as rents, as a result of businesses quite properly attempting to recover empty rates. The Royal Institution of Chartered Surveyors describes the proposal as "purely a revenue raising exercise with no thought of the potential consequences".

The measure will also inevitably lead to a rise in on-costs in respect of rating appeals and valuation tribunal cases. That will incur significant costs across the economy. A further consequence will be a policy of deliberately damaging buildings, as my hon. Friend the Member for St. Albans pointed out. Of course, we would not condone that, but we have to accept that it happens. It will be an unintended consequence of this tax policy.

The policy demonstrates a fundamental ignorance of the fluctuations and cycles of the commercial property market. No business wants to keep a commercial property empty, but the mechanisms and vagaries of supply and demand mean that it is an inevitable feature of the market that, owing to commercial considerations or to reasons such as time lag, some properties will sometimes be empty.

The policy will do nothing to encourage local regeneration. I know that that is a subject dear to the heart of the Minister for Local Government. It was interesting that the Economic Secretary skipped past my direct question about the consultation to ascertain whether regional development agencies and urban regeneration companies wholly supported the proposals. The corollary of this policy is that entrepreneurs will take far fewer risks when investing in difficult areas—areas that find it difficult to attract niche entrepreneurs—which will affect the creation of jobs, businesses and, obviously, the tax take for the Treasury.

In 2005, the business rates revaluation penalised small, medium and large business by tightening the grounds for appeal and decreasing the reduction in rate bills for firms whose rateable value had fallen. That was another typical sleight-of-hand policy. The Government are ignoring the underlying factors relating to the fact that some commercial premises are sometimes empty for longer than is desirable. This can happen, for example, as a result of restrictive alienation clauses preventing sub-letting or assignment. I do not think that the Minister mentioned that, although I might have missed it.

Anne Main: My hon. Friend prompts me to inquire whether the Minister has taken into account restrictive covenants on buildings. It is sometimes almost impossible to find exactly the tenant prescribed in such a covenant. Might that also be an issue?

Mr. Jackson: My hon. Friend makes a pertinent point, and I agree with her.

Why does the Treasury seem to be at odds with the voluntary leasing business premises code that was produced by the Department for Communities and Local Government? That code has not yet had a chance to bed in, and it has not been given adequate time to work.

I want to return to regeneration. I speak not from a rural perspective, as did my hon. Friend the Member for Salisbury, but from an urban one. My constituency has an ambitious regeneration programme for the next 15 years. It is highly dependent for jobs on logistics, warehousing and transportation. It also has pockets of

considerable urban deprivation—Peterborough has three of the poorest wards in the eastern region—and there is a great need for more employment. The proposals do not provide sufficient incentive to business to be entrepreneurial and to create new businesses. I am talking not about mass-market chains but about the niche businesses needed to create new jobs and to help the area to go from strength to strength.

As I mentioned earlier, the evidence of the Royal Institution of Chartered Surveyors does not necessarily support the Minister's argument:

"This is a repeat of the situation in the 1970s when an empty rate was introduced in the form of penal rating surcharge. However, no new lettings were created by the surcharge and it led to the deliberate vandalising of property, such as removing roofs, in order to avoid rate liability. If there had been a consultation on this topic the potential impact could have been considered."

The message from the RICS is that there has not been appropriate consultation.

I shall finish with some key questions to the Minister, and I hope that he is able to allay my concerns and answer all my hon. Friends' questions. Is he confident that regeneration will not be affected by the change? What steps does he think it prudent to take to prevent deliberate vandalism of empty property? Will he consider the suggestion of the Federation of Small Businesses that exemptions should be put in place for firms that have made a demonstrable effort, even though it might be unsuccessful, to fill their property? Finally, why is there no recognition of the regional differences in the commercial property market across England and Wales?

To conclude, the tax change will do nothing to make the property market more dynamic. It will stifle efforts to regenerate some of our most deprived areas. I fear—call me cynical—that it is a good old-fashioned tax grab. Ministers need to think hard again about whether they should proceed with the proposal.

3.22 pm

The Minister for Local Government (Mr. Phil Woolas): We have had a good, short debate. I commend hon. Members on the thoroughness of their research. The points have been made reasonably and, in response to the tribute to my hon. Friend the Economic Secretary, eloquently and authoritatively. It is right and proper that we reply as fully as possible to the points made. *[Interruption.]* The hon. Member for Lichfield (Michael Fabricant) on the Opposition Whip's Bench is teasing me; I am not going down that route.

The hon. Member for Peterborough (Mr. Jackson) questioned the process that is taking place. The Ways and Means resolution arises from the Budget and, being a matter of local taxation, cannot be considered in the Finance Bill, as would be the case with other Budget measures. It is also worth pointing out that I considered whether there was appropriate scope for the measure in the Local Government and Public Involvement in Health Bill, but it is specifically not a finance Bill. We have therefore facilitated debate through the resolution and, to allay Members' fears, there will be further debate on Second Reading. Although it is a finance measure, there will be consideration of the detail of the Bill in the other place, should the House pass the resolution today, as I hope that it will. If I am not able to answer all the points that have been reasonably raised, I commit the Government to attempting to do so, should the House pass the resolution, in further consideration.

An important point has been made about the possible impact of the measure, and constituency Members of Parliament have done their research. The hon. Member for Salisbury (Robert Key) in particular has researched the possible impact on the three examples that he gave. The law of unintended consequences bedevils legislation, so we must give the matter proper consideration.

The hon. Member for Surrey Heath (Michael Gove) set out a logical argument based on theory, principle and practice. Let me deal with the theory first. Non-domestic rates are not a tax on business activity, but a tax on property. The domestic rate is partly a tax on property, for property services, and partly a tax on individuals. Although Members have referred to business rates today, the motion refers to non-domestic rates. That answers the points made by the hon. Member for St. Albans (Anne Main), who sought exceptions.

As for the hon. Gentleman's points about the principle, there is a misunderstanding—I forgive him for perpetuating it—that bedevils the debate about non-domestic rates, and I am grateful to Sir Michael Lyons for shedding light on it. Many people assume that the retail prices index cap on non-domestic rates is a cap on the individual bill paid. Non-domestic rates, unlike council tax, are based on the rental rather than the capital value, although some argue that the system should be different. In considering the impact of this measure, therefore, we must consider its impact during the two periods before and after revaluation.

That pulls the rug from under the feet of those who say that this is a smash-and-grab raid on businesses. The intention of the measure is to decrease rents across areas. By increasing the supply of available premises, it will decrease rents after revaluation. In this country there are regular revaluations every five years, as there have been since the system was introduced. It is worth noting that revaluation for the purpose of non-domestic rates proceeds without a murmur in the House or a column inch in the newspapers, in stark contrast to the hundreds of thousands of column inches devoted to the non-revaluation of domestic properties. That, to my mind, justifies my policy of not proceeding with the domestic revaluation: goodness knows how many column inches would be spilled if such a revaluation took place.

The principle of the RPI cap is clearly there, and I restate our commitment to it. That is important, because it will decrease rents in the future. The hon. Gentleman assumes, however, that it is a simple cap on the yield. In fact, the cap is on the increase in the business rate multiplier—what we all know as the penny in the pound. We used to call it rateable value, and I think we should reintroduce the term because more people understand it. I make that commitment as well: I shall not use the horrible phrase "business rate multiplier" again.

The exception arises at the time of the revaluation, when overall rateable values increase if that is the way in which the market is going. The multiplier is adjusted, and the resulting increase in yield is pegged to inflation.

[Mr. Phil Woolas]

That has been the case throughout the system of non-domestic rates, and it is a very strong pro-business measure. It deals with the point that the hon. Member for Surrey Heath rightly made about general stability. We must remember why uniform business rates were introduced in the first place. I think it right for me to concede that my party got it wrong before that. Our actions led to instability, and were bad for business.

As for the practice, the hon. Gentleman asked a number of questions—more than he said he had. I counted 10, although he said there had been seven. In any event, I shall try to answer them as best I can.

The accusation has been made that pension funds may be damaged because they hold property portfolios. Empty properties are only a small part of pension fund portfolios, and properties that are occupied will benefit in the medium and long term from the reduced rents that will result from the pincer effect that I have described. I do not accept the hon. Gentleman's point in respect of the short term either. The actively managed property portfolios experience low levels of voids. However, the most important determinant for growth in yields to pension companies and other investors in property is demand from the wider economy. I do not dismiss the point that has been made, but I always think that it is a good debating point to look at one side of the equation. The argument about pension fund tax misses the point that corporation tax was reduced at the same time; from the overall point of view, that must also be considered.

I hope that I have answered the point about consultation and proper parliamentary scrutiny. The next question that was asked was about the alleged failure to consult on what is an appropriate rate-free period. A three-month rate-free period currently exists, and we will not change that—there is certainty in that regard. The Kate Barker review found that there is no structural difference in the propensity of properties in different sectors to fall empty. None the less, we will provide an additional three months of rate-free period for industrial property, returning the total rate-free period to six months, so there is movement in that direction. We can debate these matters.

It has been argued that there is no evidence to justify the making of the reforms that alter the rate and the length of the rate-free period and that there is also no evidence of what their exact nature will be. That was also addressed by Kate Barker and Sir Michael Lyons. As has been said, she carried out a fairly thorough assessment of the case for reform, and so did Michael Lyons. That is part of the evidence base that we are using in bringing forward our proposals. However, I concede that there is a question to do with balance in respect of some of them.

The hon. Gentleman also asked questions that perhaps anticipated an economic downturn should his party ever form the Government; the DNA and mindset of the Conservative party is to plan for recessions, as that is what its experience shows happens. The Bill will provide—I appreciate that Members have not seen it, so I do not criticise those who asked about this—a new power for the Secretary of State to reduce the rate for empty properties from the new level of 100 per cent. of the occupied rate back to a minimum of 50 per cent. There is some flexibility in that measure. The hon. Gentleman should not now rush away and write in his newspaper column that the Government plan for a recession; there is always a danger of that happening when we talk about introducing prudent and cautious measures. It is important that measures such as this one are not locked in stone.

The hon. Member for Salisbury referred to the Valuation Office Agency. It is already the case that an empty property is valued, so we do not anticipate a surge, or even a blip, in the work of the VOA. Its work is already part of the tax base. The hon. Member for Surrey Heath will know—perhaps from reading lurid headlines, which I think of as scaremongering—that we are computerising the valuation process. *[Interruption.]* Well, it is the central premise of the Conservative argument against our policy that we are doing that, so it is not fair of Members to criticise this point. We are successfully computerising the valuation process. The VOA has been successful at non-domestic rates revaluation, which has passed without a comment; I have been surprised about that. That is a reasonable point to make.

The question was also asked why this measure will be implemented in 2008, rather than in 2010. Lyons' recommendation was of course linked to the revaluation process, and we propose to introduce the measure in 2008 because we believe that its benefits—I do not mean just the increased revenue, which I shall come to in a moment—are required now. As my hon. Friend the Economic Secretary explained, relatively speaking we have very high rents. In my view and as the *Financial Times* reported this morning, it is daft that the taxpayer effectively subsidises empty properties, given that we have among the highest rents in the world. When my constituents heard that rental values in Manchester are higher than in Manhattan, they were surprised, as was I. So I checked it out and it proved to be true.

On the question of certainty, I appreciate the point that the hon. Member for Surrey Heath was making about the micro level. However, stability will be provided at the macro level because, as evidence shows, if the policy is successful—as we of course expect it to be—it will have a beneficial effect in the medium to long term. I have already dealt with the point that he made about the Lyons report and increased revenue from empty properties.

Members also asked about assessing the location of empty properties and whether there will be differential effects. It is clear that the policy needs to be examined in relation to areas such as the cities of London, Manchester and Birmingham, and Slough, which my hon. Friend the Economic Secretary mentioned. Analysis of England by region and by value shows that, unsurprisingly, the north-east and the south-west have the lowest figures.

Some important points have been made about regeneration areas, and I was grateful for the recognition earlier of my own commitment to regeneration; I did indeed not only read the available evidence, but consulted some of the urban regeneration organisations. Renovation funds are available in areas with Department of Trade and Industry assisted area status. However, compared with areas such as the City of London, a major obstacle in regeneration areas is of

course the availability of land. We do not believe that there will be a negative impact on business confidence as a result of this measure. For example, redevelopment and regeneration schemes in Liverpool are already making available £8.2 billion for development, with planning permission already granted. That is not related, except in a tiny way, to the empty property issue. I concede that one has to consider the impact in different parts of the country, and Members have made strong points about the potential impact on their local economies. If I cannot deal with those points today, I hope to be able to do so on Second Reading, should the House resolve this motion today.

The hon. Member for Twickenham (Dr. Cable) called for further consultation, which is clearly desirable. However, we in this country sometimes suffer from consultation fatigue, and Opposition Members have criticised us for having too many independent reviews. One cannot have one's cake and eat it, but the point about consultation, particularly parliamentary consultation, is a fair one. The hon. Gentleman also referred to the twin objectives of raising revenue and changing behaviour, both of which are indeed objectives in this policy area. Such measures are part of the revenue-raising measures in the Budget. They have to be taken in the round, alongside decreases in corporation tax over the years—and, of course, the most successful stewardship of the economy in our country's history over the past 10 years. I shall say that especially loudly today. However loudly or softly I say it does not change the fact that it is true, and I wish that people would sometimes listen to the argument and not who is making it.

The hon. Member for Twickenham asked about the £1.3 billion in Sir Michael Lyons' report and the £950 million. It is important to point out that in our assumptions we build in a £900 million figure in year two, recognising that the impact overall will be to lower rents. That addresses the point that the hon. Member for Peterborough (Mr. Jackson) rather sceptically—I do not say cynically—raised. I think that he called the measure a stealth tax or a smash-and-grab raid. It is not. It is part of the revenue-raising measures, but it will also have the desirable consequence of changing behaviour, as the hon. Member for Twickenham pointed out.

We want to bring empty properties into the market. It is ridiculous that companies leave properties empty, whether intentionally or not. I do not have examples of companies that deliberately set out to do that, and I suspect that it would take a private detective agency—

Ed Balls: *Property Week.*

Mr. Woolas: My hon. Friend reminds me that *Property Week* has looked into the issue. The example of Palmer Capital Partners—I take it that that is Palmer, not Palma as in the capital of Majorca—was given. I am not making an accusation, but for the figure to be valid the company had to assume that the property would be vacant. I do not suggest that that was that company's deliberate policy, but there are many examples of companies who build offices, turn the lights on brightly to advertise them, stick a For Rent notice outside, hire a security guard and disappear to the Mediterranean. In my view, that is undesirable.

The hon. Member for Peterborough made the point about the increase in homelessness—which is not true—and sounded like my right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher). The hon. Gentleman harked back to the days of Centrepoint, but the Centrepoint charity for the homeless came into existence because the Centrepoint tower was wilfully kept empty. We are not into that policy and we are trying to change the situation. We want to bring empty property into active use for business and commercial activities.

It is interesting that the hon. Gentleman and my right hon. Friend should concur on the issue. I have to disappoint the hon. Gentleman and tell him that he is not eligible to sign the nomination form for my right hon. Friend on Monday—

Ed Balls: He could cross the Floor!

Mr. Woolas: I shall move swiftly on, Mr. Deputy Speaker, as both you and the Whips are looking at me very sternly.

I have answered the point made by the hon. Gentleman about increased numbers of the homeless in bed-and-breakfast accommodation and the resolution. Other hon. Members asked whether the measure would result in companies deliberately vandalising properties or removing roofs, as happened in the past. It is proposed that we consult on measures to prevent that from happening. Generally, we take the view that that is not a likely consequence because the economic circumstances are so different from those of the 1970s. However, it is an issue that we need to address. We have, of course, consulted organisations, as I have said.

The hon. Member for Salisbury made three strong points. I wish that he would make those points to the supporters of the Sustainable Communities Bill. I agree with their objectives, but they seem to think that simply passing a resolution would save Manor farm, the pub and Dean Hill in his constituency. Clearly, those are matters that we will have to look at.

The hon. Gentleman also talked about planning policies that obstructed success. All constituency MPs are familiar with that, and there are empty pubs in the urban areas of my constituency as a result of planning problems. The proposals that the Government are bringing forward today must be seen in conjunction with our planning proposals, but I point out that the small business rate relief scheme applies to such businesses when they are active. The hon. Gentleman made a well researched speech, and we will reply to the specific questions that he raised.

The same is true for the hon. Member for St. Albans, whose speech contained four broad points. The third and fourth concerned deliberate vandalisation and the Valuation Office Agency, and I have answered those, but she also referred to Tesco. It amuses me that the Opposition have discovered that company to be public enemy No. 1, as I should have thought that the party of the free market would support successful companies such as Tesco.

Curiously, the hon. Member for St. Albans also said that the local development framework had been overridden. If that is the case, I should like to help her.

[Mr. Woolas]

Anne Main: For clarification, the local development framework has allocated that site for housing, and housing permission was granted on the Evershed site. The site was sold on to Tesco and, although any commercial development business could have acquired it just as easily, that company has kept it and now wants to develop it. The matter has not got as far as planning but remains at the consultation stage. That means that the original permission has not been overridden yet—thank goodness!

Mr. Woolas: I understand the hon. Lady's point, and the whole House will be familiar with it. In fact, I visited a similar case in north Liverpool only recently.

The hon. Lady also mentioned the Odeon cinema, and I am with her in wanting that to be reopened. It would be a lovely asset to her town—

Anne Main: City.

Mr. Woolas: I apologise. The cinema would be an asset to her city, but the fact remains that there appears to be no developer willing to take the project on, despite the public support that it enjoys. Nothing that the Government might do about planning legislation will change that. I do not believe that the proposal before us would hinder that process: on the contrary, I believe that it will help because, if it impacts business activity by changing planning decisions, that will be beneficial. That is part of its purpose, and it is an exact corollary of what the hon. Member for Surrey Heath said.

I therefore hope that the House will support the motion. I appreciate that serious points have been made in what has been a good-natured debate. I look forward to discussing them further on Second Reading and as the Bill proceeds through a Committee of the whole House.

Resolved,

That provision may be made for and in connection with the liability of owners of unoccupied hereditaments to a non-domestic rate.

Ordered,

That a Bill be brought in upon the foregoing Resolution: And that the Prime Minister, Mr. Secretary Prescott, Mr. Chancellor of the Exchequer, Mr. Secretary Darling, Mr. Secretary Hain, Secretary Ruth Kelly, Mr. Stephen Timms, John Healey, Mr. Phil Woolas, Ed Balls and Angela E. Smith do prepare and bring it in.

RATING (EMPTY PROPERTIES)

Mr. Phil Woolas accordingly presented a Bill to make provision for and in connection with the liability of owners of unoccupied hereditaments to a non-domestic rate: And the same was read the First time; and ordered to be read a Second Time on Monday 14th May, and to be printed. Explanatory notes to be printed [Bill 102].

Local Government Reorganisation (Northumberland)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

3.38 pm

Mr. Alan Beith (Berwick-upon-Tweed) (LD): I know that the Minister for Local Government, who replied to the previous debate, has handed over responsibility for this debate to his ministerial colleague the Under-Secretary of State for Communities and Local Government, the hon. Member for Basildon (Angela E. Smith). However, while he is here, I want to draw to his attention to the fact that every Member of Parliament for Northumberland is in his place for this debate. They all agree in their preference for a two-district solution to local government in the county, and they do not support the single-district solution that the county council has proposed. The Minister has kept both options on the table and we shall be discussing them in this debate, which his colleague the Under-Secretary will answer.

I declare an interest in that my wife is a member of the county council and, since last Thursday, of Berwick-upon-Tweed borough council, too. The wife of the hon. Member for Blyth Valley (Mr. Campbell) is also a county councillor, and we agree with our wives on these issues—as we do on so many matters.

It is a unique situation: four MPs in three political parties are in broad agreement about the direction that Northumberland should take. I defy the Under-Secretary to find another example from the whole round of local government reorganisation in which she is so assisted by unanimity on one proposal. I hope she and her colleagues take that factor carefully into account.

Northumberland is inherently a difficult area in which to implement a unitary system. The advantages of unitary local government are strong and obvious: it is much less confusing for the public, savings can be made and there are more opportunities for the council to deploy its funds to a wider range of services and to relate those services to each other. However, for geographical reasons, we have hung on to the two-tier system until now, even though in parts it is under severe strain and presents real problems in the smaller districts. These days, the county council is not a successful authority—certainly much less so than in my earliest years as a Member of Parliament—and has run into serious problems. I do not say that the problems have nothing to do with who controls the council, but a number of other factors are involved, too.

At district council level, so difficult has been the recruitment and retention of planning officers—for example, in Berwick borough council—that the council faces making a decision on three wind farm planning applications with no planning officers to advise it on its policy. The council has had to hand out that function to consultants who may in future be employed by the very developers on whose applications they are giving advice. That is a deeply unsatisfactory situation.

Mr. Denis Murphy (Wansbeck) (Lab): I understand the problems Northumberland county council faces at present, and has faced for several years, but does the

right hon. Gentleman accept that one of the main difficulties is that successive Governments have not always recognised the county's super-sparsity, which has a particular impact on education and social services? Recently, the county council tried to get rid of surplus school places, but on three occasions an appeal against school closure went against the council. Is that not a particular problem?

Mr. Beith: That is one of the factors I had in mind when I said that there are many reasons why there are difficulties with the two-tier system. The hon. Gentleman is right: the financial formula has not worked in Northumberland's favour at all. Indeed, one of the merits of the two-district solution is that sparsity may be taken more into account, instead of being masked by the fact that there is a significant urban population. Furthermore, some of the deprivation factors that apply in urban areas might be given more weight if there were two separate authorities. At present, we miss out on all sorts of things that are intended for rural areas even though we are one of the most sparsely populated areas in the country, because there is a mixture of extremely sparse and highly concentrated areas of population in the same county.

If the two-tier system were to continue, lots of joint working would be needed, but the county has shown no willingness at all to engage with the idea of enhanced two-tier working. There have been approaches from the districts, but the county has shown no interest. There is a danger that we may still end up with a two-tier system and no great prospect of changing or improving it; Northumberland may be put on the "too difficult" pile, because two possible unitary solutions are in play. That would be a pity, because we need to move forward in some way and I am disappointed that the county has not actively pursued the enhanced two-tier alternative.

That all six district councils in Northumberland have agreed that there should be a two-unitary solution is extremely unusual in local government reorganisation. The councils are controlled by different parties and in most cases there is no overall control, but every district and every political party involved agreed on the same solution. The county leadership decided to put forward a one-unitary solution, but it could not get that through its own council, despite having a majority. It had hastily to redraft the resolution supporting a single authority solution to indicate that both proposals were going forward. Without the acknowledgement that both proposals were valid, its resolution would not have got through at all.

The Northumberland proposal is a one-size-fits-all approach and is not capable of responding to the needs of the diverse communities of the county. There are two distinct parts of Northumberland. When I say "Northumberland", I mean the present administrative county. If we were talking about the real Northumberland, we would be talking about areas long since transferred into other authorities such as North Tyneside and Newcastle. This is not an argument about the historic county of Northumberland, which is much bigger and has a much larger population than the administrative county whose future as one or two unitary authorities we are discussing.

Within the administrative county, there is an urban south-east and a rural area of west, mid and north Northumberland. Not a single member of the county's cabinet comes from the rural area and I think that there are only two members on the executive of the county council who come from outside the Wansbeck and Blyth Valley districts. That is an inherent weakness in the way in which things work and its results can be seen in the decisions that the county takes.

Many regional organisations say that unitary status is needed and that they will work effectively with whatever structure is implemented, because they think that it will be more efficient than a two-tier system. The White Paper is all about allowing citizens the opportunity to shape the communities that they live in. In that case, why are we still considering a single unitary proposal that does not have the support of Northumberland residents, its community organisations, its district councils or its Members of Parliament? Instead, we have the option of having a rural Northumberland authority, with a population of 164,000 and a south-east Northumberland authority, with a population of 142,000. Let me just underline the difference between the two. The population of the rural area works out as one person for every 3 hectares; the population of the urban south-east proposed authority works out at 10.6 people per hectare. That gives an indication of the fundamental difference.

On 27 March, the Department for Communities and Local Government announced which proposals were going forward to stakeholder consultation. To quite a lot of people's surprise, in Northumberland two proposals went forward: the county's proposal for one unitary authority and the districts' proposal for two unitary authorities. I think that all the councils in Northumberland would probably have preferred the Secretary of State to identify a single preference, but, along with Bedfordshire and Cheshire, we have two potential solutions and probably a longer period of uncertainty.

Why is that so, when the people of Northumberland have already voted on the matter? In the referendum in November 2004 on regional government, they were given the opportunity to decide between a two-authority solution and a one-authority solution in exactly the format that they are now proposed. Some 56.2 per cent. voted for the two-unitary option and only 43.8 per cent. opted for a single council. Far from there being any evidence that opinion has moved in favour of a single authority since then, an ICM opinion poll in December 2006 showed that 67 per cent. were in favour of a two-council option.

Mr. Denis Murphy: The right hon. Gentleman's point about the number of organisations, including political organisations, that support the two-unitary system is well made. Is he aware that the boundary committee, in its report published in May 2004, stated:

> "We consider that the division of the county into two unitary authorities could help address the differing needs and priorities of the urban and rural communities in Northumberland. It could enable each council to gear responses to the specific issues of residents in its area, providing a local focus and a close link to the public."?

Does he think that that statement takes the argument forward?

Mr. Beith: The hon. Gentleman is absolutely right to quote that statement from the boundary committee. I agree with it.

[Mr. Beith]

The Government have put forward assessment criteria against which the authorities have to be measured. Both bids qualified as capable of delivering savings. Some people expressed concern about whether there is an element of cross-subsidy from the urban to the rural area that might be lost if we had a two-authority solution. My belief is that that will almost certainly be offset by what happens with the funding formula—for the reason that I gave earlier. At present, the rural area is deprived of the provision that the Government rightly make available for sparsely populated rural areas because its figures are buried within those of a larger area with a substantial urban component.

Three different marks could be given for the likelihood that the outcomes specified in the criteria would be satisfied: a high likelihood, a reasonable likelihood and little likelihood. Both bids passed on all counts, so it was judged that there was at least a reasonable likelihood of each of the criteria—affordability, cross-section of support, strategic leadership, neighbourhood engagement and service delivery—being achieved. However, I am puzzled by how the scoring was done. For example, the proposal for a single unitary council got a reasonable rating for cross-section of support, but there is absolutely no evidence whatsoever that there is a cross-section of support in Northumberland for the county's single-council solution. In fact, there is a great deal of evidence to the contrary. The districts' two-council bid also got a reasonable rating for cross-section of support, even though all the evidence shows that there is a high cross-section of support for that proposal.

Councils have not yet been given any information about the rationale behind the scoring, except for that in the Department's letter of 27 March. Having scored the criteria, the Department seems to be saying that the really important issue is whether the overall threshold is passed, rather than the scoring of the individual criteria. However, during some of the discussions, a lot is being made of the scorings that have been achieved.

Let us consider the cross-section of support again. I have mentioned the referendum and the opinion of the four Northumberland Members. More than 100 local organisations support the two-authority option. That bid has as wide a cross-section of support as could be achieved for any reorganisation proposal. However, the county council's bid was only just supported by that council when it was considered alongside the other bid, so the support was very qualified. Some regional stakeholders said that they were doing no more than commending unitary government in principle, rather than distinguishing between the proposals.

Most of the regional bodies that have indicated support for the county's bid are much bigger than the county itself. It suits them to have fewer local authorities to deal with, and their structure does not address the problem that we are examining: how to keep local government reasonably local. The arguments about the police are sometimes cited. The police force covers a much larger area than the existing county and it wants to be bigger still. It wanted to amalgamate with two further police forces, but the Government wisely decided that that would not be a good idea. I do not think that the police authority is the best body on which to rely in this matter, given that the Government have not seen fit to support the authority's record. The White Paper is about putting communities at the centre of decision making, so the scoring should have reflected that more accurately.

Curiously, the scoring received by the proposals on strategic leadership did not seem to be entirely accurate. However, perhaps even more doubtful is the scoring on neighbourhood engagement. Some councils have scored extremely well on neighbourhood engagement. Blyth Valley is a beacon council for community engagement, while Wansbeck district council's LIFE—local initiative for everything—model has been praised. The county's neighbourhood engagement takes place through a system of area committees. While that could work well, the authority is not taking much notice of the area committees in some parts of the county, so even the existing mechanism is not being used.

I realise that the Under-Secretary will not be able to say a lot in response to the debate because she is part of the consultation process. However, if the Government were to adopt the county's proposal for a single authority, would the county be treated as a continuing authority under the Local Government Act 1992? If it were, the existing county apparatus would essentially survive, and rather than having new authorities in which all positions would be up for open competition to allow people with the experience and qualifications to do the job to be selected, the county's staffing structure would be preserved to a large extent. I hope that the Minister will address that matter, even though I hope we will not face such a situation because I want the Government to go for the two-council option.

The next criterion I want to consider is service delivery. Satisfaction levels and residents' experiences of the authorities demonstrate that the county council's services are, in a number of respects, worse than those of most of the district councils. There are a number of respects in which having an authority the size of the present county manifestly does not work. We have experienced particular problems with education and school transport. The county council has failed every attempt to win Government support for its projects under the building schools for the future programme. Every single bid that it has made has been turned down. It now looks as though it will be 2014 before we are even in with a chance. There must be something wrong, and I put that to the Minister for Schools, who came up to the region. Clearly, officers in the relevant Department do not regard the county's bids as satisfactory. There is a serious element of the Government not valuing the kind of proposals that the county makes. That may partly reflect the difficulties of running education services in such a diverse county.

To take the case of school transport, the county failed to bid for funds that it would have received from the Learning and Skills Council, and so deprived itself of money that was available. Partly as a consequence, it is charging everyone over 16 who needs school transport £360 a year to get to school or college, and that is in an area where the take-up of post-16 education is low. It has denied college students from Berwick rail passes to get to college in Newcastle. Instead of a 45-minute train journey, they face a bus

journey of an hour and a half, or an hour and three quarters, and many of them simply opt out, or pay to travel on the train. Those points illustrate the fact that the county is not able to administer some of its services satisfactorily in such a diverse area. That is one of the drivers behind people feeling that they would be better off with two authorities, rather than one.

Mr. Ronnie Campbell (Blyth Valley) (Lab): May I raise the issue of the vulnerable, including the homeless and old people? The county got zero stars in that area, and in fact I received a ministerial letter the other week to tell me that a team is being sent to the county council to try to lift its performance so that the vulnerable can have some sort of representation in Northumberland.

Mr. Beith: The hon. Gentleman makes an important point. He knows the area well, particularly the strains and stresses in the urban area around Blyth Valley. It gives me no pleasure to say that the county is letting us down on a number of key services. There are some difficulties that have made that the case. However, people should take certain things into account before they assume that because we have a county council it could be the basis for a unitary authority and that everything will work well, including all the services now run by the district councils, including housing. Recently, there was a sharp increase in charges for home help and community care. That really hits vulnerable people in the area. I hope that the Government can help the county council to do better in various ways, but the examples that I have given do not represent evidence that running a single authority on the basis of the present county would be a good idea.

Mr. Campbell: That brings me to another point: the council put up the charges for home help for old people by £5. That increase was to generate £1 million. My wife, who is a county councillor—I declare that as an interest—has three times asked what had happened to that money. The argument was that it would go back into services for old people, but it disappeared and no one could find out where it had gone. I know where it has gone, but of course no one wants to say. My wife is still hanging on to that question; she still has not had an answer on where the money that the old people were charged went.

Mr. Beith: Given the exchanges that have taken place, the Under-Secretary must be beginning to understand that there are four people in the Chamber who have an intimate knowledge of the problems that the county council faces. We have all been led to the conclusion that there is no basis for a single unitary authority in Northumberland, and we have given a number of examples of why that is so.

If the Government opt for a single authority, I confidently predict that there will be a vigorous campaign against the idea. The district councils have a mandate for such a campaign, and local organisations will want to back that campaign. On the other hand, if the Government opt for two unitary authorities, the county council will have no mandate to campaign against the proposal, as its own resolution actually supports both proposals. I do not think that Northumbria police or any other regional authorities are going to go to the barricades to try to save a proposal that has been so widely criticised. If the Government want to win the confidence and support of people in Northumberland, they should opt for the two-authority scheme. If they were so unwise as to try to promote the single-authority scheme, they would face severe opposition.

Mr. Denis Murphy: I thank the right hon. Gentleman for giving way again. The county council's problems are compounded by the fact that in its proposal it suggests that a political status quo exists in the single unitary authority—that is, it would be quite happy if a leader were elected from the cabinet—whereas the two-unitary system obviously proposes that there should be elected mayors, which is very much in line with the White Paper.

Mr. Beith: The hon. Gentleman reminds me of a point that I should have made earlier. On those grounds, the two-unitary solution proposed by the district councils satisfies the Government's criterion for strategic leadership much more closely than the county's own proposal. It is a much more explicit attempt to meet that particular demand from the Government.

If, after all that, the Government said, "Oh, it's too difficult. Let's just leave it alone", there would be a great deal of disappointment among people on all sides of the argument, and there would not be a very promising atmosphere in which to achieve an enhanced two-tier system, which is the only viable alternative. It would be a system in which authorities would have to share services a great deal. I am not saying that it would be a bad thing, but it would be necessary to plan the sharing of services, staff and so on. It would require a big change of attitude in the county council and in the district councils, too. I have not seen any evidence in discussions that the county is willing to undertake such lateral thinking. All the indications—certainly everything that my three colleagues would want to propose—suggests that a two-unitary authority solution is the right way forward.

4.12 pm

Mr. Ronnie Campbell (Blyth Valley) (Lab): Briefly, I had better declare an interest, as my wife is a member of the county council. She is a willing turkey, unlike those whose seats and jobs are vulnerable.

I want to make a couple of comparisons. When my hon. Friend the Member for Wansbeck (Mr. Murphy) and I went to see the Prime Minister, he said that he backed a one-tier system in Durham. However, I must remind the Minister that Durham is an entirely different county from Northumberland. She should not fall into the same trap as the Prime Minister and think that Northumberland is the same as Durham, because it is not. Northumberland has one Tory Member of Parliament—the hon. Member for Hexham (Mr. Atkinson)—as well as the right hon. Member for Berwick-upon-Tweed (Mr. Beith), who is a Liberal, my hon. Friend the Member for Wansbeck and me. That is the make-up of Northumberland. The make-up of Durham is solid Labour. Whether Durham had five tiers, three tiers, two tiers, or one tier, it would

[Mr. Ronnie Campbell]

be Labour. When decisions are being made, those things should be looked at first.

I tried to secure a referendum, but the proposal failed because it was too late. If the county wanted to hold a referendum, it could have done so in March, but it did not go down that road. It huffed and it puffed, but it did not do so. If it had done, we might have had a proper referendum in Northumberland, although we have already had one, as the right hon. Member for Berwick-upon-Tweed said. That proposal failed, but I have decided to run my own survey in my constituency. In fact, I have the honour of being the first Member in the House of Commons to use the communications money in that way. I phoned the authorities straight away and said, "Can I use it for a survey and an article in the newspapers, and ask people to indicate which tier of local government they want in Northumberland?" That was duly done, and the first advert appeared last week—the second one will appear this week. There was an overwhelming response. I am just counting the responses, which stand at 200 in favour of the two-tier system and 49 in favour of the single-tier system. A pattern is emerging, as the right hon. Member for Berwick-upon-Tweed said. There is support for a two-tier system. It is a pity that we cannot have a referendum throughout Northumberland. That would give a better picture, but there is already some information from Blyth. As soon as the survey is finished, I will send the results to the Minister, as they are a reflection of people's views.

Turkeys do not like an early Christmas, and of course members of the county council are fighting. They have good jobs and we all know what happens when reorganisations and boundary changes take place. Even Members of Parliament lose their seats. Council members must accept that such things happen, although I do not blame them for fighting to keep their seats. However, the county council is not a gravy train for them. It is for the people of Northumberland to decide what they want, and they are overwhelmingly in favour of a two-tier system.

I have seen the submission. I do not want to speak untruths, but some of it reads like Walt Disneyland. When I met the Minister to discuss schools in Blyth, I asked him, "Who told you that?" The county council or the civil servant in question obviously told him.

The county council is clutching at straws, as the right hon. Member for Berwick-upon-Tweed said. The services that it runs are just about zero. It has not got many stars for anything. It has two stars for two services and none for services to the vulnerable, which I mentioned earlier, because it has closed all the homes. The council acted rashly and, I think, made a big mistake. The Government did not give the county money for the schools programme. I believe that all the money, including the £1 million that was supposed to be saved for the old people's home helps, was put into education.

In the budget a couple of years ago, transport was cut by half and the money put into education. I am sure that that is what the council is doing with all the other services, so all the other services suffer in order to get the schools building programme on the agenda. That is a big, big mistake. When the council said that it would do that, I remember telling it, "If you haven't got the money, don't do it." The Minister responsible for schools at the time told me to keep out of the argument. How a Member of Parliament can keep out of an argument like that beats me.

I believe that that is where the council went wrong. It has problems because it is overstretched trying to provide transport and schools in rural areas, which is very difficult. Transport in rural Northumberland is almost non-existent, and it is not good in Blyth Valley or Wansbeck. My hon. Friend the Member for Wansbeck and I have been trying to get a train service there. We are having difficulty, although there is a train line. All we have in Blyth Valley and Wansbeck is a bus service, which runs a lot better than in some areas of Northumberland.

The question is the best way forward for the people of Northumberland. I am glad to say that they are thinking the right way. They think the county should be split into rural and urban areas so that something can be done. A lot of cross-border activity takes place. We will work together—that is a racing certainty—and go forward. I hope the Minister and the Cabinet will take that on board.

4.19 pm

Mr. Peter Atkinson (Hexham) (Con): I am grateful for the opportunity to debate local government in the House. I am also grateful for the fact that not many Members of Parliament were interested in discussing empty commercial buildings, so we can have a proper Adjournment on the subject.

I am pleased to see the Minister in her place. After Northern Ireland, the affairs of local government in Northumberland should be much easier to crack. I strongly urge her not to put this to one side and say that it is too difficult.

Local government reform in Northumberland has been around for many years. The right hon. Member for Berwick-upon-Tweed (Mr. Beith) will correct me if I am wrong, but I think that this is the third attempt. Under the Conservative Government, Lord Heseltine, as he is now, had a go at it, but eventually walked away when there was no final agreement about its shape. This time, we have some solid agreement between all four Members of Parliament and all six district councils.

I want to reinforce one or two points that have been made. Local government reform in Northumberland has always been bedevilled by the geography. We have a population of some 300,000—about the size of a small London borough—yet the county is one of the biggest in England. As we heard, students at Berwick take an hour and a bit to get to Newcastle. Getting to one of the hospitals in the east of the county used by my constituents takes a drive of an hour and 20 minutes. We are talking about very substantial distances—probably 70 miles from north to south and 50 miles from east to west.

That makes a difference in achieving a local government system that is efficient as well as local. Getting that balance right has been extremely hard and has defeated us on the previous two occasions. Now we think that we have got it right and that the two-authority system will work. In fact, it offers an

opportunity to do some new things, because it is a model that does not exist anywhere else in the country. It may be possible for two authorities co-operating on several matters to deliver the efficiencies of scale that people say would be delivered by a unitary county. We have heard about the loss of services. In Northumberland, social services are already provided jointly with the NHS. We should also put into the picture—perhaps unhappily for a Conservative—the fact that we now have a fairly strong regional dimension, so decisions on matters such as planning and transport infrastructure, which could have been taken at county level, are taken at a higher level. The two authorities should be more than capable of co-operating to deliver efficient services.

Let me cite a slightly controversial example of where the system would work. The county council has determined that the three-tier school system, which we still have in Northumberland, should change to a two-tier system. There are arguments for changing to two-tier and for maintaining three-tier, but the arguments for two-tier are undoubtedly stronger in the urban, more densely populated areas than in the rural areas. The consequence of moving to a two-tier system in my constituency—I am sure that it is the same for the right hon. Member for Berwick-upon-Tweed—would be that nine-year-olds would have to travel for more than two hours a day in coaches to get to school. After reorganisation, a three-tier system would have to exist anyway. That is an illustration of how the education system in a rural area would be better determined by a rural authority than by a unitary authority.

I accept that our funding problems arose because the formulae have never properly taken population sparsity into consideration. It always amazes me that Northumberland has a lower sparsity than Norfolk. That is based on some spurious system invented by somebody long departed who took with him or her the secret of how to calculate it. It is apparently calculated on the basis of parishes, but it seems to affect rural areas very much. There is a chance of getting some better funding into our area, which is much needed to provide services.

Mr. Beith: Was the hon. Gentleman surprised that the Government added to their list of consultees the county councils group in the Local Government Association but not the association that gathers together sparsely populated local authorities, which has done a lot of work on this? Does not that make us worry somewhat that the Government are still not taking sufficient account of the factors that are relevant to rural Northumberland?

Mr. Atkinson: Indeed. I agree with the right hon. Gentleman. It was surprising that that body was left out of the consultation. The provision of services in rural areas has increasingly moved up the political agenda. The Government need to take account of that when they consider the final outcome to the matter.

Mr. Denis Murphy: The hon. Gentleman mentioned one or two innovations that the two unitaries introduced. Does he agree that one of the better ones is their decision, although they are financially independent, to share most of the costs that are currently covered by the county of Northumberland? An independent, not-for-profit company would be set up to deliver many of the services on behalf of both unitaries, thus substantially reducing the council tax for the people of Northumberland.

Mr. Atkinson: The hon. Gentleman makes an important point. Some good ideas have been presented and I believe that the two-tier system will be a model for other parts of the country. I am sure that it will work—the council officers in the district councils, who are enthusiastic about it, will make it work. I am confident that we will end up with a good system that best serves the people of Northumberland.

4.25 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Angela E. Smith): I congratulate the right hon. Member for Berwick-upon-Tweed (Mr. Beith) on securing the debate on what is obviously a key issue for the people of Northumberland. I appreciate the strong feelings that have been expressed. There are few occasions in the House when all three parties agree and it is a rare opportunity for a Minister to respond to such a debate. I am grateful to all four hon. Members who took part—my hon. Friends the Members for Wansbeck (Mr. Murphy), and for Blyth Valley (Mr. Campbell) and the hon. Member for Hexham (Mr. Atkinson), as well as the right hon. Member for Berwick-upon-Tweed—for their contributions.

Let me first provide some context. As hon. Members know, we initially received 26 proposals from local authorities for the creation of unitary authorities, in response to the invitation that we issued alongside the local government White Paper in October last year. After careful consideration, it was announced that 16 proposals could be taken forward to be short listed and we could then proceed to a stakeholder consultation.

The right hon. Member for Berwick-upon-Tweed said that he understood the constraints on what I can say today because we are in a legal process about consultations. Much as hon. Members might like me to go into detail about the merits or otherwise of the specific proposals or the authorities involved, I cannot. The reasons for our judgment were set out in the letter of decision that was sent to councils on 27 March. Many points that hon. Members made tonight are on the merits of the proposals.

I should like to deal with the questions that have been asked in the debate and set out how we reached our current position and the way in which we proceed from here. We published our invitation in response to the views that had been expressed during a long-standing debate on the future of local government. However, as the hon. Member for Hexham said, it has not lasted as long as the debate on the future of Northern Ireland, which reached a successful conclusion this week. Existing arrangements in some two-tier areas do not deliver the governance that places need today. All hon. Members made that point, especially the right hon. Member for Berwick-upon-Tweed. He outlined the risks, challenges and difficulties in a two-tier structure. There can be confusion, duplication and inefficiency between the tiers.

[Angela E. Smith]

There is a view that moving to a unitary structure could improve accountability, create a stronger, more focused leadership in the local authority, improve the local authority's efficiency and especially improve the outcomes in service delivery for local people. My hon. Friends the Members for Wansbeck and for Blyth Valley stressed that point.

Allowing restructuring was our response to that, and that view was held in several areas, as shown by the 26 proposals that were made to the Government. On 27 March, my hon. Friend the Minister for Local Government announced that 16 proposals were being taken to stakeholder consultation, including the two proposals from Northumberland. In making that decision, the Government had to have regard to all the relevant information—the submitted proposals, any supplementary material from the proposers and any other available relevant information.

We have written to all the councils that submitted proposals, setting out the reasons and the basis on which the decisions were made. All 26 proposals were judged against the five criteria that the Government published earlier. Our judgment is that there is at least a reasonable likelihood that the 16 proposals, if implemented, would achieve the outcome specified by the criteria. I shall not comment on the specific proposals, as I have already said, but I would like to set out the criteria and say something about them, while also responding to some of the questions.

First, we were clear that the proposals had to be affordable. The changed unitary structure had to represent value for money and had to be met from a council's existing resources. They also had to be supported by a broad cross-section of partners and stakeholders. Comments were made about the relative value and relative merits of the amount of support for each proposal, which will be taken into account in the consultation that proceeds. At this stage, all that was being requested was that there was support for the proposal from some stakeholders.

The right hon. Member for Berwick-upon-Tweed asked about the previous referendum in November 2004. I have to say that that took place in a different context and a different backdrop in 2004, but that does not mean that it can be dismissed. It, alongside other information, can be taken into account and it has been submitted in evidence as part of the consideration. The weight that can be attached to referendums and other such polls—the metropolitan area of Blyth Valley has been mentioned—depends on the question asked and how far it can be judged to be impartial and not to lead people a certain way, on how easily it can be understood by voters and the ease with which they can make a judgment on the information, and on the efforts taken to provide a fair and balanced explanation of the complex issues involved. All those matters can be taken into account. Indeed, they have been and are being submitted as part of the consultation on the proposals.

In addition to those two criteria of affordability and support, the proposals have to provide strong, effective and accountable strategic leadership; they have to offer genuine opportunities for neighbourhood flexibility and empowerment; and they have to deliver value for money and equity on public services. After consideration, it was decided that 10 of the proposals should proceed to stakeholder consultation. Having regard to the relevant information, the judgment was that there was not a reasonable likelihood that, if implemented, the proposals would achieve all the outcomes specified in the five criteria.

The hon. Member for Hexham and the right hon. Member for Berwick-upon-Tweed asked why certain bodies were consulted and others, particularly SPARSE—Sparsity Partnership for Authorities Delivering Rural Services—left off the list. The list of consultees is not a definitive list of the only bodies that can be consulted. The chairs of local strategic partnerships and many other bodies were also consulted. Every chief executive in all the local authorities that had put proposals forward was contacted and told that any other body or group could be consulted and information passed on to others if appropriate. We said that we would have regard to all the representations received from any quarter. No group of organisations was disbarred or prevented from responding to the consultation.

Mr. Beith: May I take the Minister back to the scoring of the criteria? Is she saying that the criteria were established to decide which bids should go forward and that as long as they had a reasonable likelihood of satisfying the outcomes, they went forward—and that that was the end of it, so wider consultation is now taking place? Alternatively, is she saying that the grade achieved in the scoring remains a key factor in the Government's eventual decision? If she is saying the latter, we will want to question the basis on which the scoring was done, because it is manifestly wrong in relation to cross-sectional support for the county proposal, for example, and in a number of other cases that I cited.

Angela E. Smith: I shall come back to the right hon. Gentleman if I am wrong, but my understanding is that the former is the case and that we have moved forward to stakeholder consultation, which will now inform the decision making. I am receiving an enlightened nod, so I am right that it is the former. Decisions were taken and have since proceeded. Consultation is now under way and judgments will be made about which part of the proposals will go forward, if either go forward, on the basis of that consultation and subsequent evaluation and judgment. I hope that that satisfies the right hon. Gentleman on that matter. He also asked why we are still consulting on the county proposals, but perhaps the answer that I gave to the last question also addresses that issue for him. We are now making a judgment on the relative merits of proposals from the consultation.

My hon. Friend the Member for Wansbeck mentioned the Electoral Commission's proposals from 2004. Again, those may be submitted and taken into account as part of the consultation. The consultation will last for 12 weeks, finishing on 22 June. As I have said, we welcome comments, information and views from key partners and stakeholders who have an interest in the areas affected by the two short-listed proposals. As the invitation explains, partners and stakeholders include all local authorities, the wider

public sector, the business community, and the voluntary and community sector. Anyone may respond. There are copies of the consultation document in the Library of the House and it can also be obtained from the Department and from the Department's website.

After the stakeholder consultation, we will need to consider carefully all the representations that we have received. All the information provided to Ministers will be considered in the course of the examination of the issues. I want to give an assurance to the four MPs who are here in the Chamber that the views that they have expressed today will be taken into account, but they might wish to make formal submissions as well.

The proposals will move to implementation if, and only if, when the final decisions are taken, we are satisfied that they meet the criteria and that they remain affordable. We will also need to be satisfied that they have taken into account all the possible risks involved in the implementation. Careful consideration will be given to the findings of the consultation.

Mr. Beith: I think that we concluded earlier that both bids had passed the basic tests—that they had both crossed the threshold. I have not seen any new information to date, and unless any emerges the Government must surely now be considering what the people of Northumberland actually want—I submit that their view is more important than that of large or outside organisations—and what quality can be achieved. We are not really going back to whether the proposals are affordable, because that has already been established.

Angela E. Smith: We have established the likelihood of affordability, and we are satisfied. That is why the proposals have gone forward. However, we cannot discount any new information that might come to light. We shall take into account the views of the people of Northumberland, and of organisations—there are many organisations in Northumberland that clearly want to make their views known—but I shall not discount any new information that is relevant to all the criteria that have been set out. It would be wrong to write off any information that we might receive on the range of issues that we have to take into account.

Whether or not councils move to unitary status, all councils at district and county level will have to develop far more effective ways of working together. The right hon. Member for Berwick-upon-Tweed made a point about the problems of inefficiency and ineffectiveness in some areas with a two-tier system. That proposal will not change for the areas that do not get a unitary system; they will all have to work better and more effectively, whatever the outcome.

We are talking about the devolutionary principle, and about the Government giving local authorities the opportunity to make a bid for unitary status. We have received two bids from Northumberland. This is a new era of local government, and when it comes to the choices about how we move forward, it is down to local councils, their partners and their citizens—in this case, the citizens of Northumberland—to make responses to the Government.

Mr. Beith: I did ask the Minister a question of which I gave her office notice earlier today: if the Government were unwisely contemplating acceptance of the single authority proposal, would that be treated as a continuing authority under the 1992 legislation, as that has pretty serious implications?

Angela E. Smith: We are jumping ahead a little bit in presuming the outcome; decisions have not been taken. The right hon. Gentleman used the term, "continuing authority", which has sometimes been used in the past during reorganisations. Any unitary authority implemented as a result of the current process would be, as generally understood, a brand new authority; it would not be a continuing authority. The use of the term "continuing authority" was for a technical reason in relation to proceeding with a new organisation. No decisions have been taken on how a particular proposal would be implemented. A working group of stakeholders has been set up to examine all the implementation proposals. Within the limits of the legislation, we are prepared to be flexible on that. His point is noted, but no decision has been taken on implementation.

I thank Members for their contributions and I assure them that their comments will be taken into account.

Question put and agreed to.

Adjourned accordingly at twenty minutes to Five o'clock.

House of Commons

Monday 14 May 2007

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Military Inquests

1. **Danny Alexander** (Inverness, Nairn, Badenoch and Strathspey) (LD): What discussions he has had with colleagues in the Ministry of Justice on measures to reduce the backlog of military inquests for the fatalities of the conflicts in Iraq and Afghanistan; and if he will make a statement. [136569]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): The Ministry of Defence has regular discussions with the Ministry of Justice about the management of, and support to, inquests relating to deaths on operations. Since last summer, additional assistant coroners have been available to relieve pressure on the Oxfordshire coroner. The use of home coroners for single fatalities has been introduced and, in addition to the existing arrangements for all three services, a dedicated team has been established to support coroners preparing for inquests. As of today, there are five outstanding inquests in respect of operations prior to 1 January 2006, three of which should be heard by the end of July.

Danny Alexander: I am grateful to the Minister for that reply, because the point has been made that waiting three or even five years for an inquest is unacceptable to the families concerned. That is sometimes compounded by their having then to travel a long way, perhaps to Wiltshire, for the inquest. Is the Minister considering coroners' requests for further resources to speed up the process in the light of the additional deaths that have occurred? What progress has been made in considering the proposal put forward by the Minister of State, Ministry of Justice, the right hon. and learned Member for Camberwell and Peckham (Ms Harman) to allow inquests to take place nearer to the homes of the families of the deceased where that would make matters easier for them?

Mr. Ingram: This is a very important issue. The hon. Gentleman is right to say that the time taken has been inordinately long, and that has not been helpful. Sometimes there are good reasons for that, because of the very nature of the boards of inquiry by means of which the Ministry of Defence establishes the technical facts, which then help the coroner to come to a conclusion. Sometimes those can take a considerable time to assemble the best information. The reasons behind the amount of time taken by the coroner rest elsewhere, but that is why the Ministry of Justice and ourselves have put more assistant coroners in place. We shall continue to monitor that, and should there be greater demand and need, we would work with our sister Department to find the best solution. On getting inquests carried out nearer to home within England—I make the point that this cannot apply to Scotland because of the nature of the fatal accident inquiry system that applies there—we will always seek to get them carried out close to home. That is how both Departments are seeking to find a solution.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): It is good to know that considerable progress has been made, but will my right hon. Friend reassure me by confirming that the Department fully understands the need to give support and advice to families at such a difficult time?

Mr. Ingram: That, too, is an interesting and important question, and we have already established a dedicated team. One of the issues that I am examining is how to ensure that, in terms of our duty of care for our families, all that we do is the best it can be. I am also trying to encourage a more family-friendly approach within the inquest system, and all that work is under way. We have learned valuable lessons, and we shall continue to throw our best resources at this to ensure that the families receive the best advice and support during a difficult time.

Patrick Mercer (Newark) (Con): I note what the Minister says about resources being thrown at this, but the fact remains that this question has been coming up for at least three years and, as he says, cases are still outstanding from 2005. Will he guarantee that proper dedicated resources will be provided, or would he consider establishing military coroners, who could add to the speed of the process and reduce the grief for the relatives?

Mr. Ingram: Let me give the hon. Gentleman a word of advice. If the MOD were seen to be more closely engaged in what can be seen as highly contentious issues, it would look as if we were somehow interfering with the normal process of the consideration of these matters. Although we should rule nothing out, we would have to take that into account to ensure that there was a proper balance and that the families were certain that justice was being carried out in the inquest. On the allocation of resources, what I have said is that recently we have moved considerably in a short period of time. Some cases are long outstanding, and there are good reasons in respect of all of those. Where we can expedite them we shall, but that rests with the coroner, and not necessarily with the MOD.

Angus Robertson (Moray) (SNP): Will the Ministry of Defence work with the incoming Scottish Executive to ensure that inquiries can take place under Scots law? After all, that would help to reduce the backlog and to ease the inconvenience to the families.

Mr. Ingram: The answer to that is yes; we will always work with any Administration in any part of the United Kingdom—and long may Scotland remain part of the United Kingdom. My understanding is that there would need to be a change to primary legislation. We need to look into that, but if there is a will to change in Scotland, let us hear the propositions.

Mr. Mark Harper (Forest of Dean) (Con): Before I ask the Minister my question, may I point out that my hon. Friend the shadow Defence Secretary visited RAF Lyneham last Friday, and that he would like to place on record how impressed he was with the sensitivity and professionalism of all those who deal with the repatriation of our fallen service personnel?

The latest information in the ministerial statement made at the end of March by the Minister's colleague the Minister of State, Ministry of Justice, the right hon. and learned Member for Camberwell and Peckham (Ms Harman), was that there were still 91 military inquests outstanding, 25 of which dated from before May 2006. It sounds as if there has been a little progress since then, but progress in dealing with the backlog has been painfully slow. Given that Ministers expect the Wiltshire and Swindon coroner to transfer jurisdiction to the next of kin's local coroner wherever possible, how confident is the Minister that all coroners will have the expertise to deal adequately with military inquests—and if that is the right solution, why on earth was it not put in place four years ago, so that we could avoid the delays and anguish suffered by bereaved families?

Mr. Ingram: I am grateful to the hon. Gentleman for his comments about those who will carry out a daunting task at Lyneham with the same high level of professionalism as is found at Brize Norton. Considerable progress has been made; there is no question about that—and as I said in an earlier answer, lessons have been learned. At the end of the day, this is not just a Ministry of Defence issue. I again make the point that some of the delays were occasioned by the requirement for boards of inquiry to be thorough and exhaustive, so that we can best learn lessons. In the main, coroners await the outcome of the BOI. They do not need to, but I think that they benefit from it. On the point about assistance for the coroners system, we now have a dedicated team, and we will give the best technical and support assistance to coroners if they require it. Experience tells us that they would welcome all that, because a difficult and complex set of circumstances, which coroners may be encountering for the very first time, is involved. Progress has been made, and we can only seek to improve on that, but we have to take into account all the mitigating circumstances, some of which are outwith the control of the agencies and organisations involved.

Service Personnel (Health Care)

2. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What assessment he has made of the adequacy of medical support for service personnel on their return to the United Kingdom from operational theatres; and if he will make a statement. [136570]

The Parliamentary Under-Secretary of State for Defence (Derek Twigg): We regularly assess the medical support for service personnel to ensure that it is among the best in the world. That support can range from life-saving surgery in the UK's NHS hospitals and the excellent facilities at the Defence medical rehabilitation centre, to the treatment of routine ailments on a daily basis.

Mr. Evennett: General Dannatt has made it clear that he wants a dedicated military ward for our service personnel, but the Prime Minister will only support a military-managed ward, which is not good enough as a long-term solution to the problems. Will the Under-Secretary look again at the issue, because a number of our service personnel feel that they are being let down?

Derek Twigg: May I quote what General Sir Richard Dannatt actually said about Selly Oak?

"There is nowhere better in the country, nowhere more expert at polytrauma medicine than that hospital in Selly Oak, that's why our people are there."

We are moving to a fully military-managed ward during the summer. I can tell the hon. Gentleman that work commenced on the partition in the ward today. We are increasing the number of military nurses there, and there is also welfare support and psychiatric support. As part of the examination of the new hospital building, a military ward is being considered under the new private finance initiative scheme at Birmingham. Obviously, we will take that into consideration in the next few months.

Peter Viggers (Gosport) (Con): Although military personnel who are critically ill or injured must of course have the best treatment available anywhere, wherever that may be, does the Under-Secretary accept that there are overwhelming reasons why, for psychological and morale reasons, military personnel should be treated in a military environment? Other nations, and military personnel themselves, are incredulous that the Royal hospital Haslar, which is just such a military environment, should be closed.

Derek Twigg: I listen very carefully not just to the experts in the Ministry of Defence but to the clinicians and nurses who carry out their duties in places such as Selly Oak and in our field hospitals in the operational theatre, and no one whom I have come across so far believes that we can go back to military hospitals. There are not enough patients to ensure the training and care experience that our clinicians and nurses need if they are to provide the world-class care and treatment that they currently do.

However, as I said in response to the previous question, we recognise that the military environment is important, which is why we are moving to a military-managed ward at Selly Oak. That includes at least 26 military nurses—the number will be increased to 39 in the summer—military medical consultants, clinicians, welfare support and psychiatric support. There are also liaison officers in the ward, who liaise with the units of the injured service personnel. We recognise the importance of the military ethos, but it is important to ensure, too, that we use the best NHS skills and support within the NHS to ensure that our injured service people receive the best possible treatment and care.

Mr. Julian Brazier (Canterbury) (Con): The Minister's remarks are welcome, as resources have at

last been made available to our recovering servicemen. However, does he not understand the distinction between a military-managed ward and all that that means, which he described, and a ward on which only military people are treated, so that service personnel can recover surrounded by their comrades, and not find themselves, as in one recently reported case, waking up with elderly ladies on either side, one of whom said, "What happened to you, lad?" People recover faster when they recover among their own kind.

Derek Twigg: It is clear that a military-managed ward is the stage to which we are moving. With partitions, it will allow a much better military environment, with the involvement of many more military and medical personnel, plus welfare support, as I have already said. The new hospital being built at Birmingham offers us an opportunity to improve on that by providing a better military environment, and we will consider whether we can provide a full military ward. That is something that we are examining, and the decision will be made in the coming months.

Iran (Seizure of British Equipment)

3. **Mr. Desmond Swayne** (New Forest, West) (Con): What progress he has made in recovering boats and equipment seized by Iran from United Kingdom armed forces in (a) June 2004 and (b) March 2007. [136571]

The Secretary of State for Defence (Des Browne): We continue to press by all diplomatic means the Government of Iran to return the boats and equipment seized illegally in both 2004 and 2007.

Mr. Swayne: Can the Secretary of State tell us—apart from the iPod—what radio and cipher cards were seized, the standing operational procedures for which are destruction prior to capture?

Des Browne: I am not in a position to give the House that sort of detail in relation to operations, for good operational reasons. I can reassure the hon. Gentleman, however, that all issues relating to operations, particularly the operations in March 2007 when boats and equipment were seized, will be looked into by the inquiry ordered by the Chief of the Defence Staff, which will be led by Lieutenant-General Sir Rob Fulton, and will report to the Select Committee on Defence.

Mr. David Drew (Stroud) (Lab/Co-op): Will my right hon. Friend explain why the Iranians need to keep that equipment? It was taken in international waters. Is there a motive that we do not know about, and what discussions are under way to get it back?

Des Browne: I can see no reason why the Iranians would want to hold on to that equipment, as they took it illegally and in law should return it. The embassy in Tehran, as one would expect, takes the lead in these matters, and continues to press at every opportunity for the return of the boats and equipment.

Mr. Bernard Jenkin (North Essex) (Con): I welcome the Secretary of State's decision to allow the Select Committee on Defence, of which I am a member, to look at the results of the Fulton inquiry, and to reach a conclusion. In the meantime, may I invite him to consider how we are going to move from the present situation to a dialogue with those in Iran who would have a dialogue with the rest of the world? I appreciate that there is every opportunity to take offence at things that the Iranian Government are doing, not least to our own forces, but how are we to resolve the question of Iran unless we are in dialogue with those who would be in dialogue with us?

Mr. Speaker: Order. The question is a bit more specific, as it is about the recovery of the materials.

Des Browne: In relation to the materials, may I tell the hon. Gentleman that dialogue is indeed taking place between Ministers and officials, particularly officials in London who represent Iran? He will be aware that my right hon. Friend the Foreign Secretary took advantage of the recent meeting in Sharm el-Sheikh to speak to her Iranian counterpart.

Mr. Tobias Ellwood (Bournemouth, East) (Con): May I ask the Secretary of State why there are different rules of engagement for British and for American service personnel working in the Shatt al-Arab waterway?

Des Browne: Rules of engagement are entirely a matter for the assessment made by the command in relation to the tasks that those in their care face. To the extent that they are different, that is because we hold on to the relevant distinction that we should be able to make rules of engagement for the protection and care of our own troops.

Dr. Julian Lewis (New Forest, East) (Con): Returning to the point made by my hon. Friend the Member for New Forest, West (Mr. Swayne), may I say that it would be extremely strange if highly sensitive cipher cards were indeed in the possession of a boarding party, given the duties that it has to perform? May I also ask the Minister why a ministerial written answer on 24 April said that we had not at any stage sought the support of the United Nations in recovering the boats, even though both in 2004 and in 2007 the boats were captured while carrying out a mandated mission supported by the United Nations? Why are we making only bilateral approaches, when the right hon. Gentleman said in his answer that all diplomatic approaches were being made?

Des Browne: The judgment as to the most effective way of approaching the Iranians in relation to the matter entails a complicated assessment of what will be to best advantage in the wider circumstances of our relations with Iran and our other interests in that part of the region.

Iraq

4. **Martin Linton** (Battersea) (Lab): How many Iraqi troops have been trained. [136572]

The Secretary of State for Defence (Des Browne): Good progress continues to be made in developing the capability of the Iraqi security forces. To date, more than 143,000 Iraqi armed forces have been trained and equipped by the multinational forces.

Martin Linton: I welcome the progress that has been made in numbers. Can my right hon. Friend also report to us the progress that has been made in training the Iraqi armed forces in skills and operational capabilities?

Des Browne: We are continually looking to improve the effectiveness. As for numbers, we are getting towards the figure that was set as the target for recruitment. The emphasis is now on building the Iraqi security forces' capability, particularly in leadership, command and control, intelligence and logistics. If the House wishes for evidence of the improvement in capability, I point to the conduct of the Iraqi security forces, especially the Iraqi army, in Amarah last October, their contribution to Operation Sinbad at the turn of the year, and the contribution of the 10th Division of the Iraqi army, which the United Kingdom has mentored in relation to the Baghdad security plan. In the assessment of others, including some hard-nosed American generals, they were among the best Iraqi troops deployed in Baghdad.

Mr. Colin Breed (South-East Cornwall) (LD): Just over a year ago when I and other Members visited HMS Bulwark in the Shatt al-Arab, we were advised that the Iraqi navy had been fully trained to carry out boarding, and the only reason why it could not do so was its lack of boats. Bearing in mind recent events, can the Minister confirm that the Iraqi navy is indeed fully trained to undertake boarding, and can he tell the House what efforts have been made to provide it with the necessary boats so that it can carry out those duties?

Des Browne: Better than that, I can tell the hon. Gentleman that about two weeks ago when I visited Umm Qasr, where the Iraqi navy is based, I saw for myself that not only was it fully trained to carry out boarding, but it was doing so, although that was further up the river than the area where the incident involving our Marines took place in March. With reference to equipment, within months the Iraqi navy will receive the first of 21 new boats, all of which have been specifically designed for it to carry out such work. In the meantime, it has boats, provided by the Italians, from which it is able to carry out boarding.

Mr. Wayne David (Caerphilly) (Lab): Will the Secretary of State confirm that many Iraqi officers have been trained in Brecon, and to an extremely high standard?

Des Browne: I can, of course, confirm that. Significantly, that has been the case for some time now, not just in this phase of the development of the Iraqi army. It is amazing the number of very senior and older officers whom I meet when I go to Iraq who were trained in Britain, or in the British way in defence colleges elsewhere, perhaps in Pakistan or India.

Mr. Andrew Mackay (Bracknell) (Con): Does the Secretary of State now accept that the Iraqi army would be in much better shape, and the security situation in Iraq would be more stable, if we had not expelled all Ba'athists from the army—and will he accept that a very bad mistake was made, and lessons had not been learned from what happened in Germany in 1945?

Des Browne: Retrospection always lends clarity to people's opinions. I know from my conversations with Iraqis, and in particular with Iraqi politicians, that de-Ba'athification is still a contentious issue. I was not involved in the particular decisions that were being made at the time, but I understand their complexity. They were finely balanced decisions, and the balance may have fallen on the wrong side.

Mr. Brian Jenkins (Tamworth) (Lab): We welcome the progress made with regard to the training and deployment of Iraqi troops, but can my right hon. Friend give us an estimate of when he expects Iraqi troops to be of sufficient numbers and ability to take over all of the British sector in the south? What confidence does he have that the Iraqi forces will be able to monitor and control the border between Iraq and Iran?

Des Browne: When the balance between the level of threat in the remaining part of the south-east of Iraq—Basra province and Basra city—and the ability of the Iraqi security forces to deal with that threat is right, we will be able to hand over. We are in that transition phase at the moment. In Basra city we have successfully handed over two of our operating bases and we have substantially handed over the Shaibah logistics base. We plan to consider the handing over of Basra palace within a matter of months, and around that time we will be able to assess whether the Iraqi security forces, in particular the 10th Division of the army, have reached a level of capability to face down the threat, as they have been able to do in the provinces that we have already handed over.

Warships

5. **Mr. Ben Wallace** (Lancaster and Wyre) (Con): What plans he has to order warships for the Royal Navy. [136573]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): Over the next 20 years we expect to contract for, or build, more than 20 major warships, including nuclear attack submarines, new aircraft carriers and more air defence destroyers, and to begin a new class of fleet escorts. Numerous Royal Navy support ships will also come into service over this period.

Mr. Wallace: There has been some exploration of the possibility of working with the French in a joint venture on the two super-carriers. It is probably welcome that we should share costs by joint working on design and other aspects, but will the Minister take this opportunity to rule out any option that includes building the ships in French yards, and guarantee that our carriers will be built entirely and wholly in British yards?

Mr. Ingram: I would like to think that we could bid for the French ship to be built in British yards as well—and I am sure that the hon. Gentleman would see that as a major success, but would still say that the converse would somehow be wrong. We have a deep and growing relationship with the French on this, and their contribution to the cost has been welcome. We are working to get common design, which again we

welcome in terms of our relationship over the decades ahead with the French as a major ally. Let us take this a step at a time. At present our plan is to build those ships in British yards, and that is what we seek to do. That is what the maritime industrial strategy is all about, and every encouragement should be given to it.

Mr. Kevan Jones (North Durham) (Lab): Does my right hon. Friend agree that this is good news not only for the Navy but for the UK defence industry? Will he join me in congratulating organisations such as Northern Defence Industries, which is working hard to ensure that medium-sized and small enterprises access the supply chain for these contracts, not only in the north-east but throughout the north of England?

Mr. Ingram: Yes, I can say "Hear, hear" to that. It is important that the areas that have that expertise, and have had it for a good number of years, see this as a major opportunity. The more small and medium-sized enterprises in the supply chain see that opportunity—and, more importantly, seize it—the better it is for our industrial base overall. We have a strong supply chain, and support not only for the maritime industry but across the range of defence industries. I give every encouragement to those organisations, including the particular one mentioned by my hon. Friend, to work hard to ensure that they maximise the opportunities available to them.

Robert Key (Salisbury) (Con): To what extent does the Minister agree that there is no point in having aircraft carriers if we do not have the aircraft to fly off them? In the event that the joint strike fighter project fails, what discussions is the Minister, or his officials, having with the French about the possibility of flying Rafale aircraft from our aircraft carriers?

Mr. Ingram: I do not know whether the hon. Gentleman is advocating that; I suspect not. We have said that we intend the joint strike fighter project to succeed, and every effort has been put into that. I thank everyone who lends weight to that argument in their visits to the United States and impresses on people there the importance of our engagement and our relationship with them. There is a plan B, but as I have already said, we want to succeed with plan A. I do not think that plan B should be ventilated at this stage, but it is not along the lines suggested by the hon. Gentleman.

John Robertson (Glasgow, North-West) (Lab): Can my right hon. Friend update us on the Type 45s, two of which are sitting in my constituency being fitted out, with a third to join them before the end of the year? What is happening with ships Nos. 7 and 8 in particular, as we know that four are required to defend each aircraft carrier? *[Interruption.]*

Mr. Ingram: I am being asked to give a short answer—I do not think that that will be the case, but I shall do my best.

We are concluding our negotiations on ships Nos. 4 to 6, and until those issues are resolved we cannot move on to the next development, which would be that of ships Nos. 7 and 8. I have said this to my hon. Friend before, because he constantly asks this question—and rightly so, because he represents the interests of his constituents and those shipyards extremely well. No doubt he will be the first to ask the question again as we get closer to a final decision.

Nick Harvey (North Devon) (LD): I welcome what the Minister has said about the carriers, which enjoy support across the House. Will he give us some indication of how the Ministry's thinking is developing on future procurements, given the need for the Navy to play a part in rapid responses in conflict and humanitarian situations? In particular, what response does he have to those who argue in defence journals and elsewhere that too much of our naval capability is geared up to anti-submarine warfare, and that we need more multi-purpose ships and small, faster, more versatile craft for the future?

Mr. Ingram: First, I do not think that there is universal acceptance on both sides of the House that we need the aircraft carriers; I am sure that some would argue that we do not. It is up to them to articulate that, but if they do say so they will be wrong. In terms of anti-submarine warfare, some of the recent changes in defence have been because of our understanding of the changing nature of the submarine threat. We cannot make a complete exit, because we do not know when things could change. We need to keep a number of options open, not only in terms of the surface fleet and the submarine fleet but across the range of personnel who give essential protection from the air and elsewhere. All those issues have to be taken into account. The planned expenditure on the Royal Navy over 20 years is £14 billion. Clearly, if the threat changes within that time scale the need to procure different types of vessels will be taken fully into account, based on the military assessment at that time.

Mr. Gordon Prentice (Pendle) (Lab): What are the implications for the future naval building programme if existing warships can be used more intensively by, for example, having two alternate crews?

Mr. Ingram: We are trialling that approach to keep the ships at sea for longer. That is one issue about the size of the Navy versus its capability. The more capable the ships, the longer there should be between refit and maintenance work. The ships can thus be kept at sea and closer to the point of deployment. It is then a case of working out how best to use the Navy personnel who serve on those ships. Trials are under way, and the Navy will take account at all times of any adverse impact on the naval personnel involved in such a process. Let us wait and see how it works. However, I would have thought that my hon. Friend would welcome the opportunity to deploy ships at sea for longer than at present, when they have to return to base port or home port and are therefore not in action.

Mr. Gerald Howarth (Aldershot) (Con): The Minister boasts about the order book, but I understand that, in the past five years, the Government have ordered only one ship—an offshore patrol vessel. Is not it the case that, by selling off perfectly serviceable Type 23 frigates, mothballing six ships out of a surface fleet that has already been cut from 35 to 25 and relentlessly reducing orders for Type 45 destroyers and

attack submarines, the Government have demoralised the once proud Royal Navy, all at the behest of the Chancellor of the Exchequer, who does not understand Britain's armed forces?

Mr. Ingram: That was a bit of a rant, which does not relate to reality. The Navy is not being mothballed. Ships are in different states of readiness—it has never been the case that all ships are maintained at a high state of readiness at all times. Ships have to go into refit and undergo modification, with new equipment being fitted to them. That means that they fulfil a different role.

We are considering a development programme of £14 billion, and I have listed the ships that are in the process of being contracted for or built. The hon. Gentleman's comments are inaccurate. I suggest that he read my parliamentary answer about what has been procured under the Government. That will help educate him.

Mr. David Hamilton (Midlothian) (Lab): Does the Minister understand that small and medium-sized enterprises have grave concerns about the aircraft carrier? They put the delay down to the involvement of the French. Can he allay their fears?

Mr. Ingram: As far as I know, the French are not causing the delay. If anything, the delay is about ensuring that we have the best fit for the building capacity in the yards. That is where the ongoing, progressive and helpful discussions between Vosper Thornycroft and BAE Systems are leading. All that will be greatly beneficial. As I said in response to an earlier question, there are great opportunities, and industry should be getting itself best placed in its planning to maximise the time when it can make a bid for different aspects of that programme. Matters are complicated by the fact that the programme is not signed off and the steel cutting is therefore not under way. Once that happens, the pace will quicken and the enterprises should be assured that there is a good future ahead for them.

Iraq

6. **Norman Baker** (Lewes) (LD): What his policy is on employing private security personnel in Iraq. [136574]

The Secretary of State for Defence (Des Browne): Government policy is to decide on a case-by-case basis whether or not to employ private military and security companies, which already have a significant role in Iraq. For example, much of the progress in building civilian security capacity has been achieved through the work of the UK civilian policing mission to Iraq, including trainers and mentors who are employed by ArmorGroup. A review of private military and security policy is under way.

Norman Baker: The Secretary of State knows that War on Want estimates that 48,000 employees who work for almost 200 different companies are now in Iraq, making them the second-largest occupying force after the United States. He may also know that there have been allegations of human rights abuses by some of those companies. Why have not the Government's intentions, which are stated in the 2002 Green Paper, to introduce legislation to control those companies, been implemented? We have waited five years for that.

Des Browne: The hon. Gentleman is right to identify the significant contribution that private military and security companies make, particularly in Iraq, where they are ever present. Given the nature of the conflict in Iraq, even the green zone could be considered part of the battle space and those companies are there in significant numbers, and therein lies the answer to his second question. That was not the case in 2002, but since then, the proliferation of private military and security companies—not contracted by this Government, I should say, but by many other Governments—into the battle space where we deploy in coalition has greatly complicated the circumstances. We are presently looking at the nature of any regulation that we might need to bring in, which was anticipated in the Green Paper and subsequent discussion. It is a complex issue, so when we legislate, we will need to get it right. Consideration is going on across the relevant Departments at the moment.

Mr. Henry Bellingham (North-West Norfolk) (Con): How much has the Department spent on private security companies in Iraq over the past four financial years?

Des Browne: I refer the hon. Gentleman to an answer given to the hon. Member for Lewes (Norman Baker) on 19 March 2007, in which the House was told that one contract had been awarded by the MOD not in Iraq, but in Afghanistan, and that the value was approximately £35,000.

David Taylor (North-West Leicestershire) (Lab/Co-op): Will the Secretary of State tell the House what proportion of the amounts going to private security companies in Iraq are in respect of past or present advisers to, or members of, Bush Administration companies?

Des Browne: I will have to write to my hon. Friend to answer that. I am sorry that my brief does not have that specific information. I know that a significant number of other Government Departments have contracts with private military security companies, which were detailed in another answer to the hon. Member for Lewes on 20 March. The detail is set out there if anyone wants to look at it. The contracts went substantially to a firm called ArmorGroup, of which the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) is the non-executive chairman.

7. **Simon Hughes** (North Southwark and Bermondsey) (LD): What recent assessment he has made of the role of UK armed forces in the security situation in Iraq. [136575]

The Secretary of State for Defence (Des Browne): UK armed forces are deployed in Iraq in support of United Nations Security Council resolution 1723. We continue to make progress in creating the conditions required to transfer security responsibility to the Iraqi authorities by helping to train and mentor the Iraqi security forces and by conducting joint security and

counter-terrorist operations with them. Last month, Maysan province—the third of the four provinces in our area of operations—was handed over to Iraqi security control.

Simon Hughes: Given that the whole House is united in the conviction that so long as our troops are there, they must have the best equipment, will the Secretary of State tell us the current assessment of the timetable for the deployment into Iraq of the Mastiffs that were earmarked to go this summer? Will the anticipated reduction in the number of troops have any consequences for the number of Mastiffs to be put in theatre?

Des Browne: Our current plans are to have 100 Mastiffs in theatre in Iraq by the end of the summer. They will be complemented by 100 Bulldogs and, if I remember correctly—I am relying on memory—160 Vector or advanced protection vehicles. Whether we meet that target precisely will depend on a number of factors. I say that because, in recent months, in order to advance our ability to get protected vehicles into theatre, we have gone for a solution that allows those vehicles to go into theatre and for those who use them to tell us how the next batch can be improved. I ask the House not to hold me to any specific day, but we have been able to meet the challenge in this procurement that the procurement process has not been able to meet before. Indeed, when I was in Iraq a couple of days ago, I was privileged to be shown the presently deployed vehicles by the people who use them and I can say that they were singing their praises highly.

Mr. Lindsay Hoyle (Chorley) (Lab): Will my right hon. Friend ensure that the number of troops will be reduced and that those who have served will not go back into theatre as quickly, but will get the proper rest and full training that they need before being redeployed?

Des Browne: I have already announced to the House our intention to reduce the number of troops deployed in Iraq, down to about the 5,000 figure, by the autumn of this year or thereabouts. One of the consequences of that reduction will be our ability to rest, train and recuperate our troops better than we can currently, because of the tempo of operations in Iraq and Afghanistan. That is certainly part of the plan.

Mr. Michael Jack (Fylde) (Con): With the Secretary of State's recent visit in mind, I am sure that he will have met members of the 2nd Battalion the Rifles in Basra, and will therefore be aware of the splendid service that they have performed and the injuries and fatalities that they have suffered. The regiment is now coming to the conclusion of its tour of duty. I seek the Secretary of State's assurance that the Ministry of Defence will be in touch with the commanding officer of the regiment to ensure not only that its troops are properly debriefed and that lessons are learned from their tour of duty, but that every assistance is given as the regiment adjusts back to life in the United Kingdom.

Des Browne: I can give the right hon. Gentleman all the assurances that he seeks. From the moment those troops who have served in the operational theatre board the aircraft to come out, the process begins of rehabilitating them, debriefing them and allowing them to decompress. That process is uppermost in the minds of those who look after them. I join him in paying tribute to the contribution that the 2nd Battalion the Rifles has made. He is right: I saw with my own eyes the brave and professional work that those troops are doing, but they are not alone. All the troops we have deployed into Iraq have made a significant contribution and are doing splendid work.

Dr. Liam Fox (Woodspring) (Con): I have asked the Secretary of State on a number of previous occasions about Iranian involvement in arming insurgents. It is becoming increasingly clear that factory-grade weapons are crossing to Iraq from Iran. They include explosively formed projectiles capable of piercing armoured vehicles, and killing and maiming our troops. What is being done to secure the border and how will that task be handled during the withdrawal of forces from Basra? It is essential that we minimise the risk of such weapons being used against coalition forces throughout Iraq.

Des Browne: The hon. Gentleman is right that there is evidence to suggest that armaments, and in particular improvised explosive devices, are being deployed against our troops in southern Iraq that have their provenance in Iran. That is why we have deployed our forces along the border in Maysan. During my recent visit to Iraq, I spoke to those who were deployed in that area. I commend them on the work that they are doing and the intelligence that they are able to build up in that area. That is one of the reasons why we conduct the boarding operations along the Shatt al-Arab waterway that we have already discussed today.

Over and above that, we seek through the Iraqi Government and their engagement with the Iranian Government to send the Iranians the strong message that, apart from anything else, it is not in their interests to have a destabilised southern part of Iraq. We seek every other opportunity that we have, including the increasing opportunities that we now seem to have, to speak to the Iranians and get the message across to them.

Dr. Fox: The Mahdi army has been behind some of the worst atrocities in Iraq and some of the most lethal attacks on British forces. Can the Secretary of State explain to the House and to our troops what the Government's current position is with regard to Moqtada al-Sadr, the leader of the Mahdi army? Do the Government regard him as a political figure or a terrorist?

Des Browne: The fact of the matter is that Moqtada al-Sadr is, in terms of Iraq, both. He is a man who plays a significant political role—there is no question about that. It is not for me to define who is a political figure and who is not, and he undoubtedly plays a significant political role. It is also clear that elements of the Mahdi army behave as if they were insurgents, or indeed terrorists. There is no doubt about that, either. What is not entirely clear, however, is which parts of the Mahdi army are under his control and which are not. In the south of Iraq, where we have forces deployed, a competition is going on—including, among others, the militia of the Mahdi army—for influence. That fact that we stand between them and the effect that they could have on the

people of that part of Iraq, especially in the city of Basra, causes them to attack us so frequently. That is why we treat them as we do, and we have had significant successes over the past month or so in dealing with them in that community That is not to say, however, that they are not still a significant bad presence.

Selly Oak Hospital

9. **Rosie Cooper** (West Lancashire) (Lab): What progress is being made in developing the military-managed ward at Selly Oak. [136577]

The Parliamentary Under-Secretary of State for Defence (Derek Twigg): Selly Oak hospital provides first-class treatment and care for military patients. The military-managed ward there reached initial operating capability before Christmas. There are now military managers involved at every level and a total of 26 military nurses, which is double the number in August 2006. As I mentioned earlier, that number will increase to a total of 39 by this summer, when the ward will reach its full operating capability.

Rosie Cooper: As military-managed wards require specialist support, will the Minister indicate what staffing changes have been made on that ward? After all, we are seeking the best possible care for our soldiers and service personnel, whether that is provided by military or national health service personnel.

Derek Twigg: My hon. Friend raises an important issue about the way it is operating. Clearly, we have a number of military medical personnel, as I mentioned in answer to previous questions. The increase in the number of nurses and other clinicians to 39 is significant. Our partnership with the NHS is also important. I want to place on record my thanks and appreciation to Selly Oak hospital and those from the NHS who have been caring for our military personnel, who have received outstanding, world-class treatment and operations. Again, it is not just about meeting clinical needs, but about providing welfare and psychiatric support, as well as excellent family accommodation, which has been developed with the help of the Soldiers, Sailors, Airmen and Families Association, which I also thank. A range of support services is provided for our personnel at Selly Oak.

Sir Nicholas Winterton (Macclesfield) (Con): I am pleased that the Minister, for whom I have a high regard, has mentioned the psychiatric care available to our service personnel, both men and women, who return from Iraq or Afghanistan suffering, in many cases, from trauma as a result of their horrific experiences in operational areas. Is he satisfied with the level of psychiatric and psychological care available to our service personnel when they return from areas such as Iraq and Afghanistan?

Derek Twigg: I thank the hon. Gentleman for his kind comments. He will know that psychiatric support is also available on operations in Iraq and Afghanistan, and we are always looking to improve psychiatric support. As I have mentioned, Selly Oak has two psychiatric nurses, and there is also support at Hedley Court and in defence community mental health care provision based in different parts of the country. The mental health care provided has improved tremendously, and gives the support that our service personnel expect. We are also trying to improve the provision for veterans.

Iraq

11. **Mr. Edward Leigh** (Gainsborough) (Con): If he will make a statement on the security situation in Iraq. [136579]

The Secretary of State for Defence (Des Browne): The security situation in Iraq varies from province to province. In Baghdad and surrounding areas, violence perpetrated by sectarian and insurgent groups remains a very serious problem. Recent action by Iraqi and coalition forces as part of the Baghdad security plan has led to a reduction in murders by the militia death squads. But the terrorist groups continue to use suicide bombings to inflame the sectarian divide.

Outside Baghdad and its environs—which account for around 80 per cent. of the violence in Iraq—the security situation is better, particularly in the north and south of the country. But there are still security challenges in both parts.

Mr. Leigh: Everyone knows that the incoming Prime Minister will ensure that all British troops have left by the time of the next general election. Whatever else is said, let us be honest about one thing: this is a political decision. Why do we persist in an illusion? Whether we get out in a month's time, a year's time or two years' time, there will be a mess after we leave. The only difference will be that more British troops will die. That is the reality on the ground. We are now the target—the magnet—for terrorists, particularly those from Iran. Why will the Secretary of State not be honest with the House and say that we have acted honourably, we have done our bit, and we should now withdraw?

Mr. Speaker: Order. The hon. Gentleman will know that the Secretary of State is honest with the House.

Des Browne: I understand why the hon. Gentleman put his question in that way, although his vocabulary was slightly extravagant at one stage. I have always sought to be straightforward with the House about the complexity of the challenge that we face, and the nature of the challenge that we ask our troops to face, in southern Iraq. I have always said that the transition process is a condition-based process, and I have evidence that that is exactly how we have dealt with it in the three provinces that we have already handed over.

I am not suggesting, and have never suggested, that those areas are perfect places in which to live. I am merely describing the evidence in respect of transition and provincial Iraqi control there. I was told, not only in the House but elsewhere, that there would be meltdown and mayhem within weeks, but in all three provinces the Iraqi security forces have been able to maintain some stability—although not complete stability—with the help of the politicians.

That is our objective for the city of Basra and the Basra province, and I will not take my eye from it, although the fact that we stand between the militia in southern Iraq and what they want to do to the people

of southern Iraq makes us a target in the meantime. We have a duty to those people to stay with them, while maintaining the balance of which I have spoken in the past. We also have a duty to members of our forces who have lost their lives or sustained injuries in trying to achieve that objective to see it through.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): One of the biggest challenges in Iraq remains the lack of helicopter lift. It was announced recently that the six Merlin helicopters that had been delivered to Denmark would be returned to the United Kingdom, but they are fitted for search and rescue, a fitting that is wholly unsuitable for service on operations. Will the Secretary of State confirm that funds will be found to fit those helicopters appropriately?

Des Browne: When I announced not only that the Danish Government had agreed to send us the six Merlin helicopters on the basis of their contract, but that the eight Chinook helicopters previously fitted for mark 3 performance but unable to fly would be refitted for mark 2 performance, I announced in the same statement funds to ensure that all the helicopters would be capable of deployment in the operational theatre. We will indeed ensure that funds are available to fit them appropriately. It is unthinkable that we would fly helicopters in the operational theatre that were not protected in the way in which all the helicopters we currently fly are protected.

Richard Younger-Ross (Teignbridge) (LD): For 18 months, military commanders have been advising that the mere presence of British troops is provoking violence. How much provocation do our troops have to give before the Secretary of State will bring them home?

Des Browne: Military commanders have been advising nothing of the sort. I have already explained twice to the House that what is happening in southern Iraq is a competition between the militia for political or economic advantage. In Basra city and its immediate surroundings, we are what stands between the militia and the damage that they would do to the people of Basra city. We attract the preponderance of the attacks because we stand between them and their objectives, but we hold that position until the Iraqi security forces, particularly the army, are able to take over from us. Increasingly, during the transition in Basra city, they have proved able to do that.

We are not the cause of the problem; the militia are the cause of the problem. We just happen to be the people who stand between them and their intentions.

Helicopters

13. **Ann Winterton** (Congleton) (Con): If he will make a statement on the inter-service use of helicopters. [136581]

The Minister of State, Ministry of Defence (Mr. Adam Ingram): The Joint Helicopter Command was formed in 1999 with the specific purpose of delivering integrated battlefield helicopter and air assault capability provided by all three services. Other helicopters operated solely by the Royal Navy and Royal Air Force may also be called upon for cross-service support. This integrated approach means that it is common for an aircraft from one service to support one or more of the other services' personnel, equipment and aircraft. RAF Chinooks, Merlins and Pumas that combine to form the support helicopter force within the Joint Helicopter Command are frequently employed in transporting troops and equipment from the Army or Royal Marines. Attack helicopters from the Army Air Corps can provide defensive cover for RAF Chinooks in operational theatres.

Ann Winterton: I thank the Minister for that full and comprehensive reply, but what plans does he have to replace the current Gazelle fleet, and will he consider the purchase of light assault helicopters to fill the capability gap, bearing it in mind that the 40 Future Lynx aircraft that are due to come into service in 2014 will replace more than 200 aircraft from the current Gazelle and Lynx fleets? Does he acknowledge that there will be a huge future shortage of capacity, and what will the Government do to fill that?

Mr. Ingram: Clearly, we must define what that future shortage is; it must be well defined. We then have to define what the procurement strategy should be to fill that gap and make sure that that which we procure has durability and utility over the longer period. The reason why I am giving that answer is because procurement is not simply about saying, "Let's take it off the shelf and stick it out into theatre." I know that the hon. Lady understands that. I will provide her with a written response to the detailed points she has raised so that she can have the best understanding of how these matters are progressing.

Burton's Foods

3.31 pm

Angela Eagle (Wallasey) (Lab): I beg to ask leave to move the Adjournment of the House, under Standing Order No. 24, to debate an important matter that requires specific and urgent consideration, namely, the decision by Burton's Foods to cease production of biscuits at its Moreton site, with the loss of 660 full-time jobs.

Burton's is currently the largest private sector employer in my constituency. It has provided a reliable source of employment for generations of my constituents living in Moreton and Leasowe. It is not uncommon for entire families to work at the plant. Many employees have given decades of unbroken service to the company. Last Friday, the employees were taken without warning into the canteen, where the announcement of this intended closure was made. They were then sent home.

Wirral metropolitan borough council and I had been in dialogue with the company some months ago about its review of production and had been promised by the company that it would keep us in touch with the review. That promise was not kept. The first I knew of this devastating closure decision was when I received phone calls from shocked and distressed employees.

In 2001, Burton's Foods was the recipient of £3 million of regional selective assistance from the Government and £1 million of rate rebates from the local authority to help to finance an expansion of production at the site and safeguard employment in the area. As part of that deal, the work force accepted a three-year pay freeze. Burton's Foods' obligations under those agreements ran out in March of this year.

To say that people feel angry and betrayed understates the strength of feeling in Moreton and Leasowe today. Despite the company's behaviour, however, Wirral council, the trade unions and I stand ready to assist in any way that we can, and urge the company to reverse this decision and work with us to go forward in a more positive way. I believe that it owes it to a long-standing and loyal work force to find another way through these difficulties.

I would welcome the opportunity to discuss these issues further in the House.

Mr. Speaker: I have listened carefully to what the hon. Member has said and I must give my decision without stating any reasons. I am afraid that I do not consider that the matter that she has raised is appropriate for discussion under Standing Order No. 24 and I therefore cannot submit the application to the House.

Point of Order

3.33 pm

Mr. Speaker: On Thursday 10 May, the hon. Member for Somerton and Frome (Mr. Heath) raised a point of order about the failure of Government to lay a document before the House under the Identity Cards Act 2006 within the statutory time set out in the provisions of that Act. I deprecate the fact that that happened and I suggest that the hon. Member might like to take the matter up with the Select Committee on Home Affairs and the Liaison Committee to consider how a better system of compliance can be monitored. That might be the most fruitful avenue to pursue, although it is, of course, open to him to follow that matter up through parliamentary questions or an Adjournment debate. I hope that that is of help to the hon. Gentleman.

Orders of the Day

Concessionary Bus Travel Bill *[Lords]*

[Relevant document: The Third Report from the Joint Committee on Human Rights, Session 2006-07, Legislative Scrutiny: Second Progress Report, HC 287.]

Order for Second Reading read.

3.35 pm

The Secretary of State for Transport (Mr. Douglas Alexander): I beg to move, That the Bill be now read a Second time.

Buses are at the heart of Britain's transport system and are a lifeline to many of our communities. Two out of three public transport journeys in Britain today are made by bus. Buses can reach people in places that other forms of public transport cannot. Millions of people, including some of the most vulnerable in our communities, depend on buses to get to the shops, to see their doctor, to get to work or to visit friends and relatives. Without bus services, many people would feel cut off and less involved in the day-to-day life of their community, so buses are providing more than a simple transport service; they are also providing a public service. They are promoting accessibility, tackling social exclusion and improving people's lives.

Mr. David Clelland (Tyne Bridge) (Lab): I am grateful to my right hon. Friend for giving way and I apologise for intervening so early in his speech, but I do so as he has mentioned the importance of bus services to vulnerable people. What would he say to vulnerable people in Tyne and Wear whose essential services have been cut because of the way that the funding formula was applied when the concessionary fares scheme was introduced, and will that be corrected under this Bill?

Mr. Alexander: My hon. Friend is a tireless campaigner on this issue; indeed, he spoke in the most recent Adjournment debate on buses and received an answer from the Minister with responsibility for buses, my hon. Friend the Member for Lincoln (Gillian Merron). As I recall, she said that she had visited Newcastle and that discussions had taken place with the Department for Communities and Local Government. I can assure my hon. Friend the Member for Tyne Bridge (Mr. Clelland) that I will come to the financing of the national concessionary scheme—in the north-east and across the rest of England—during my remarks.

Our buses are now more environmentally friendly than ever and, indeed, more accessible by disabled people. Their flexibility means that they can for some provide a genuine alternative to the car, helping, of course, to tackle congestion. These are some of the reasons why this Bill is so important, and why I welcome Opposition Members having signalled during the Adjournment debate to which I referred their support for the principles contained in this Bill.

This Government have placed helping vulnerable people at the centre of their programme for government, and transport has played, and will continue to play, a key role in this endeavour. In 2001, this Government introduced half-price bus travel in England for all older and disabled people within their local authority area. This installed a national minimum, in contrast with the previous Tory Government's patchy provision of services. However, this Labour Government also wanted to go further, so from last year we have provided an additional £350 million per year to make such travel completely free.

We have continued to listen to what people want, which is why we are going further still. We want older and disabled people to be able to look beyond their local areas and to have free access to local bus services anywhere in England.

Mrs. Betty Williams (Conwy) (Lab): I thank my right hon. Friend for giving way. He will be aware of the successful scheme in Wales introduced by the Welsh Assembly Government, but can he confirm that this Bill will go far enough to allow cross-border arrangements between the Westminster Government and the devolved Administrations?

Mr. Alexander: I am grateful to my hon. Friend for her question. The Bill contains enabling powers that would facilitate such cross-border travel, if agreement is reached between the Westminster Government and, in the case that she suggests, the Welsh Assembly Government—or, indeed, the Scottish Executive. Speaking candidly, those are not discussions for today but ones that will take place in due course. I should also point out that that is without prejudice to the ability of local authorities in areas adjacent to the border to go beyond the statutory provision and ensure that their schemes allow for exactly the kind of cross-border travel of which my hon. Friend speaks.

Andrew Miller (Ellesmere Port and Neston) (Lab): My hon. Friend the Member for Conwy (Mrs. Williams) was reading my mind with her intervention. I cannot emphasise enough to my right hon. Friend the Secretary of State just how important that issue is. Many of my constituents travel across the Welsh border and across the county border into Merseyside to visit relatives, and the whole travel-to-work area in the Deeside hub is an enormously strong economic zone. It is important that the schemes cross the borders and I urge my right hon. Friend to do all that he can to speed up the dialogue with the Welsh Assembly Government on this fabulous legislation.

Mr. Alexander: I thank my hon. Friend for his generous tribute to the step forward that the Bill represents. Of course further discussions will be taken forward with the devolved Administrations—in his case with the Welsh Assembly Government, but also with the Scottish Executive. Notwithstanding the enthusiasm with which my hon. Friend speaks, I wish to add a couple of caveats about the case for cross-border travel. First, the level of provision of concessionary travel varies across the United Kingdom and it would be necessary for the discussions to reflect that. Secondly, it is a point of principle for those of us who advocated devolution before the establishment of the Assembly and the Parliament that such decisions should involve the devolved Administrations. Therefore it is appropriate that our discussions should be without prejudice to their views.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): May I press the Secretary of State to start the discussions now? He has nearly a year. For some of my constituents, their nearest hospitals and shops are in Scotland and it would not be fair for them to have to wait for another year or two when there is still time to have the negotiations and have an agreement in place for the start of the new scheme.

Mr. Alexander: I am grateful to the right hon. Gentleman for his contribution to this debate. It echoes the contribution that he made to the Adjournment debate, in which he spoke forcefully on behalf of his constituents and their cross-border travel needs. I hope that I can offer him some assurance in that I had ministerial correspondence with the previous Scottish Executive about the issue, because officials asked whether it was an enabling power that we should seek to put in the Bill. I was clearly of the view that enabling powers should be taken at this stage. That is without prejudice to important discussions that need to take place, and I am mindful of the points that have been made by Members on both sides of the House about the importance of this issue.

Mr. David Hamilton (Midlothian) (Lab): Further to the points that have been made, there are some 2 million Scots or descendants of Scots living in England—

Mr. Kevan Jones (North Durham) (Lab): Send them back! *[Laughter.]*

Mr. Hamilton: Indeed. The English are coming to Scotland in droves too, so that would work well the other way. Cross-border travel would allow the Scots to go not only to Berwick and Carlisle but to London.

Mr. Alexander: I am grateful to my hon. Friend for his characteristically astute observations. I am not sure that the principal criticism directed at this Government is that not enough Scots are reaching London. It is certainly the case that a high proportion of English-born citizens now live in Scotland and vice versa. It was with such considerations in mind that, when the options were put to me by officials, I was keen to ensure that we took this opportunity to ensure future-proofing of the Bill without prejudice to any discussions on the issue. That is why I welcome the fact that the enabling powers are included in the Bill.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Whatever sensible conclusions my right hon. Friend reaches, will he ensure that it is widely publicised that the decisions have been made by Her Majesty's Government of the United Kingdom and have not been taken at local authority level alone?

Mr. Alexander: As ever, my hon. Friend speaks with wisdom. It is a matter on which I have been reflecting even in relation to the design of the concessionary travel card, because it is important to acknowledge the scale of the contribution being made by Her Majesty's Government to the financing of the national concessionary travel scheme, rather than to leave the impression that it is solely for local authorities.

Mr. Mark Harper (Forest of Dean) (Con): The hon. Member for Crewe and Nantwich (Mrs. Dunwoody) may be right, but if the Government are to claim the credit for the scheme—to pick up the point made earlier—it is imperative that they fully fund whatever promises they make. Local authorities cannot afford to subsidise such schemes from the council tax, as they are doing in my area.

Mr. Alexander: That was not the most generous of contributions. There has already been additional support for concessionary travel and the Bill reflects the fact that the Chancellor of the Exchequer made it clear in his announcement that £250 million of additional money would be available for national local concessionary travel. In that sense, we are not asking the House, or indeed the general public, to accept that worthwhile objective without our having committed resources in advance. There was a clear commitment on the part of the Government to make sure that resources are available to reflect the enhanced provision and services that will be available to the country's pensioners.

Several hon. Members *rose—*

Mr. Alexander: Forgive me. I have been generous in taking interventions, and I shall endeavour to take some more before the conclusion of my remarks.

We have continued to listen to what people want, which is why we are determined to go further. We want older and disabled people to be able to look beyond their local area and have free access to local bus services anywhere in England, linking exactly those family members and friends of whom my hon. Friends have already spoken—giving them access to different places and more services.

As I mentioned, in the 2006 Budget the Chancellor committed up to £250 million of new money each year to pay for the change. It will mean for the first time that about 11 million older and disabled people will be able to use off-peak local bus services free of charge anywhere in England from 9.30 am until 11 pm on weekdays and all day on bank holidays and at weekends, allowing travel, for example, from Cornwall to Cambridgeshire or from Durham to Dorset.

Graham Stringer (Manchester, Blackley) (Lab): This is indeed an excellent Bill, but the system contains a perverse incentive for bus companies to put up their fares, thus enabling them to make an extra raid on public finances. What will my right hon. Friend do to stop that perverse incentive and stop bus companies exploiting the situation?

Mr. Alexander: I know that the matter is of concern to my hon. Friend; he raised it in his recent Adjournment debate on concessionary travel. I hope that I can offer him some assurance in that we are looking at the whole issue of appeals. I fear that at present there is an incentive for appeals to be brought too quickly, given the 28-day time scale, so I hope that an extension to the period during which appeals can be made will avoid the speculative appeals that we have seen to date. I have appointed an independent figure to determine appeals, but I assure my hon. Friend that we continue to give the matter consideration in the Department, not least given the scale of public expenditure involved.

Mr. Andrew Mackay (Bracknell) (Con): The Secretary of State is being extremely graceful and generous in giving way, so I shall be brief. I very much support the Bill, but I have a concern, which is shared by the highways and transport authority of Bracknell Forest borough council. By April next year, the authority will have to produce a uniform national pass for concessionary bus fares. It wants to use smartcards, which will be efficient and reduce fraud, but as it will be quite some time before the Department for Transport makes a decision it could be too late to set up a smartcard system. What hope can the right hon. Gentleman give Bracknell Forest borough council?

Mr. Alexander: The hope I can offer the council is that a great deal of work is under way in my Department on that issue. I do not preclude the possibility that there could be the smart ticketing of which the right hon. Gentleman speaks, not least given its real benefits, for example in avoiding fraud. There is an important distinction to be drawn between the London freedom pass and the possible development of smart ticketing in authorities that have not previously used it. We are not convinced of the case for an immediate change in the widely distributed freedom pass, so we are looking at the option of stickering freedom passes in London. We are working closely with local authorities outside London on a procurement framework that would facilitate local authorities, such as the right hon. Gentleman's, setting up smartcard systems according to the appropriate time scale. We have not yet reached a definitive decision on that matter. Clearly, given the number of pensioners relying on the cards and the scale of the procurement involved, we want to have the necessary assurances in place before reaching a decision, but I can assure him that we are addressing the matter with great speed.

Bob Spink (Castle Point) (Con): I will be generous to the right hon. Gentleman and his Government for bringing forward this excellent Bill, which we hope to support. Is he aware of the concerns of the NUS that some councils that have discretionary schemes for young people and students may be tempted to move some funds away from those schemes to fill any gaps in the funding for the scheme that he proposes? What will he do to try to prevent that?

Mr. Alexander: It is not for me to determine the budgetary allocations of every local authority in England. However, I can assure the hon. Gentleman that we believe that the additional resources—the £250 million of which I spoke—should be able to provide the supplemental service that the Bill facilitates. If he has concerns about his own local authority, I would strongly urge him to have those discussions in advance with the local authority and to impress upon it the fact that it also has a responsibility in terms of the budgetary choices that it makes.

Rosie Cooper (West Lancashire) (Lab): Secretary of State, you will know that in such authorities as West Lancashire district council, the funding formula that you employed this year meant that they had ample money to implement the scheme. They have not spent all that money on the scheme. My constituents whose shops or nearest hospital are just across the border have got to pay. We have not got a scheme across Lancashire. These proposals should resolve that issue, but can you give my constituents the guarantee that the process whereby they travel by bus through various areas within Lancashire will be seamless?

Mr. Speaker: Order. The hon. Lady should be careful about using the word "you", because I cannot give concessionary fares out to anyone—much as I would like to.

Mr. Alexander: I will leave it to the judgment of the House as to whether we might end up with a better scheme if you were the person distributing those funds, Mr. Speaker.

I can assure my hon. Friend the Member for West Lancashire (Rosie Cooper) that the scheme is designed to facilitate travel across the wider area, because, of course, an individual could quite easily live near the boundaries of three local authority areas. There could be local services on which they rely that lie outwith a particular local authority boundary. It was with exactly that in mind that we were determined to make further progress.

Mr. John Baron (Billericay) (Con): May I return the Minister to the point about adequate funding? Although I hear what the Government are saying about putting additional money in, the concern of Essex county council is that it is something like £750,000 down—looking at what the Government plan to give the council and what the council believes that the scheme is going to cost—which has a knock-on effect on my local authority, Basildon council, which believes that it is going to be £100,000 down. Will the Minister look at the matter again to make sure that the funding is going to flow appropriately? Would he consider meeting Essex county council to try to iron out those problems?

Mr. Alexander: I cannot claim to be familiar with the specific case that the hon. Gentleman raises on behalf of his constituents, and I would struggle to share his view of those figures on the basis of the future service provision that we are discussing today. He may be discussing historical concerns, in terms of the level of resources available for the local concessionary travel scheme within the county. If he wants to pass the figures and the concerns to me on paper, one of my colleagues or I will look into the matter that he raises.

The contrast that can be drawn clearly is with the previous Conservative Administration, under which I would argue that buses were neglected. The Tory Government might have left some with the impression that buses were deemed to be a problem, rather than a key part of the transport solution. The contrast between the previous Tory Government and this Labour Government is perhaps best exemplified by today's debate on the Bill. The Tory Government's significant bus legislation led to about a 20 per cent. decline in bus patronage between 1985 and 1997. Our reforms have delivered the first year-on-year increases in bus patronage in, quite literally, decades. We will also shortly bring forward further draft legislation on public transport. Buses will be a central aspect of that.

Chris Grayling (Epsom and Ewell) (Con): Will the Secretary of State confirm that the only part of the

[Chris Grayling]

country of any size in which ridership is increasing is London, which receives a Government subsidy of many hundreds of millions of pounds, and that in most of the country bus patronage continues to decline?

Mr. Alexander: I shall make a couple of points. First, bus patronage is increasing in some localities outside London, and such increases often reflect effective partnership working between the local authority and the local bus operator. However, the hon. Gentleman is right to the extent that he acknowledges that those relationships are not working effectively in too many communities across the country. That is why this Labour Government published "Putting Passengers First" before the turn of the year. We want to ensure that we extend best practice, which is limited to too few communities, across the country. I believe that "Putting Passengers First" offers the basis for moving forward towards patronage rises in not just one part of the country, but many other areas.

I am proud to be a Labour Secretary of State for Transport who is putting better bus services at the heart of our transport policy. Improvements in concessionary travel specifically require a change in the law. We must ensure that they are implemented consistently, so that everyone understands how they work. We need to amend the Transport Act 2000 and the Greater London Authority Act 1999—

Mr. Kevan Jones: Will the Secretary of State give way?

Mr. Alexander: I have been generous, and I had better make a little more progress.

A national concession also requires other changes, and I should like to deal with each of those in turn. The first involves passes, an issue that a couple of hon. Members have raised. It is important that, for example, a bus driver in Kent can easily recognise a pass issued in Yorkshire, so the Bill includes a power to standardise passes across England. We have been working closely with local government and bus operators to finalise the pass design, and we are grateful for their valuable input. We are also seeking to help local authorities with pass procurement.

Where local authorities wish to go even further than the new statutory entitlement, they will continue to be able to do so. They will be able to make use of existing discretionary powers to achieve the best solution for their local communities. For example, the freedom pass arrangements in London will include the new concession but will otherwise not change. The Bill will not affect the existing half-price concessionary scheme on coach travel, which this Government introduced in 2003.

Ms Celia Barlow (Hove) (Lab): The Secretary of State will be delighted to learn that there has been great interest in this scheme in my city of Brighton and Hove, but there is also confusion on the point that he mentioned. In Brighton and Hove, free medical cards are given out for coach travel outside the city. Will they now be available for the over-60s? Will there be a national framework for a coach travel scheme?

Mr. Alexander: I have just made it clear that, at this stage, we do not anticipate changes to the concessionary scheme that is available nationally for coach travel. I am keen to emphasise to my hon. Friend that the statutory framework that we are putting in place should best be thought of as a floor rather than as a ceiling; it is without prejudice to the choices made by local authorities and local communities across England about what best suits their needs, although obviously the budgetary constraints of each authority will apply. In that sense, we are seeking not to prescribe the services that can be made available, but to ensure that individuals who live close to local authority boundaries can obtain a standard of service that allows them to travel across those boundaries.

Martin Linton (Battersea) (Lab): I welcome the Bill, but am I right in interpreting my right hon. Friend's comments as an assurance that he would resist any amendments to it, such as those proposed in the Lords, that would water down or dilute the freedom pass in London? That pass covers the tube, the docklands light railway and buses.

Mr. Alexander: I am aware that this is an issue of some debate. I re-emphasise the point I made a few moments ago: I do not anticipate changes to the freedom pass as a result of the Bill. A huge number of freedom passes are available across the capital, so we will need to take steps to ensure that they can be recognised and used outside the capital for the first time. That is why we are examining the practical issue of stickering the passes. We do not think it would be wise to have a wholesale turnaround of the freedom passes in 2008. The framework that has been negotiated for freedom passes is rightfully a matter for those in London, as opposed to one that is determined by the Secretary of State for Transport.

Mr. Peter Atkinson (Hexham) (Con): The Secretary of State was talking about coach travel. Will he define coach travel, because some of my constituents have no bus service save long-distance coaches? Will those people travel half-price or free?

Mr. Alexander: I should be happy for the Under-Secretary of State for Transport, my hon. Friend the Member for Lincoln, who is responsible for buses, to clarify in her winding-up speech the specific definition of coaches that we use—we can see the enthusiasm with which she has embraced that particular responsibility. The substantive point is that the Bill will not alter the definition of what is deemed coach travel and what is deemed bus travel. I am happy for my hon. Friend to detail the statutory basis on which the concessionary scheme for coaches is provided in her winding-up speech. As I say, the Bill will not affect the existing half-price concessionary scheme for coach travel, which was introduced back in 2003. The Bill also retains powers to increase the scope of concessions in future.

Mr. Kevan Jones: Will my right hon. Friend give way?

Mr. Alexander: I will give way one last time, and then I will seek to make progress.

Mr. Jones: I am glad that my right hon. Friend gave way to me; I thought that it might be personal. I welcome the Bill, and it will be very welcome in my constituency of North Durham, but the problem that we have had in North Durham over the past few months, and in the lead-up to the introduction of the Bill, is that Go Northern has been stripping out routes. That means that large parts of my constituency, and other constituencies across County Durham, have no access to a bus, so the Bill will not be any good to most of those rural communities. What powers can my right hon. Friend give Durham county council, so that it can ensure that the Go-Ahead group, and other operators that completely ignore social need and concentrate just on profit, can be brought to book?

Mr. Alexander: The assurance that I can offer my hon. Friend is that this is not our last word on reform of the regulation of buses. If he looks at the "Putting Passengers First" policy document that we published before the turn of the year, and if he looks in due course at the draft Bill that we will publish in the months ahead, I hope he will get the assurance he seeks, that new powers will be available to local authorities to ensure the kind of effective working relationship between local authorities and bus operators that is present in too few communities. Today we are dealing with the issue of concessionary travel, but there is the additional issue of how we empower local communities and work effectively with bus operators to make sure that there are decent services on which the concession can be enjoyed.

I am keen to make it clear that where local authorities wish to go even further than the new statutory entitlement, they can continue to do so; a number of colleagues across the House have alluded to that point. Local authorities can make use of existing discretionary powers to achieve the best solution for local people, and I have already referred to the London freedom pass in that regard.

Susan Kramer (Richmond Park) (LD): Will the right hon. Gentleman give way?

Mr. Alexander: I will give way one last time.

Susan Kramer: I thank the Secretary of State very much. Is he aware that Transport for London has been using the freedom pass and the reserve scheme, which is unique to London, to cost-shunt on to local councils, particularly with respect to the new rail services that have come on line? Will he consider giving London the same protection as he described to his colleague, the hon. Member for Manchester, Blackley (Graham Stringer)—an appeals process, in which appeals could be made either to the Department for Transport or to an independent arbiter? That would be better than allowing the operator to make whatever charges it pleased.

Mr. Alexander: I know that that is a matter of dispute between the boroughs and TFL. If there were agreement between TFL and the boroughs on the way forward, given the statutory assurances that are in place, an appeals process could be considered, but my understanding is that there continues to be disagreement, and I am not convinced that because of that disagreement we should remove the guarantee of a minimum standard of service provided across the capital.

The Bill retains powers to increase the scope of the concession in the future, potentially to other categories of people, to other modes of transport and to different timings. I would like to address the issue of funding, which has already been mentioned by a number of hon. Members. All the measures mean that from April 2008 the Government will be providing around £1 billion a year to fund concessionary travel—a significant sum of money in anyone's book. Indeed, overall Government funding for buses now amounts to over £2.5 billion a year, and that is up from £1 billion a year in 1997. The framework of the Bill will allow a workable scheme to be in place by next year, to ensure as smooth a transition as possible from the current arrangements. Of course, it is in all our interests to ensure that local authorities are properly funded so that they can provide the statutory concession.

Linda Gilroy (Plymouth, Sutton) (Lab/Co-op) *rose—*

Mr. Chris Mullin (Sunderland, South) (Lab) *rose—*

Mr. Alexander: I have been generous in giving way, and I am keen to make a little more progress.

Our overriding principle is that the extra £250 million of funding should be directed to where the extra costs will fall, to ensure that we recognise passenger hotspots as far as we can. We are looking carefully at a number of funding options together with the Treasury and the Department for Communities and Local Government. We are discussing the options in detail with our concessionary fares working groups, which consist of representatives from all tiers of local government. We have met with Nexus, London councils, Transport for London and other key stakeholders. We hope to have taken a decision on the preferred funding route by the summer, and we intend to consult widely on our preferred formula for distribution.

We recognise the importance of ensuring that operators receive fair payment for carrying concessionary passengers. Reimbursement will continue to be offered on a "no better off, no worse off" basis, so no operator should be disadvantaged. Operators can appeal if they believe that reimbursement is too low. We also want the power to simplify the administration of concessionary fares. There is a wide variety of concessionary travel schemes across the country, and 291 separate travel concession authorities, which means that some bus operators have to negotiate with many different authorities each year. There is therefore provision in the Bill to transfer reimbursement and administration powers to higher-tier local authorities or to the Secretary of State. That could improve efficiency and save money, but any such change would be subject to extensive consultation and indeed parliamentary scrutiny. It would not be made until after April 2008, so local authorities have plenty of time to prepare for it. We continue to work closely with local government, the bus industry and, of course, with groups representing older and disabled people.

Concessionary travel is a devolved issue—a subject that has been raised by a number of hon. Members, but we want it to be possible in future for concessionaires—

Linda Gilroy: Before my right hon. Friend moves on, will he give way?

Mr. Alexander: I shall do so, I hope for the final time.

Linda Gilroy: Is my right hon. Friend confident that what he has just described will adequately reimburse the bus companies in Plymouth, Devon and Cornwall—an area which, outside London, is the biggest tourist destination for people travelling within the UK?

Mr. Alexander: I can assure my hon. Friend that such issues are exactly why we have undertaken such detailed work, not just with local authorities but with bus operators and others, to ensure that we devise a mechanism and formula that recognise that resources should be allocated where costs fall. We are looking at a number of different options to make sure that we anticipate where bus usage is likely to be heaviest as a consequence of the national concession.

It is important to understand the measures in the Bill within the broader context of the Government's strategy for growing bus patronage, which is a matter of some debate. In contrast to the Tory Government, we have put buses at the centre of our transport strategy. As I have already said, patronage steadily declined in the 1980s and early 1990s, but—backed, yes, by record increases in funding—bus use under this Government has increased by 7.3 per cent. since 2000-01, and has gone up six years in a row. Today, there are about 23,000 more buses and coaches registered than in 1997, and the fleet is younger and more accessible for disabled people and other passengers. Although 4 billion bus journeys were taken in England in 2006, we want that figure to continue to rise. The bus review that we undertook last year, "Putting Passengers First", showed that too many local authorities and bus operators are still failing to work in partnership, to the detriment of services in many towns and cities.

Our ambition is to maximise the full potential of every bus in every part of the country. We have therefore mapped out a new structure for buses under "Putting Passengers First", in which local authorities provide effective priority schemes, better traffic management and an infrastructure that allows buses to thrive. We want operators to focus on improving services, making sure that they are clean, safe, convenient, accessible and, indeed, comfortable for passengers. We will give traffic commissioners increased powers to improve performance by holding operators and authorities to account for poor performance. We want to make it easier for both groups to arrange frequency of services, timetables and fares through stronger partnership working. We have already achieved tremendous results in areas where operators and authorities work closely together, not simply in London but in Cambridge, Brighton and York, for example, and a rise in patronage, too, in more rural areas such as East Sussex and Kent. We want that success to be replicated in other cities and regions to help to tackle social exclusion and congestion and to support the measures in the Bill.

We have established a strong foundation for a more successful bus industry in recent years. We have introduced a package of measures for the bus sector, of which the Bill is a fundamental. This is unequivocally a Labour Bill. This is a Labour Government delivering for some of the most vulnerable in society. I commend the Bill to the House.

4.8 pm

Chris Grayling (Epsom and Ewell) (Con): May I welcome the Secretary of State back to the House? He is one Scot, I suspect, who is extremely pleased to be back in London. Fortunately, the issue before the House is relatively uncontroversial, and there are certainly no complicated votes at the end of the evening.

May I begin by giving the Bill a warm welcome? Indeed, I could hardly do otherwise. The Secretary of State rightly said that it is a Labour Bill, because there is a Labour Government, but it is a Bill, too, that commands support across the House. When I was first elected in 2001, one of my first actions was to hold an Adjournment debate on concessionary fares for pensioners, because of an anomaly in my constituency facing many of the pensioners whom I represent. In Worcester Park, a small centre in London that is divided between the London boroughs of Sutton and Kingston and the borough of Epsom and Ewell in Surrey, the boundary literally divided the community on the provision of bus passes. Pensioners living in London enjoyed the benefit of the freedom pass; those living in my constituency did not. Believe me, they let me know regularly how annoyed they were about that. It was not just. I called for change then, and I am delighted that the Secretary of State is leading an initiative to make a genuine change. There was an anomaly, and that is to change. I am delighted that the Government's move to extend the existing schemes nationally makes the likelihood of local anomalies in future much smaller.

We have always said that where the Government get things right, we will back them, and on the Bill, we think they have got things right. However, the Secretary of State cannot resist lobbing in a few jibes about buses. He makes the old comments about the decline in bus patronage post-1985. I remind him that the decline in bus patronage was greater pre-1985 than it has been post-1985. I also recognise that there are problems with the current system. He paints a rosy picture of what has happened under the present Government. A few weeks ago I went to Sefton, where people are losing their bus services and losing the means of their journey to work, because of failings in the current system.

There are still problems to be addressed in our bus system. If the Government get things right, we will support them, but they do not have a particularly good track record. The last great initiative from the Government on bus reform, quality contracts, has not been an unbridled success. The country is not full of quality contracts changing the face of our bus industry, so I wait with some trepidation to see what happens as a result of these reforms—but, as I always say, if the Government introduce positive reforms and positive changes, we will consider them constructively.

Mr. Kevan Jones: Are not the problems that the hon. Gentleman saw on his visit to Sefton a result of the fact that the Tory Government deregulated the buses, which led to the stupid idea of competition which, in most areas, has ended up with monopolies? He referred earlier to the fact that bus patronage in London has increased. That was the only area that was left regulated.

Chris Grayling: The hon. Gentleman cannot have it both ways. Many in his party hark back to the days of

the municipal bus company, but the fact that the Secretary of State can stand at the Dispatch Box and talk about the improvements to our bus fleets and the increased availability of local buses is down to the investment made by private companies, so the idea that there is some great nirvana to return to is a myth that still seems to delude some on the Labour Benches.

Mrs. Dunwoody: I am delighted. This is wonderful—the greatest fairy story that I have heard for a very long time, and I am the grandmother of 10. May I congratulate the hon. Gentleman? I sat through the 1985 Transport Bill, when the Conservative Government made it clear that as far as they were concerned, buses were a means of transport for the poor and the incompetent who had not managed to make money. The idea that the private bus companies have been fighting to bring in new and useful services in order to expand is absolute nonsense. Will he, just for once, have a little humility? The Government whom he supported destroyed the bus industry. My Government are reorganising it. Will he please give us credit for a little common sense, and admit it?

Chris Grayling: I have the greatest respect for the hon. Lady and her experience of the House. In 1985 I was just leaving university. I suspect the Secretary of State was doing his driving test. What matters is what is happening in 2007.

Mrs. Dunwoody: Ah!

Chris Grayling: I am happy to consider the bus industry today and the future of public transport provision. When the Government get things wrong, as they frequently do, we will hold them to account. When they get things right, as with the Bill, we will support them in doing so.

The introduction of a national scheme for concessionary bus fares for the old and disabled will be welcomed by people all around England. The extension of the scheme that the Government introduced two years ago in a blaze of glory ahead of the general election was essential. The first effort to extend free bus passes nationwide proved to be rather more limited than the headlines suggested, with travel limited to borough boundaries, which was not much use to people whose local shops, local hospital or the services that they needed to access were just across a borough boundary. I hope the Bill will remove such anomalies for the future.

As ever, the devil is in the detail. Although the Bill has cross-party support, important points have been raised on both sides of the House as to exactly how it will be put into practice and what the consequences will be. There are still areas of concern that need to be addressed by the Minister who is to wind up the debate. On funding—an issue raised by the Secretary of State—there are still aspects of the Government's plans that remain unclear.

The Under-Secretary has informed us on a number of occasions that from April 2008 the Government will be providing around £1 billion a year in total to fund concessionary travel. When she replies, may we have a little more explanation of how that is made up? The £350 million that was made available for local concessionary travel in 2006 has been topped up by £250 million as part of this package, making a total of £600 million today, but where does the extra £400 million come from and how will it be delivered? If the detailed work is being done now on the way in which the funding will be allocated, how can Ministers be sure that £250 million is sufficient to meet all the needs? Can they provide assurances that it will be enough to cover the costs of the scheme? The experience under the fares scheme introduced in April last year is that they did not get it right the first time round.

We have already heard from some hon. Members how the 2006 scheme has affected their areas, but I will pick up on a couple of examples. During the recent Government consultation on the 2007-08 local government finance settlement, the Government received representations from 23 local authorities and local authority groups that the funding for concessionary fares was insufficient to meet the costs of the scheme. We heard about the major issue in the north-east from the hon. Member for Tyne Bridge (Mr. Clelland). The introduction of the scheme cost Tyne and Wear £5.4 million in the last financial year. It had to make £3.4 million-worth of cuts because the Government had underestimated the take-up of the scheme. There was a 24 per cent. rise in child concessionary fares, a 50 per cent. rise in the cost of teen travel tickets for 16 to 18-year-olds in further education, and the scrapping of 11 subsidised bus routes providing services to areas that benefited from no other forms of public transport.

There is a similar situation at the other end of the country. In Christchurch, roughly 6 per cent. of the population is over the age of 60—the highest percentage of any local authority area in England or Wales. With the introduction of the 2006 local concessionary scheme, the Government increased the council's grant by £237,000, while its total budget for concessionary fares was £395,000, including £20,000 of its own money. However, the take-up was even greater than anticipated, and 69 per cent. of those eligible have been issued with a pass. The £395,000 budget has been overspent by almost 100 per cent.—equivalent to an 11 per cent. increase in the borough's 2006-07 council tax. There is no point in giving our pensioners free bus travel if they just have to pay the bills through their council tax instead. It is not just local authorities that have had problems with the funding of the local concessionary scheme. Sixty appeals have been lodged with the Department for Transport by bus companies since the start of the local concessionary scheme, 45 of which remain unresolved.

It is essential that the Government not only clarify exactly how much is being spent, how it will be broken down and how and where it will be allocated, but confirm and prove that they have sufficiently allowed for take-up in excess of expectation.

How the money is allocated will be just as important as how much there will be. The Government have used the normal local authority grant to support the 2006 scheme of local concessionary bus fares. The local authority in which a concessionary journey begins will have to compensate the bus operator. However, if the Government reimburse local authorities according to their resident over-60 population, areas with large numbers of elderly visitors will end up with a large financial burden for which they will not be adequately compensated. Again, I hope that the Under-Secretary will address that when she replies, because it is a particular problem

[Chris Grayling]

for holiday resorts that attract a large number of elderly visitors. If towns such as Brighton, Cleethorpes or Poole have a disproportionate number of elderly visitors, inevitably they will end up footing the bill for a much higher level of bus usage than will have been provided for under the grant that they receive. How do Ministers plan to address that issue?

Let me touch on a number of issues related to the scope of the scheme. The Secretary of State will be aware of the pressure coming from a variety of sources to provide concessionary fares on other transport systems as well, such as trains and ferries. I am particularly aware of the representations being made by my hon. Friend the Member for Isle of Wight (Mr. Turner) about his constituents. I understand the problems that the Government would face in funding such an extended scheme, but when the Under-Secretary replies will she brief the House about the work that was done on the scope of the scheme and what assessments were carried out on the viability and costs of extending it to cover other local transport systems, such as trams and ferry links?

In particular, can the Minister tell the House what assessment the Government have carried out of the cost of extending the scheme to cover community transport? Ministers will be aware of the valuable work done by our community transport sector. An underlying principle behind the Bill must be to help tackle social exclusion, but the reality is that some of the most socially excluded in the country are those who, for whatever reason, are unable to use public transport and for whom innovative community transport schemes are their only lifeline to the wider world. The truth is that the Government have decided to exclude community transport from the scheme. Will the Minister explain her approach to that issue?

Mr. Atkinson: I want to reinforce my hon. Friend's remarks about community transport. In my constituency I have one community, Kielder village—the most remote village in England—that depends entirely on a post bus to go south and a community bus to go shopping in Scotland. Without subsidy, that service is extremely vulnerable.

Chris Grayling: My hon. Friend is absolutely right to highlight the fact that in some areas of the country, particularly in our rural areas, community transport schemes—we have some tremendous community transport operations and great work is done by the social enterprise sector—are the only transport service. The Government must support them.

The Secretary of State addressed the cross-border issues to some degree, but I am not entirely certain that he is confident that he will deliver a solution. Wales and Scotland have concessionary bus schemes, and England will have one from 2008. I hope that the Minister can assure us that between now and then as much as possible will be done to ensure mutual recognition of the schemes across borders. For those who live in the border areas, whose local bus service can begin on the other side of the border from where they live, that mutual recognition is vital, as we heard from the hon. Member for Ellesmere Port and Neston (Andrew Miller) in relation to his constituency. There is a risk that the new scheme will not help. If we get things wrong and if Ministers do not take the right decisions and cannot reach the right agreements with the devolved Administrations, there is a danger that people in those areas could be losers. Many local authorities have arrangements to help to fund concessionary cross-border travel, but if their contributions are squeezed by a national scheme that is not funded to work most effectively with those authorities, they might impose cutbacks on that help. Certain services have already been cut as a result of the previous scheme, and I would not want cross-border services to be cut because the funding package was not right.

May I also press the Minister on the subject of start times? At present, the scheme applies only to travel after 9.30 am. Obviously, I appreciate that it could not possibly be extended across peak times, but the start times for other services are an issue. For example, the first appointment at most hospitals is 9 o'clock. The pensioners' parliament has alerted my hon. Friend the Member for Eastbourne (Mr. Waterson) to the problems that the start time for the scheme will cause some pensioners who have early medical appointments. Will the Minister consider such people? What work have the Government done to assess that dimension and the relationship between pensioners' entitlement to free travel and start times in the health service?

On the issue of technology, the Welsh and Scottish schemes already use smartcard technology. The Minister is clearly working on the issue, but there are still big doubts about whether smartcards will be available at the start of the scheme in England. Clearly, that poses a number of problems. I have already explained why there are question marks over how funding will be handled and whether it will be possible to get it right through the grants system. Smartcard technology would help to create a smoother funding mechanism by making it possible to fund directly the number of journeys made in the areas where they were made rather than having to use block grants made on an assessment of population. That is a more attractive way of distributing future funding. However, even if it is not immediately possible to do that, it is logical to do as much as we can to provide for the use of smartcard technology in future. I listened with interest to my right hon. Friend the Member for Bracknell (Mr. Mackay) and his account of the work of his local authority.

Given the time frame; would not it make sense for the passes that are handed out to be enabled with ITSO technology so that, even if it is not possible to introduce a smartcard scheme up front, when the technology is ready to come on stream six, 12 or 18 months later, the Government will not ask local authorities to withdraw all the passes and replace them with a new generation of smartcards? Will the Secretary of State and the Under-Secretary consider that approach?

Let us consider technology and the prevention of fraud. Little can be done immediately if a lost or stolen photo card is used fraudulently. However, under a smartcard system, such as the oyster card system in London, a lost or stolen card can be cancelled to prevent fraudulent use and any credit on the card can be reissued to a replacement card so that the rightful owner does not lose out. Given that electronic ticketing systems may not be available in the first months or years of the scheme's operation, what plans do the

Government have to help prevent fraudulent abuse? Fraud is especially relevant, given the funding pressures on some local authorities. There simply does not seem to be the room for manoeuvre for local authorities to bear the cost of significant fraud.

It is worth briefly referring to the impact of the proposals on London. The Secretary of State referred to the freedom pass, which has existed for 23 years and is funded and run by the London boroughs. It is the most generous concessionary fares scheme in the country, giving older and disabled Londoners free use of the capital's trains, tubes, trams and buses.

The introduction of a national scheme could cause problems for London. The extension of concessionary fares nationwide means that London will be in danger of losing out because of tourism. It is a major tourist centre, which attracts many retired visitors from all parts of the country, who will be entitled to free bus travel in London. Under a national scheme, journeys taken by those visitors will have to be underwritten by London councils as part of the overall cost of concessionary fares in London. I hope that the Department will consider that.

I sensed from the Secretary of State's remarks that he recognised the potential problem of technology. London already has an established electronic ticketing system—the oyster card. It would be daft to have systems around the country that are not technologically interoperable. It would be valuable if the Under-Secretary could give some idea of the steps that are being taken to ensure genuine interoperability between the smartcards that are in use throughout the country, and especially between the scheme in London and those that will be introduced outside London.

The debate today essentially comes down to dealing with unintended consequences of a well-meaning Bill, of which all parties generally approve. That is a task especially for the Committee. We must ensure that the measure does not cause problems, which no one has previously envisaged, for local authorities.

Bob Spink: I am delighted by my hon. Friend's constructive approach to the Bill. Does he agree that we need to go further to increase the attractiveness of buses to elderly people? We need to tackle some of the barriers that prevent them from travelling on buses: drivers driving off before elderly passengers have taken their seats; the accessibility and readability of timetables; co-ordinating bus and train times, and tackling antisocial behaviour on buses. We need a comprehensive and holistic approach to increasing travel on buses.

Chris Grayling: My hon. Friend is right. If we are to have any chance of providing genuine alternatives to the car or achieving a balanced system, we must ensure that public transport offers as much as possible. It must provide a genuine alternative to people who may choose to leave their cars at home, or might not otherwise travel at all, because they have no means of doing so.

Getting public transport right must be a priority for any Government, whatever their political persuasion, now and in future. My colleagues and I fully support the principle of national concessionary fares, but we shall have to examine the details carefully in Committee to ensure that, when put into practice, the scheme does what it is supposed to do. We need to be sure that it does not have a negative effect on the most excluded from society, who cannot or do not have access to public transport.

It is a good Bill with a good set of intentions and will provide a well-deserved additional pillar of support for pensioners who have contributed so much to Britain during their working lives. All too often, however, the Government have started with good intentions and then failed to deliver, so the Committee needs to ensure that that does not happen this time.

4.30 pm

Mr. David Clelland (Tyne Bridge) (Lab): When the scheme was introduced in 2006—indeed, when it was announced by the Chancellor in 2005, too—it was widely welcomed, not least in Tyne and Wear, because it returned us to a position that we were in 30 years ago. The Labour Tyne and Wear authority introduced a free travel scheme around the county 30 years ago, which had to be abandoned because of the Conservative party policy of introducing charges. I have to say that I resisted it at the time, because I felt that if charges were introduced, they would inevitably be increased, which is precisely what happened.

The return to free fares was widely welcomed—until the sting in the tail was discovered. The funding allocated to the scheme used the standard local authority funding formula, which meant that it was tied to population, not to bus usage. In Tyne and Wear, of course, there is a high take-up of public transport, so we ended up with a shortfall of funding. In 2006-07, £5.4 million of cuts in bus services had to be made—cuts to vulnerable people and to young people, as the teen travel scheme of subsidised travel for students had to be severely cut back. Furthermore, £2 million had to be taken from the reserves, adding up in total to an actual cut of £7.4 million last year for one of the poorest regions in the country.

This year, of course, the scheme continues under the same formula and has to be subsidised yet again by Tyne and Wear council tax payers. Further subsidies will have to be found, so by the time we get to the national scheme next year, it will have cost Tyne and Wear £10 million to run the free travel scheme over the two-year period.

Mr. Paul Truswell (Pudsey) (Lab): My hon. Friend is detailing one problem with the current use of the revenue support grant, but are there not two further ones? It also depends on the money being passported from districts through to passenger transport authorities in areas such as my hon. Friend's and mine, and it does nothing to help when some authorities—including the Isles of Scilly, I understand—get some cash under the system even though they do not have any buses.

Mr. Clelland: My hon. Friend raises a couple of points that I shall come back to later. There are several anomalies in the distribution of this money, and nowhere else in the country has suffered to the same extent as Tyne and Wear. Meanwhile, because of the method of distribution, some authorities with lower public transport usage than Tyne and Wear will once more gain from the funding formula as my hon. Friend has just pointed out. Indeed, funding for Scotland, Wales and Northern Ireland will be found from this cache of money despite

[Mr. Clelland]

the fact that they already have fully funded schemes. My hon. Friend is right to point out that the Scilly Isles will receive a share, even though they do not have any bus services at all. The distribution of this money is therefore nonsense, and I hope that Ministers will accept that it has to be corrected.

Ministers could correct the problem if they devised a system whereby funding went directly to the concessionary travel authorities through a specific grant. We could have a ring-fenced grant to transport authorities, with 75 per cent. allocated for the running of the scheme and 25 per cent. held back as a contingency to provide additional resources where the formula does not fully reflect the cost of concessionary journeys in any particular area. That would iron out many of the anomalies that we face today.

The opportunity must also be taken to correct through the Bill the funding anomalies relating to Tyne and Wear, which I cannot stress too strongly. It is grossly unfair that Tyne and Wear should be put in the position in which it finds itself, so I ask the Minister to give an assurance in her wind-up speech that the acknowledged underfunding of Tyne and Wear will be addressed and that revised arrangements will be made for the distribution of funding in future. If she cannot give that assurance, will she then acknowledge that the introduction of the national scheme will leave Tyne and Wear at a severe disadvantage; that cuts in services and concessions to young people will have to continue; that the area will be denied the level playing field it needs when the scheme begins in 2008; and that we shall also be denied what the Secretary of State implied earlier when he said that this should be looked at as a floor rather than a ceiling? That will mean little to Tyne and Wear unless the funding formula is corrected.

Mr. Mullin: My hon. Friend is absolutely right to underline the dire underfunding of the scheme in Tyne and Wear. Has he had elderly constituents come to him, as I have, who say that they do not want the concessions if they can be obtained only at the cost of cutting, for example, the student concession?

Mr. Clelland: Indeed I have. In fact, among the early complaints that we received from elderly people about the scheme was that, although they welcomed the idea of returning to free fares, they did not want them at the cost of student concessions and other bus services, which is how the increase was paid for. We still receive those complaints, which is why the issue needs to be ironed out. Some elderly people were upset that that was the outcome of this otherwise welcome scheme.

What measures do Ministers propose to deal with the problem of bus companies exploiting concessionary fares to their advantage?

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): Does my hon. Friend agree that there is a particular problem in the areas in the city that are most heavily dependent on buses, such as the outer west area of Newcastle?

Mr. Clelland: Yes, indeed. In fact, some of the services that were cut were to outlying areas, to which it is not profitable enough for bus companies to run services. Certain subsidised services that were run by the passenger transport authority have therefore been cut back in order to pay for the concessionary fares scheme. People in areas such as those to which my hon. Friend referred have suffered as a result.

Chris Grayling: I would be curious to know whether the hon. Gentleman thinks that the problems that he is describing are a direct consequence of the funding mechanism for buses or part of a broader pattern that has left the north-east receiving the second-lowest transport funding per head from the Government of any region in the country?

Mr. Clelland: The hon. Gentleman refers to a point that will come up in other debates and in other Bills, although I acknowledge that the north-east of England is unfunded so far as transport provision generally is concerned. That is something that some of us will be taking up tomorrow with the Minister responsible for roads.

The exploitation of the system by bus companies also needs to be addressed, if the scheme and the Government's ambition to increase public transport usage are to be successful. With the introduction of the scheme, surely it is even more important that we move to a system of local franchising of bus services and bus routes. Unless public transport is accessible, affordable, comfortable and convenient, we will never get motorists to abandon their cars, and buses will increasingly become transport for concessionaires and no one else, with taxpayers providing the profits of the bus companies.

There is a further problem that will arise from the Bill as currently drafted and which needs to be addressed—the proposal that transport authorities cover the cost of all concessionary journeys that start in their areas, including those of non-residents. That will impose an additional burden on areas such as Tyne and Wear, to which huge numbers of people come to visit the Metro centre, Newcastle city centre, and the cultural and leisure attractions of Tyneside. All those people coming into the area and beginning a bus journey there will create a burden that will fall upon the Tyne and Wear passenger transport authority, on top of the problems from which it already suffers. It is essential that we should have a more flexible funding system that can take care of all those extra burdens.

Mr. Kevan Jones: As my hon. Friend knows, many of my constituents travel over the border from Chester-le-Street into Gateshead and the Tyne and Wear conurbation not only to work, but to visit the large number of well-managed attractions on Tyneside. Does he agree that one proposal that we perhaps need to consider in the north-east is a passenger transport authority that covers not only Tyne and Wear, but the region as a whole, and which could address some of the broader issues to which he has referred?

Mr. Clelland: My hon. Friend tempts me down a road that would extend this debate longer than was intended. I certainly agree that we need to put in place a regional facility for transport issues generally. Public transport would probably be included in a regional look at such

issues, now that we have acknowledged that transport can go beyond local government boundaries.

As I said at the outset, the scheme is a good one, and has been widely welcomed. It is a huge step forward in public transport provision. The Bill, however, has two possible outcomes. The problems that it faces are technical, and can be overcome. If they are, the introduction of free travel will go down as one of the great achievements of the Labour Government. If they are not, I fear that the unfairness that results will lead to dissatisfaction and disgruntlement when there should be celebration. My right hon. Friend the Secretary of State and the Under-Secretary of State for Transport, the hon. Member for Lincoln (Gillian Merron), will want to strive to achieve the former and avoid the latter.

4.40 pm

Paul Rowen (Rochdale) (LD): I thank the Minister and, through her, the Secretary of State, for the help and information provided in the lead-up to the Bill. The Bill has been, and will be, welcomed on both sides of the House. Bus travel is already the most widely used form of public transport, and the earlier provision of free local bus travel has already seen bus patronage, after a long period of decline, rising—for once, not just in London.

Liberal Democrats welcome the extension of the concessionary bus fares scheme to make it a genuinely national scheme. The provision of free bus use for the elderly and disabled increases social mobility and inclusion. However, as my noble Friends did in the other place, we shall seek to extend and improve the nature of the concession in Committee. On Second Reading I and other Members will raise concerns, which I hope that the Minister will address.

The concessionary bus fares scheme is a national scheme administered locally, and we welcome that. On Second Reading in another place, however, Lord Davies of Oldham stated that if the scheme were administered nationally, according to a National Audit Office report, annual savings of £12 million would result. I hope that the Minister will indicate the estimated additional cost of administering the scheme for local authorities. How much of the extra £250 million allocated has been set aside for that? What are the estimated start-up costs? I have been given estimates of between £35 million and £75 million, depending on how the scheme is set up. How will those costs be met, and by whom?

The Government have also stated their desire to have a national bus pass. The official Opposition spokesman referred to the smartcard. It will be impossible for the smartcard scheme to be available next year, but it is important that the Minister should set out the framework in which she expects smartcards to be introduced. Various schemes operate at present, not least the oyster card in London. We need to examine how that transition will be managed. I agree that the new scheme and the new cards should be ITSO-compliant. But what is the cost of introducing those cards, and who is going to meet it? I agree with the hon. Member for Epsom and Ewell (Chris Grayling) about issuing the cards next year, even though they will not be widely usable on buses. We need to ensure that we do not introduce a scheme next year, and then in following years introduce another new scheme with additional costs. Will the Minister give some detail in her wind-up about how the transition scheme will be managed?

Funding is the issue that will exercise most Members; it has been the major focus of the remarks and interventions made so far. The current scheme has been introduced via the formula grant—a blunderbuss instrument that deals with population and demographics but takes no account of bus use. The London boroughs, for example, have estimated that the actual cost of the scheme for London was £100 million, but they received only £53 million through the formula grant, the balance having been met through increases in council tax or cuts in other services. The hon. Member for Tyne Bridge (Mr. Clelland) spoke of the experience in Tyne and Wear, where cuts in other services were necessary to pay for the scheme.

We must ensure—other Members will no doubt press this—that there is reimbursement for the costs of any scheme. It has been said that the reimbursement will come from journeys within a local authority, but how will that work? I recently asked the Secretary of State for Culture, Media and Sport how many people were travelling to various tourist destinations. Other Members have mentioned some of them—places such as Blackpool, Cleethorpes, Scarborough, London and Manchester. Although the Department was able to give those figures, no information was available about the number of over-60s or the number of disabled people who were using buses in those areas.

It is important for us to deal with actual figures, because, as I have said, the formula grant is a blunderbuss. I hope that the Minister will agree to meet leaders of a cross-party delegation from those tourist destinations—some of the main honeypots—to discuss how the scheme might operate in their areas. While I know that all local authorities have an interest in ensuring that the scheme is fully funded, those areas have particular concerns. If a direct grant is to be administered for actual journeys, how will the Minister ensure that the necessary information is provided? We know how the formula grant operates, but that question is particularly important.

Other Members have mentioned bus fares, and the definitions of the types of transport and bus services that are eligible. In the past 12 months, bus fares have risen faster than the retail prices index. In Greater Manchester, an appeal to the Secretary of State by bus operators resulted in a substantial increase in bus fares and an extra cost of £3.5 million to the passenger transport authority. With an increasing number of bus journeys funded through the concessionary fare scheme, is there not a temptation for bus operators to increase fares? What mechanism will the Secretary of State introduce to ensure that there is reimbursement for actual costs, and no element of profiteering by bus operators?

The Secretary of State said that 291 authorities would be involved in negotiations with the major bus operators. While I do not want to see national control of the scheme, I hope that there will be a national framework enabling us to operate to common guidelines when it comes to amounts per mile, so that local authorities' administrative burdens do not increase dramatically because they have to engage with, effectively, just five major bus operators to provide a scheme in their areas.

[Paul Rowen]

As I have said, we need a proper definition of the services that will be eligible. For instance, will the open-topped buses that are used by tourists in Manchester qualify, or will they be exempt? Services have been mentioned which in other areas might be classed as coach services. Again, we need a proper definition of the services that will be included.

Following our experience of the scheme for appeal, I hope that the Secretary of State will undertake a review of how the scheme has operated in 2006 and ensure that it applies equally, including to the London boroughs. The Liberal Democrats are fully in favour of the freedom pass, but we do not think that it is fair for Transport for London to be able to override the London boroughs in terms of the costs that are charged to them. We believe that the scheme should apply equally to all authorities and not exclude the London boroughs, as it does at present.

Turning finally to those who will be eligible, I hope that we can have a proper discussion of what we mean by "disabled". We need to have an inclusive definition that ensures that there is maximum usage, including by those suffering from mental illness. Will the Minister also consider extending the provisions of the scheme to those who are disabled and need a companion to accompany them? At present that is not provided for, but it is important.

The Bill does not extend to other forms of transport. I understand why the Government might be reluctant at this stage for it to do that, but the Bill does not take account of what happens in areas which do not have a dedicated bus service. The hon. Member for North Durham (Mr. Jones) mentioned the effects on rural services when buses have been lost: people have had to rely on either community transport or taxi voucher schemes. Why cannot the concessionary bus scheme be extended to such areas?

In my own area recently—in Deeplish—an operator decided to remove a bus and the passenger transport authority put on a taxi service for which people pay 50p. I know from talking to pensioners that they feel that it is iniquitous that they lost the bus service and although they got a free bus pass, they are not able to use it and they are having to pay. There ought to be some recognition of that. We have heard about the fact that the Isles of Scilly do not have any bus services. The ferry service to the Isles of Scilly ought to apply as a concessionary service as that is the means of transport that those on the Isles of Scilly have to use. Also, what will happen where other modes of transport are used but where part of the journey is travelled by bus, such as on some of the Merseyside ferry journeys? Why cannot there be an extension to include those?

We also heard mention of cross-border issues. The devolved Administrations in Scotland, Wales and Northern Ireland already operate more generous schemes than those proposed in the Bill. I hope that those benefits will be extended to neighbouring local authorities, and that we can have a working scheme in place before next April so that people who live near the borders can make full use of the schemes that exist. That should be a prerequisite of the introduction of a genuine multi-modal scheme that covers all modes of transport. The Government have left scope in the Bill to introduce that, and I hope that we receive some suggestion during the progress of the Bill of their intentions in that regard.

The Liberal Democrats welcome the Bill as a first stage in the introduction of a genuinely concessionary transport scheme. We look forward to working on the detail of the Bill in Committee.

4.54 pm

Mr. Kevan Jones (North Durham) (Lab): I welcome the Bill. I know that it is warmly welcomed in North Durham, and in Durham in general, for pensioners and disabled people. The 11 million people nationally who will gain from its provisions will warmly welcome it.

I am glad that the Government are now concentrating on buses. In the first couple of terms of our Labour Government, we have concentrated too much on capital incentive schemes—such as for light rail—in urban areas. We may have forgotten that the main mode of transport in many rural areas is the bus, and that buses are not a luxury but a necessity in those areas.

I welcome the fact that the Bill will set up a national scheme and will, hopefully, do away with the various anomalies that the boundaries of counties and local authority areas give rise to. Although we, as politicians, understand those boundaries intimately, it is clear that local people cannot understand why they exist; they do not understand why they cannot catch a bus to wherever they want in the north-east, for example. Therefore, this concentration on bus services in rural areas is welcome. My constituency is a large rural area and, as I said, for most people who do not own a car, access to a bus is not a luxury but a necessity.

The bus network is long overdue for change and the White Paper is a step in the right direction, in that it has been recognised that a degree of regulation needs to be put back into the system. The hon. Member for Epsom and Ewell (Chris Grayling) accused me of wanting to go back to the old municipal bus companies. I do not want that, but I do want local authorities and passenger transport executives at least to have some more power to direct bus companies. It is no good giving people in the county of Durham free bus passes if the local bus service is not there. Go Northern has stripped bus routes out of my constituency in the past 12 months, leaving many communities completely isolated and without access to a bus. Although many elderly and disabled people in those communities will welcome access to free and concessionary fares, if there are no buses they cannot access that great benefit delivered to them by a Labour Government.

I turn to a point made by the hon. Member for Rochdale (Paul Rowen). As we debate this Bill, we need to consider the extension of concessionary fares to other forms of transport in places where bus services are not available or have been withdrawn. In some rural areas, communities use taxi buses or other community transport facilities instead. The hon. Member for Hexham (Mr. Atkinson) referred to the great use that is made of post buses in his large rural constituency. I am not suggesting that we should have a network that delivers people all over the region, but we need one that delivers them to the major hubs, so that they can then

get a bus or another form of transport into the major conurbations. I want the Government to look at that issue, please, and to extend concessionary travel to areas that do not have access to bus services because the market has stripped them out.

I fully endorse what my hon. Friend the Member for Tyne Bridge (Mr. Clelland) said about the distribution of funds. Last year, Tyne and Wear passenger transport authority had to withdraw funding for well-established schemes that support teenagers and other disadvantaged groups in order to introduce a concessionary scheme. My hon. Friend the Member for Newcastle upon Tyne, North (Mr. Henderson) made an interesting point when he said that that led to a reduction in the transport footprint on Tyneside. The PTA had to cut services to pay for concessionary fares, thereby leaving the outer parts of west Newcastle, for example, without a bus service, so that had the opposite effect to the one that the Government wanted, which was to expand free transport and access to it. Sadly, when my right hon. Friend the Member for South Shields (David Miliband) had responsibility for such matters, the representations made by my hon. Friend the Member for Tyne Bridge and others fell on deaf ears. Hopefully, the present Secretary of State will look at the case that Tyne and Wear is making more favourably.

I turn to the question of who has responsibility for concessionary fares—an issue that the Secretary of State mentioned when he opened the debate. The ludicrous situation in Durham is that, although the county council is the transport authority responsible for passenger transport in the county of Durham, responsibility for concessionary fares lies with the district councils. So last year we had the ridiculous situation in which seven district councils were potentially going to introduce individual schemes. Without my intervention, and the very vocal support of my hon. Friend the Member for City of Durham (Dr. Blackman-Woods), we would have had a silly situation in which people would have been able to travel freely within Chester-le-Street, but when they went over the border into Durham, City of Durham or Derwentside district councils, they would have had to pay a fare. Fortunately, sense prevailed and we now have a county-wide scheme.

We also have a scheme that allows people to travel outside the area, into Tyne and Wear, but I take the point that my hon. Friend the Member for Tyne Bridge made about people travelling from Tyneside into County Durham. I am pleased that the Minister announced that the issue will be reviewed, but I urge him to consider the point that it is no good giving the responsibility to district councils. It has to be a county council decision. People must also be told whose responsibility it is, because I can foresee squabbling between district councils. I hope that we will not have to wait too long before the Government abolish the district councils in County Durham, which would do us all a favour and we could have a unitary council for the area.

The other issue is the national nature of the scheme. According to discussions that I and other County Durham Members have had with bus companies, they have difficulty through-ticketing with other companies. If the scheme is to be successful, people will have to be able to travel seamlessly around the north-east and nationally. I recognise the point made by the hon. Member for Epsom and Ewell from the Conservative Front Bench that we need a system that would allow that to happen. We envy the London oyster card and we need a similar system for the north-east or even nationally, so that pensioners could use their card wherever they went. However, the bus companies tell me that that would require some investment in technology.

The hon. Member for Rochdale touched on another issue that needs careful consideration. In the negotiations on the scheme, the bus companies are playing councils off against each other. There are only five major bus companies now and we are probably not going to get a very good deal for the taxpayers' money that we give them. In many areas, the big companies have monopolies with which others cannot compete, and when we discuss concessionary fares with those companies we need to strike a hard bargain. It is hard to agree with a Liberal Democrat twice in one debate—I am sure that fellow Labour Members will forgive me—but I agree with the hon. Gentleman that the bus companies have monopolies and we should insist on some national minimum standards for them. Otherwise they will play councils off against each other.

The other sector that we need to take into consideration is the smaller bus operators. Some in rural communities do a fantastic job of providing small, localised services in rural communities. For example, Stanley Taxis in my constituency is a taxi firm, but it also runs a limited bus service. Such operators need to be taken into account when considering concessionary fares, because they are part of the transport network.

I welcome the concentration on buses and concessionary fares by the Government, because it will help thousands of my constituents. Transport is not only about major capital schemes. Alongside this Bill, we need proper transport planning. The electorate in the north-east rejected a regional assembly, and I respect that decision, but we need some body in the area that can consider regional transport infrastructure and the planning of services. Such a body could deal with rail and bus services across the region. If there is to be a unified concessionary fares system for north-east England, we do not want County Durham to have a better deal than Tyneside, or vice versa, or for the scheme to operate differently in different areas. A single transport authority would be able to make a stronger case when arguing with and lobbying the bus companies—the monopoly suppliers. When I raised that point recently, I was told that it was the responsibility of the North East assembly. I am sorry, but I think the assembly should be abolished rather than be given more powers. However, there is a strong case for a single passenger transport executive or authority to cover the entire area.

People ask what the Labour Government have done for us. The Bill is yet another example of the Labour Government delivering to 11 million pensioners. It is not surprising that the penny is slowly dropping among Conservative Front Benchers and they do not want to be caught opposing the good, popular ideas that Labour is delivering.

5.6 pm

Mr. John Randall (Uxbridge) (Con): Like everybody else, in general I welcome the intentions of the Bill,

[Mr. John Randall]

although as we have heard from previous speakers, some serious issues will have to be looked at, otherwise there is a danger that, as the hon. Member for Tyne Bridge (Mr. Clelland) said, those good intentions might not deliver what people expect. Ironically, when people are promised something that sounds wonderful, if it does not turn out to be as good as they expect, they are more disappointed than if they had never been offered it in the first place. However, I wish the Bill well and hope that any potential problems and anomalies will be sorted out in Committee.

As my constituency is in the London area, my elderly constituents in Uxbridge have enjoyed the benefit of concessionary fares for some time, through the use of the freedom pass. Bus drivers have told me that over the years the concessionary fare scheme has given birth to a new type of person. They are who is nicknamed twirlies. They wait at bus stops just before the concessionary period starts, look eagerly at the bus driver and ask, "Are we too early?" Members in other parts of the country can look forward to that important group becoming a feature of the landscape.

Not all my elderly constituents benefit. As we have already heard, there are problems for people on the edge of a concessionary scheme area, such as my constituents in the area traditionally known as Uxbridge Moor, which stretches from Uxbridge towards Slough in Buckinghamshire. The only bus that serves them, which goes from Uxbridge station to Slough, is not part of the freedom pass system, so they feel extremely aggrieved that they cannot benefit from concessionary bus fares—an example of people who are disappointed because they were promised something that they were not given.

The London borough of Hillingdon looked at possible ways of dealing with the problem, such as issuing oyster cards, but the cards cannot be used on that bus route. Those constituents feel that they have been given second-class status, simply by dint of where they live, so they are very much looking forward to the Bill. It is not just the elderly who do not benefit. As the oyster card system does not work in the area, young people in my constituency who are entitled to an oyster card for free bus travel in London cannot use the card to get into Uxbridge town centre. However, let us hope that the scheme solves the problem for my elderly constituents. I flag up the problem not just on behalf of my constituents, but because it happens in other border areas. It should be looked at—otherwise, those who live just on the edge of an area could feel that they are unfairly treated.

I mentioned the young people in my constituency. The Bill is about concessionary bus travel for the elderly, but the Mayor of London introduced free travel for those aged 17 and under. I welcome that scheme, although that could be because I have three children aged 17 and under who use it. However, it has become increasingly obvious that a minority, albeit a small minority, are abusing the scheme and causing a great deal of antisocial behaviour on buses—so much so that some people are calling for that particular concession to be withdrawn. Obviously, I would like the Government to look into that, but I mention it also because many people who would like to use buses are finding that they can be a bit of a no-go area. Elderly people, in particular, can feel threatened by large groups of young people who are severely misbehaving. It may be a small minority who are involved, as I said, but the situation is increasingly becoming a problem.

Angela Watkinson (Upminster) (Con): My hon. Friend said that some people wish that the concession had not been allowed. Would it surprise him to know that my borough commander is one of them, because of the number of incidents of the nature that he has just described, which the borough commander feels are causing so much trouble to genuine passengers?

Mr. Randall: My hon. Friend is absolutely right. There are a great many calls for the concession to be withdrawn. I can well understand them and I have some sympathy, although—I may be biased as a parent of children who use the scheme—I feel that it would be unfair to disadvantage those who use buses sensibly. I do not know where the answer lies. Sometimes these things go full cycle, and I am sure that I will be told that it was those well-known sons of Beelzebub—the Conservative party—who got rid of conductors on buses and things like that. Perhaps we should look at that. Things do go in cycles, but there is a real, severe problem. Luckily, the scheme that we are talking about offers concessions for the elderly and the disabled, and I think that the concept of hell's grannies still remains firmly in the realms of Monty Python—although perhaps just occasionally, at advice surgeries, some of us wonder about that.

The real problem will be in the detail of the Bill and the implementation. I look forward to hearing the definitions of "bus" and "coach". The hon. Member for Rochdale (Paul Rowen) mentioned the open-top buses in Manchester. The same thing happens in London. Also, we have services that go through Uxbridge—the 724 and the 727—which are quite long-distance, but which I would regard as bus services. I do not know whether they will be included. The 727 connects the various airports, so it might be quite useful to have it involved in the scheme.

I am not entirely sure that it will be possible to implement smartcards by 1 April next year. I look for reassurance from the Minister on that. One thing that occurred to me was that freedom passes, which are already smartcards, have a separate photo ID card. Those cards are currently issued over the counter at post offices, which, I think we would all agree, most elderly and disabled people find convenient. The national standard being imposed by the Government requires that a photograph be embossed on the card. That means, I think, that applications will have to be sent off and then come back. I think that it would be true to say that that will be much more expensive for users—the administration will certainly be more expensive—and that it might increase the opportunity for fraud. Perhaps this is another concept to further the diminution in the number of services offered by post offices.

I understand that the existing London scheme, which is based on the oyster card system, is neither compatible nor compliant with the Government's required ITSO standards for the new concessionary travel passes. I assume that all the pass-reading equipment on London buses will need to be changed. I

am sure that my borough and all London councils will want assurances that the cost of re-equipping London buses with new readers will be met by the national purse, rather than by my council tax payers.

Angela Watkinson: Does my hon. Friend agree that when Transport for London negotiates contracts with bus companies, it should be able to collate from Uxbridge, Upminster and all the London boroughs an accurate comparison of the total value of the journeys undertaken each year and the contribution of each local authority to the London-wide scheme?

Mr. Randall: I agree with my hon. Friend. Despite the intentions behind the Bill, it will be quite difficult to make its implementation fair and equitable.

How will we in London know whether any of the cards issued outside London are fakes— assuming that there is a slight difference involving the treatment of identity—or whether they have been lost or stolen? There is quite a good system in London. However, I understand that the Department has no plans to create a national database to allow basic checks to be made on the validity of passes that are used outside their home area.

Of course, I welcome the concession for disabled people, as I think we all do. However, we need to take a serious look at disabled facilities on public transport, especially buses, even though some advances have been made. I think that it was my hon. Friend the Member for Castle Point (Bob Spink) who talked about bus drivers who move away quickly, which is not sympathetic to elderly and disabled people who need a little more time than others to take their seats. While it sounds great that the concession will be available, we must ensure that people have the opportunity to use it. That is true especially in rural areas, whether those people are elderly or disabled, as hon. Members have said. The buses in London are excellent. Many people use them to travel from place to place very simply—the system is wonderful. However, as one goes further out into the countryside, it becomes more difficult to find buses. While having a concession is great, people need buses so that they can use it.

I congratulate the Government on bringing forward the Bill and on the intentions behind it. They must listen—I am sure that they will—to the variety of people who are not only putting forward suggestions, but commenting on possible problems. If the Bill is enacted properly, it will bring great benefits to many, not only in Uxbridge—we have discovered such benefits—but throughout the country. I wish the Bill well.

5.18 pm

Mr. Peter Atkinson (Hexham) (Con): It is a great pleasure to follow my hon. Friend the Member for Uxbridge (Mr. Randall). He gave a slightly different geographical dimension to the debate, which has been dominated by north-eastern Members. It is good that we have had the balance of a view from London, but I will be returning to the north-east, given that I represent a large rural constituency in that region in which there are particular problems.

The Secretary of State was quite rude about the Conservative Government and the privatisation of the bus services. He is quite young and I am quite old, and I remember the world before the privatisation of bus companies. I remember when buses were run by municipal bus undertakings, and I know perfectly well what a rotten, dreadful service the majority of those bus companies provided. I seem to remember that there were signs saying, "No change given on this bus", as if a visitor to a city would know the price of a ticket.

Mr. Kevan Jones *rose—*

Mr. Atkinson: I will give way to the hon. Gentleman in a minute; I am deliberately trying to excite him, so I will finish exciting him, if I may.

Bus crews were heavily unionised and rude, there were strikes, and in many cases the companies provided an extremely poor service, run for the benefit of the management, not the public.

Mr. Jones *rose—*

Mr. Atkinson: I will give way to the hon. Gentleman in a minute. Privatisation gave the bus systems new impetus and created some good new companies. I am surprised that the hon. Gentleman is seeking to intervene, because two of the leading companies born of bus privatisation are in our area: the Go-Ahead group, which came from Gateshead, and Arriva, which used to be called the Cowie group. They have made a huge difference to investment in the bus service.

Mr. Jones: In my constituency, those companies have left whole communities without any buses at all because they are concerned with making money, rather than with social responsibility. The hon. Gentleman is elderly, as he says, so he must remember the system under which bus companies and the Tyne and Wear Metro operated; there was through-ticketing and through-timetabling, which worked very well. When the Conservative Government did away with bus regulation, that system went away overnight. That led to absolute chaos for a short period, and to the system described earlier by my hon. Friend the Member for Tyne Bridge (Mr. Clelland).

Mr. Atkinson: I hear what the hon. Gentleman says, and I accept the point about through-ticketing for the Metro system and the bus service. I am not saying that deregulation of the bus services was entirely beneficial; it was not, and it certainly needed some adjustment. However, the principle was right. The principle was that we would eventually get a great many innovative new companies, vastly better buses paid for by those companies, and extremely good long-distance coach routes. We need to defend the original decision, as I believe that it was right—and now that the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) has left the Chamber, I feel it is safe to say so.

I join in the general welcome given to the Bill, which will reduce an enormous number of anomalies. The hon. Member for Tyne Bridge (Mr. Clelland) rightly concentrated on the financial problems from which the Tyne and Wear area is suffering, but of course the scheme will be of great benefit to my constituents, too. About 25,000 of them live on the fringes of the Tyne and Wear area, and they could never understand why

[Mr. Atkinson]

they could not travel free, even though the buses started only about a mile down the road from them in some cases. In one sense, our gain will be Tyne and Wear's loss, because it will subsidise the change. The original system created by the Government had some ludicrous anomalies. In a village on Hadrian's wall called Heddon-on-the-Wall, the only journey that any resident could make using a concessionary fare was one of less than two miles between one authority boundary to the west of the village and the city of Newcastle boundary to the east. It was great nonsense, and I welcome the fact that we are removing those anomalies.

I shall briefly hijack the debate to discuss the problems of providing bus and transport services in rural areas, a subject that the hon. Member for North Durham (Mr. Jones) covered to some extent. There is a problem in that regard. Rural people pay income tax and council tax, so when we talk about providing £250 million for the scheme and having provided £350 million, or whatever it was, for the earlier scheme, we are talking about their money. If they do not have any bus services to use, they reasonably feel somewhat aggrieved. Clearly, in all rural areas there are problems providing public transport systems, but as soon as the Bill is enacted, we should start to consider how its provisions could be extended.

One of the local authorities in my area, Tynedale council, used to have a taxi token system. People collected their taxi tokens, then they would often join together to share them and hire a taxi to go shopping. That was an extremely important scheme. In other areas, people rely on the post bus; that is another crucial lifeline in parts of Northumberland. I am not quite sure how that will fit into the system.

I intervened on my hon. Friend the Member for Epsom and Ewell (Chris Grayling) to support the notion of help for a community transport system, which is a good way of proceeding with public transport in very rural areas. It is difficult to envisage a regular bus service in some remote communities: it would simply not be practical and the subsidy would be too great. A community system could work quite well. For instance, I mentioned earlier the system that serves Kielder, which has the distinction of being the most isolated village in England—and also the most tranquil, I heard the other day. The village relies on a community transport service for villagers who want to go shopping across the border in Hawick once a week. It is a valuable service because it allows them to go to a supermarket. Otherwise, they would have to travel a great distance to Hexham to do so.

The other problem with rural services is that the buses are often in poor condition as a result of lack of use. Many of those services run off the back of the school transport system: they double up as school buses at either end of the day, but they operate on service bus routes during the day. The trouble is that they are old. They are not low-level buses, and as a consequence people who need public transport—for example, the elderly and young women, usually with children and buggies—have difficulty going up the steps of those buses. It is an unattractive prospect, and it discourages them from using the service. We therefore need to look closely at the issue of rural transport, particularly the cost of travel for young people. My hon. Friend the Member for Uxbridge mentioned a scheme in London. We do not have such a scheme. In fact, children going to and from school and young people going to and from college in Northumberland have to pay £360 a year for a bus pass unless their parents' income falls below a certain level. For families with two or three children, that is a considerable sum of money.

Mr. Kevan Jones: I am listening to the wise old gentleman very carefully. Surely old buses, poor service and a lack of routes are the result of things being left to the market. Is he not arguing for regulation in rural areas?

Mr. Atkinson: The hon. Gentleman misinterprets me. The reason why those buses are as they are is that the services are completely subsidised. Apart from school transport, which is a different issue, they are highly subsidised services. Because the level of subsidy is low, the companies can operate them under the terms of the subsidy only by not investing in new buses. The subsidy is too small to allow those small bus companies to buy expensive modern buses. It is simply not feasible. Some of those buses are extremely old, as the hon. Gentleman will know from his constituency. They run on subsidised routes, often with only one or two passengers, so there are problems that need to be addressed. I hope that when the Bill is introduced we can start to address some of the more acute problems in rural areas. In an intervention on the Secretary of State, I mentioned the difference in the definitions of "coach" and "bus". Some of my constituents are served by a long-distance coach route that runs from Scotland. It is not clear whether they would be eligible for concessionary fares if they boarded in Northumberland or elsewhere on the English side of the border.

As I said, I welcome the Bill but I share some of the concerns expressed by hon. Members on both sides of the House about its implementation. It seems to be a nightmare of complexity to implement and, given the Government's record of implementing complicated things, I am somewhat alarmed by it. I hope that in Committee, however, at least we will have a better idea of how the detail of the Bill will be worked out.

5.29 pm

Andrew Rosindell (Romford) (Con): May I echo the words of my hon. Friends and, indeed, all hon. Members by commending the Government on introducing the Bill? It is long overdue, and I have long argued that we should introduce a scheme to allow everyone of a certain age and those with disabilities the opportunity to travel by bus and by other means of transport independent of local government boundaries which, in this instance, have proved to be a block to residents from one part of the country travelling to another part of the country, even if they are next to each other. I could give the House lots of examples.

The most obvious one for me, coming from the London borough of Havering, is that one cannot travel using the freedom pass from Havering into our neighbouring towns in Essex. Hon. Members will know, as I have spoken about the matter on many occasions, that people in my part of Greater London

believe, rightly, that they are part of Essex, yet for all these years they have been denied the right to travel to towns in Essex, whereas they have been able to travel to other parts of London.

Although people in my constituency love travelling to places like Uxbridge because they have such brilliant Members of Parliament, they would rather be able to travel to places like Brentwood. They can travel to Brentford in west London, but they cannot travel to Brentwood, which is next door. They can travel to Harrow, which is a nice place as well, but they would rather travel to Harlow. Similarly, when they feel like going to the seaside, it is Southend that they want to go to, not Southgate in north London—there is no seaside there. Up till now, they have been prevented from going to places that they would like to travel to, rather than places that happen to be on a particular map, which they are allowed to visit using their freedom pass.

From all the indications that I have heard this afternoon, I hope that the new law will permit all residents of Greater London to travel in all directions, which means that the people of my constituency and the constituents of my hon. Friends the Members for Upminster (Angela Watkinson), for Uxbridge (Mr. Randall) and for Wimbledon (Stephen Hammond) and of all London Members will have the opportunity to travel freely, without the restrictions that they have had to put up with until now.

I commend all the local groups and organisations that have long campaigned for the change. Their campaign, which I have supported, is not over because people in London travel by means other than buses. Costs must be taken into consideration, but it would be nice if the underground could eventually be included, as well as the overground train system. All these things are costly and must be carefully looked into. No one is jumping the gun, but if the principle is right that an elderly or disabled person can travel by bus, why not also by tube?

Among the groups that I commend for their campaigning work, I should like to mention the Havering Association of Retired Persons and particularly Joan Grant, who lives in my constituency and regularly corresponds with me in defence of the freedom pass and as part of the campaign for an extension of travel for retired people and elderly people to other areas, not just in London but to Essex and beyond. My hon. Friend the Member for Upminster also knows that lady.

Angela Watkinson: I thank my hon. Friend and constituency neighbour for allowing me to intervene. The lady whom he mentioned, Mrs. Joan Grant, told me, and her colleagues, that many of their members work in charities right across London and travel considerable distances with their freedom pass, so the pass is of value not just to themselves, but to the organisations they serve. If they are able to travel into Essex as well, other charities and organisations will benefit.

Andrew Rosindell: I could not agree more with my hon. Friend. There are so many good reasons why extending the pass will be beneficial, and not just to the people who can travel. Allowing older people the opportunity to travel more freely will mean that they lead healthier, more active lives. They will travel more, spend more money, go to the local shops more and to different towns, go on days out and enjoy themselves. I cannot express more strongly my belief that those who have served our country and paid their taxes all their lives—many of whom fought for this country in the last war—should be given the opportunity to lead fit, healthy, active lives and gain the advantage of freedom to travel.

The overall real cost is not as great as some may think. As we all know, after 9.30 in the morning many buses and other means of transport are often nearly empty with only a few seats being used, so the real cost of this is pretty small. It is always important to consider the cost of such measures, but it is also important to consider the ongoing benefits. If an older person can travel and go out and enjoy themselves and lead a fit and healthy active life, that will be of benefit to the country and possibly save the health service a considerable sum of money. It will also benefit the local economy. There are many advantages. Many elderly people become depressed if they cannot travel. They stay indoors; they cannot get out and see their friends, visit their clubs or have days out to the shops, the seaside or wherever they may choose to go. Giving older people the freedom to travel in all directions can only be a huge advantage to them all, including those with disabilities.

You have probably heard me mention this before, Madam Deputy Speaker, but administrative boundaries are often a block, not just to transport but to a range of matters. My hon. Friend will know North Ockendon in her constituency. People living there can travel into London but not down to South Ockendon, which is next door. Havering-atte-Bower in my constituency is an historic village right at the top of Romford on the boundary of Essex, and next to it is Stapleford Abbotts, but that comes under Essex county council. There is no sense to this, and I am glad that at long last common sense prevails and we will see real opportunities for people to travel freely without being blocked by nonsensical local government boundaries, which, as I have said many times before, were drawn up at a time when not much thought was given to communities and other reasons for determining such boundaries.

I endorse the words of many, including my hon. Friend the Member for Hexham (Mr. Atkinson), on rural services. The constituency of Romford is not really rural, but Havering-atte-Bower is. There are a few horses up there and certainly a few dogs. There are deer in Bedford's park, which people from all around like to visit. There is a hospice, which many with sick and dying relatives come to visit, and a local village school, and the people need to travel. Unfortunately, the bus service is very poor—a fact that I hope the Under-Secretary will take on board.

We are supposedly part of Greater London, but so far the Mayor of London has not given the people of Havering-atte-Bower the option to travel freely in the way that those from other parts of London do. It is wrong that parts of outer London and rural London are neglected and people there are not given the same opportunity to travel as those in inner London are. I hope that this will be taken on board. This is a great Bill, but it is no good if older people living in a place

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such as Havering village are unable to get to Romford town centre because the 500 bus is so unreliable and the Sunday service has been stopped altogether.

I chaired a meeting in Havering village on 23 February, attended by almost all its inhabitants, who are up in arms about being denied a proper bus service on which they can rely. If someone misses the one bus in the morning to the station or it does not turn up, they will be an hour late for work. Schoolchildren who miss their bus cannot get to school on time. There is no other way of getting into the town centre, because the village is 2 or 3 miles away from the train station.

Although this is an excellent Bill, I hope that it will be followed through so that rural communities—and I have one little rural community—will not be neglected and forgotten. I hope that the Under-Secretary can raise the subject of Havering-atte-Bower with the Mayor of London, and that the option of extending the 499 bus service will be put forward so that, with a bit of luck, people in the whole of my constituency can have equal availability of bus services.

Let me move on to the costings. We have already said that we need to ensure that the money is available so that the system works. The Bill is well intended, and we all support it, but the last thing we want is to find that the system does not function properly because the money is not available or that local councils have to make cuts in other services in order to fund it. The detail will have to be considered carefully when we meet in Committee, and I hope that the Minister will address the concerns of many hon. Members.

That brings me back to Transport for London, because boroughs such as Havering are being striped up by TFL. We do not receive the services that other parts of London do, and we do not even have an underground in Romford. Is it fair that so much money should be paid to TFL when, as my hon. Friend the Member for Upminster correctly pointed out, there is no proper way to assess what is being spent, and the cost of all this? I am 100 per cent. for the freedom pass—I have defended it in this Chamber on many occasions, and I have fought to keep and extend it—but we need to know what these things cost so that we can assess them properly. TFL should not be allowed simply to take whatever money from the boroughs it chooses. There should be a proper account of how many people use the services and what they cost. In that way, boroughs such as Havering will not end up subsiding areas in the rest of the country, particularly in London. There has to be a fair way of funding so that everyone pays for their use of the services. The system needs a review, and I hope that the Minister will consider that.

I emphasise the importance of not forgetting disabled members of our community. I know that the freedom to travel scheme is aimed at retired people and pensioners—people who have left work and are in their latter years—but many people of all ages who are disabled also need that opportunity. We need to consider the accessibility of buses and whether, in certain cases, if buses are not appropriate some of the subsidy could be used to help those people to travel by other means. Some disabled people simply cannot get on a bus, no matter what is done—it is very difficult for them. If they miss a bus or if it is inaccessible for whatever reason, they can be stranded. That is the last thing any of us would want.

In closing, I want to endorse what my hon. Friend the Member for Uxbridge said when he expressed concerns about student travel. It is important for students to travel, but only when it is for educational purposes. In London, we have a serious problem with joyriders on buses; they go on buses, travel around and use them for all kinds of activities. A lot of people who want to use the bus for genuine purposes are sometimes fearful of getting on when gangs of youngsters are using it. It is not right that we should teach young people that this is all free. If they are travelling for educational purposes or something worth while, there should be some assistance, but there should not be a complete free-for-all so that young people can just sit on buses with their mates, which might be great fun and all the rest of it but is not what buses are there for. That needs to be considered carefully before it becomes a serious problem, not only in London but elsewhere.

Finally, I commend the Government for introducing the Bill. I look forward to its implementation and hope that many elderly and disabled people throughout the country will benefit as a result of it. I believe that they will.

5.44 pm

Stephen Hammond (Wimbledon) (Con): I see from the Order Paper that the debate could last till 10 o'clock, which presents us with a challenge. I am sure that hon. Members will be pleased to hear that I have decided to resist the temptation of creating a new record for the length of an Opposition winding-up speech.

The debate on this important Bill has been interesting and wide ranging. Mandatory bus travel concessions for England residents are provided on eligible services outside London under the Transport Act 2000 and, in Greater London, under the Greater London Authority Act 1999. Under the 2000 Act, concessions are provided only in the area of the travel concession authority where the person resides. The crucial point of the Bill is that it extends free bus travel so that it is available not only in the local area where the passholder is resident, but anywhere in England, including on the London bus network.

As my hon. Friend the Member for Epsom and Ewell (Chris Grayling), the shadow Secretary of State, stated at the outset, we welcome the principle behind the Bill. It has our wholehearted support. However, the way in which the Government enact the principle will be the subject of scrutiny, amendment and debate in Committee. We had a foretaste of that today.

The debate has been interesting and excellent, with important contributions. My hon. Friend the Member for Forest of Dean (Mr. Harper) initially intervened about funding. Indeed, the leader of his council has already written to me about the perversities of funding that it has suffered. My hon. Friend's comment was the forerunner of several contributions on funding and cross-border issues.

My right hon. Friend the Member for Bracknell (Mr. Mackay) made interesting points about the extent to which Bracknell was advanced in smartcard

technology and asked whether the Government would be in the same position in April 2008.

My hon. Friend the Member for Castle Point (Bob Spink) mentioned the possibility of funding for the Bill taking away funding from students. My hon. Friend the Member for Billericay (Mr. Baron) spoke about the deficit that Essex is likely to suffer, and the Secretary of State gave assurances that he would examine that. I trust that the Under-Secretary will reiterate that reassurance.

Being a relatively new Member, I understand that there was a tradition that Whips did not speak in debates. However, today's excellent contributions show the loss that would ensue if Whips were not allowed to speak.

Mr. Randall: Does my hon. Friend agree that the large number of Whips and former Whips present, including on the Government Front Bench, shows the caring nature of that job?

Stephen Hammond: I could not disagree with that. Indeed, I reinforce the point and look forward to enjoying that care and attention during my time in the House.

My hon. Friend the Member for Uxbridge (Mr. Randall) introduced a new socio-economic group—the twirlies—who wait outside for the 9.30 buses. He discussed the concessions to young people and some of the problems associated with that. He also forcefully raised several London issues, which my hon. Friend the Member for Romford (Andrew Rosindell) also mentioned. My hon. Friend the Member for Romford introduced us to another socio-economic group, the harpies—the Havering Association of Retired Persons.

My hon. Friend the Member for Hexham (Mr. Atkinson) made a detailed and important contribution on the status of the buses before deregulation and the service that was experienced in his area and by many people in rural communities. He spoke passionately about the needs of rural communities today, which we need to consider in Committee.

The hon. Member for Tyne Bridge (Mr. Clelland) spoke about the current funding anomalies in Tyne and Wear, and he and the hon. Member for North Durham (Mr. Jones) considered bus company exploitation of the system. I am sure that they will want to reread the concessionary fares debate that we held recently in Westminster Hall, in which the Under-Secretary reiterated the reality as she saw it: that bus companies should be reimbursed on a no-better-off, no-worse-off basis. I pointed out that many bus operators see a different side to the story and argue that they receive neither the appropriate reimbursement for carrying concessionary passengers nor the investment needed for increased frequency of travel, which is a direct result of the schemes.

Mr. Kevan Jones: The hon. Gentleman was obviously not listening very carefully. My point about Go North East and other companies was that they are stripping out routes that are marginally profitable or not profitable and concentrating only on the so-called profitable routes, on which the rate of return is staggering.

Stephen Hammond: I must have misinterpreted the hon. Gentleman, but that was not the point made by the hon. Member for Tyne Bridge.

Mr. Clelland *rose—*

Stephen Hammond: As I said earlier, we will continue to support the principle underlying the Bill and to study it as it moves through its parliamentary passage. There are a number of practical points that remain matters of concern, as my hon. Friend the Member for Epsom and Ewell outlined in some detail. We look forward to hearing the Minister's response here and in Committee. Clearly, the important issues include costs, the definition of eligible services, card technology and exactly what type of card will be introduced, cross-border services, the timing of the scheme and hot spots where considerations about funding and other related matters will require further study.

First, on funding, the total amount of available moneys has been discussed across the House. When the new local concessionary scheme was introduced, we were told that the extra moneys provided by the Government would be enough to cover the arrangements. Not so, said the local authorities. At that time, I conducted a random survey of 15 local authorities across the country. Only one calculated that it would receive enough to cover the extra cost of the schemes, with 14 saying that they would not. Today, we are being reassured that the Government's extra moneys will cover the cost of the concessionary scheme, so I look forward to hearing much greater reassurance from the Minister about that, and to finding out in detail how the £1 billion calculation was made. If we cannot get that reassurance today, we will look forward to exploring it in greater detail in Committee. My hon. Friend the Member for Epsom and Ewell highlighted the impact of concessionary schemes on Tyne and Wear and Christchurch, and other hon. Members made similar points about other areas.

As the Bill stands, there remain a number of issues about hotspots and honeypots, and I am told that Nottingham authorities are particularly keen that the Government listen to what is said about those issues. Honeypots, as opposed to hotspots, are key destinations within regional areas that those eligible for concessionary travel are likely—either through necessity or for social reasons—to go to more often. For example, someone may start a bus journey in one area, perhaps in Gedling, and travel to Nottingham. They may get off the bus in the city and travel to Nottingham hospital, subsequently travelling back to the city centre and then back to Gedling. That involves four journeys, exemplifying the sort of honeypots that we are talking about. Can we yet be clear—and can the Government reassure us—how the money will follow the passenger? Are the Government absolutely certain that the methods of reimbursement will provide the correct amount to the correct authorities?

As I said earlier, the principle is excellent, but we need more clarity on the practice. As the Bill progresses, we will be looking for further reassurance that the Government will adequately and fully fund the concessions without placing covert extra burdens on local authorities. We need clarity on the reimbursement mechanisms and on

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the money following the passenger. The Government need to convince us that they will look further both into hotspot funding, which was mentioned by the hon. Member for Rochdale (Paul Rowen), and into the honeypots that I have just described.

The Government will have to clarify exactly what services are eligible. Are community transport and dial-a-ride eligible? If not, why not? If so, why do they meet the definition while other services do not? The Bill will be all the stronger if the Government introduce a clause with a commitment to review eligible services after one year of operation. For example, trams are excluded at the moment, yet many people use them in exactly the same way as they use buses. My hon. Friend the Member for Epsom and Ewell raised the issue of the Isle of Wight and I know that my hon. Friend the Member for Isle of Wight (Mr. Turner) intends to discuss it further with the Minister. They will be seeking to persuade her that the ferry service is used in the same way as the bus service. That is why I believe that the Bill will be all the stronger if the Government give a commitment to review eligible services after one year of operation.

The Secretary of State spoke about one of the key drivers behind the Bill being the benefits that it would bring for social inclusion. If that is so, the Government will need to explain whether they will consider the needs of carers. Many people will be given concessionary travel but unless it is given to carers, its benefits will not be available and the arguments about the exclusion of old people that my hon. Friend the Member for Romford made will apply. I look forward to hearing the Minister's comments on that.

As we have heard from a number of hon. Members, we are yet to clarify exactly what type of pass will be available on the proposed date. Will it be a smartcard? Where are the Government on the development of the technology? Our ability to make accurate assessments of take-up and usage will be absolutely reliant on some form of smartcard technology. With that type of card in operation, it will be possible to ensure that the concessionary subsidy is allied to where it is actually needed, so that the subsidy follows the passenger. I look forward to the Minister enlightening us on what type of card the Government propose to introduce in April 2008 and where they are with the technology.

A number of comments have been made about the issues in London. The Secretary of State declined to get involved in the discussion between Transport for London and the London boroughs, yet the issue is real and it needs reassessment. Before my election to the House, I was a councillor in the London borough of Merton. I remember well the 2004-05 budget round, when TFL imposed a 9 per cent. increase in fares for concessionary travel on the local council. That was all very well, but there was no consultation and the 9 per cent. increase was not available in the transport budget, so it had to be found in the social services budget. We therefore may need to re-examine in Committee the arrangements in the Bill for how TFL and the London boroughs interact. Giving TFL complete control to dictate to London boroughs is not a great example of local government and it is not working.

In summary, there is unanimous agreement throughout the House with the principle of national concessionary fares. We look forward to considering the Bill and its consequences in detail in Committee, although not out of opposition, but to ensure that the content of the finalised Bill enjoys the same unanimous support later that its intent has enjoyed today.

5.57 pm

The Parliamentary Under-Secretary of State for Transport (Gillian Merron): I thank hon. Members for their contributions to this debate, which is important, not least because it is about giving older and disabled people throughout the country better access to bus travel. I am delighted by the wide support that the Bill is enjoying in the House, but also intrigued by the requests from those on the Opposition Benches for many extra millions of pounds to extend the scheme still further, as the Bill is in fact about geographical scope.

Buses are at the heart of our commitment to cut congestion and pollution. Because they are at the heart of every community—taking people to work, to the shops and to see friends and family around the corner and throughout the country—buses are for me, in short, a social justice issue. That is why the Government's extension of concessionary fares coverage is so important. Eleven million older and disabled people can already enjoy free local off-peak travel, but not everyone can get to where they want or to see who they want just within their communities. Grandchildren might live 30 miles away or more, and hospitals can be just over the local authority boundary, as we have heard in examples today.

The Government have listened. By removing the issue of local authority boundaries, which are indeed an artificial barrier to free bus travel, we are extending freedom and extending people's horizons. We will continue to work closely with a wide range of stakeholders—local government, bus operators and groups representing older and disabled people—to achieve that important improvement.

I shall now turn to the specific issues raised by hon. Members. The definition of a bus, an open-top bus and a coach was the subject of a flurry of questions. If I may enlighten the House, we use the term "public service vehicle", which is defined in other legislation, and I would be happy to supply the references. Earlier, we were talking about ladies and gentlemen of a certain age, but in this case we are talking about vehicles of a certain size—buses and minibuses that carry passengers for fares.

The hon. Member for Hexham (Mr. Atkinson) was particularly interested in the issue of coaches, although the hon. Members for Uxbridge (Mr. Randall) and for Rochdale (Paul Rowen) also raised the issue. Coaches will be obliged to provide the national concession where they provide local services as part of their routes—where sections of their routes have stops less than 15 miles apart and are sufficiently accessible to members of the public. Those local services will be registered as such, and do not include long inter-urban journeys with no local bus stops or services marketed exclusively for tourists.

Mr. John Leech (Manchester, Withington) (LD): Does not the Minister think that the bus companies, which are run by clever people, will be able to find a way around the current definition of a bus and a coach?

Gillian Merron: That has not been the experience to date, and I am sure that Members will raise any examples.

Considerable interest has also been expressed in the "no better off, no worse off" reimbursement arrangements for operators. The objective is set out in the Travel Concession Schemes Regulations 1986. Under the Transport Act 2000, which will be amended by the Bill, authorities will reimburse the operator for providing the concessions, as is the case at present. Importantly, there is full reimbursement for reasonably incurred loss arising directly from the provision of concessions. In relation to bus operators putting up fares, it is worth reminding ourselves that the majority of bus passengers are not in receipt of concessionary fares, so bus operators must take account of the impact on fare-paying passengers.

Mr. Kevan Jones: May I point out one anomaly? Currently, a bus company gets reimbursed for providing concessionary fares on a route. However, if it subsequently withdraws that route and another operator takes it over, the concessionary fare reimbursement stays with the original company for, I understand, 12 months. Should not we examine whether that can be transferred to other operators when a company withdraws a route?

Gillian Merron: I assure my hon. Friend that all those matters are under discussion with the interested parties. Operators do not receive the full fare charged, about which some hon. Members have been concerned, but an average fare, which takes into account the whole range of tickets, including discounted tickets.

The other big area of debate today has been on technology and smartcards. I confirm to the House that we are doing everything possible to assist local authorities in their delivery, and will continue to provide support and advice beyond April 2008. The Government support entirely the faster and wider spread of smart ticketing. The Department has already gone a long way to promote that. But the introduction of full smart ticketing with bus-based card readers, which many Members have mentioned, takes time. It would be neither practicable nor sensible to ask local authorities to implement that for April 2008.

In the longer term, however, smartcards can reduce fraud and help to secure better data for reimbursement calculations. We are having discussions with all the interested groups, and if the smartcard format is chosen, the Government would look to assist in local authority procurement. Through the negotiation of framework agreements, that would be of great assistance to local authorities up and down the country. We remain committed to funding any new burdens imposed on local authorities. We have said that we expect to fund reasonable new cost burdens arising from the issuing of passes.

Let me clarify what will happen in April 2008. Subject to consultation, concessionaires will have a credit card-sized photo-pass with a national logo so that it can be recognised throughout the country, and locally customised so that eligibility for local concessions beyond the national scheme can also be noted. I can reassure London Members that the freedom pass will have a national sticker as a temporary measure, again because it is not practical or cost-effective to introduce a national pass in time for April 2008.

Mr. Randall: Will the Minister explain further what she meant by the Government's "assisting" local authorities? Does that mean handing them some catalogues or giving them some money?

Gillian Merron: Assistance will come primarily through a procurement framework, but there will also be people in the Department to provide the necessary practical advice and support. As I have said, funding for new burdens is also possible.

Mr. Kevan Jones: I do not want the Minister to pour millions of pounds into the Go-Ahead Northerns of this world, but will small operators operating the scheme be helped to obtain equipment that will accept the new cards?

Gillian Merron: We know that card readers will not be in place by April 2008, but the cost of introducing them has been estimated and discussions are taking place with all the main parties, including representatives of small operators.

The hon. Member for Epsom and Ewell (Chris Grayling) asked about start times. In the event of start times that are earlier than the national minimum, local enhancements to the national scheme may indeed continue. Local authorities that currently have the flexibility to offer more than the statutory concession can of course continue to do so. The extension to morning peak-time bus travel that the hon. Gentleman requested would cost at least £84 million a year, but, as with other requests for extensions, it is not just a question of cost; it is also a question of local bus services' ability to cope with higher demand. That is why I consider it much more important to provide a national minimum that everyone understands, while allowing local authorities to go beyond it if they wish.

Chris Grayling: May I ask the Minister to stop giving such a creative impression of comments made earlier? We asked her a number of questions about cost, but we did not ask for extensions to the scheme. What I asked was what work she had done on assessing the extension of the scheme in a number of contexts. I asked about community buses, and about extended hours. Opposition Members do not have that information. Can the Minister tell us what the costs might be, in order to inform future debate on this worthwhile scheme?

Gillian Merron: I thank the hon. Gentleman for that clarification, but I am sure the House will accept that inquiries of that nature are normally assumed to indicate an interest in the means, not least because they have been made many times before. However, as I have said, we do have the information: £84 million is the estimated cost of extending the scheme to peak-time travel in the early mornings.

As for the extension of the national concession to community transport, I have listened closely to representations from the Community Transport Association. Our initial estimate of the annual cost of such an extension is at least £25 million, and it is purely indicative: the cost could be higher. But, as I said earlier, it is not just a matter of cost. This is about the ability to provide a service. If we were to go down this route, there would be no assurances that the community transport

[Gillian Merron]

sector could meet the extra demand and we would run the risk of disappointing many vulnerable people who would not be able to access the services that they would expect. I would not want to do that.

David Taylor (North-West Leicestershire) (Lab/Co-op): I had talks with Arriva Midlands senior staff on Friday, and I have been in contact with Leicestershire county council at county hall recently. They both confirm that it is extraordinarily difficult to estimate the extra cost at the local level of the extension of the pre-9.30 concession. Will the Minister say on what basis the figure mentioned has been arrived at, and whether that is sufficiently robust for the purposes of our discussion this evening?

Gillian Merron: My hon. Friend raises an important point. It is extraordinarily difficult to pinpoint that. However, we are talking about "in the order of" certain sums. One of the difficulties in calling for extensions to the current scheme—as some Members do, particularly on the Opposition Benches—is that we do not know precisely what will be the extent of take-up. Therefore, our estimates are conservative—with a small "c"—and based on what we anticipate will be the case. We also get information through discussions with the relevant provider. Clearly, the figure to which my hon. Friend refers can only be an estimate.

Paul Rowen: The Liberal Democrats have asked for scheme extensions in cases where there is not a bus service in operation, and in respect of community transport services or other such services, and where journeys are in part covered by a bus service—a ferry or tram service might do that. That could easily be done by extending the definition of what is a public service vehicle and registering particular community transport services as public services.

Gillian Merron: That is why the Bill allows local provision to be made where it meets local circumstances. However, I respectfully remind the hon. Gentleman and others that we are talking about a funding commitment of many millions of pounds. Opposition parties might wish to consider whether they would be prepared to back up what they are asking for.

The hon. Member for Epsom and Ewell suggested that smart ticketing was in place in Wales and Scotland. For clarity, let me confirm that while some pilots are in place in Wales, full smart ticketing is some years off, and in Scotland smart ticketing is operative only in Shetland, and full roll-out is also some years off. The hon. Gentleman also suggested that some 45 appeals from last year had not been resolved. That is not the case. All appeals from the last financial year have been resolved.

The hon. Gentleman and other Members inquired about the £1 billion every year that this Government will be putting into concessionary fares. I am happy to supply further information, but for the sake of clarity let me say today that there will be £250 million of new money to extend to national provision in 2008. There is also a sum in the order of £420 million—which was new money in 2006—for the change from half-fare to free travel within local authority areas, and there is an estimated £400 million of funding to be put into the rate support grant for the original half-fare statutory concessions. By any assessment, that is a considerable commitment.

My hon. Friend the Member for Tyne Bridge (Mr. Clelland) asked about the distribution of funding of the national concession to hotspots. It is in the interests of all of us to ensure that funding reflects usage. We are confident that the overall level of funding will be sufficient, and our overriding principle is that the extra £250 million will be directed to where the extra costs fall, to recognise such hotspots as far as we can. Various options are being discussed with the concessionary fares working group, which includes representatives from all tiers of local government as well as operators.

We will consult widely on the formula for distribution, and I can assure the hon. Member for Rochdale that the data sources examined will include, for example, tourist beds, retail floor space and bus patronage. I can also assure the House that it is our policy to ensure that the net additional costs and new burdens placed on local authorities will be fully funded. I agree with my hon. Friend the Member for Tyne Bridge that this Bill should be a cause for celebration. I do understand the situation in Tyne and Wear, and I know that the Department for Communities and Local Government continues to talk to concerned local authorities.

We are working closely with local authorities via the concessionary fares working group, which includes representatives from Nexus and other passenger transport executives. I met Nexus representatives on my visit to Newcastle to explore the best way of distributing additional funding. In fact, officials were in Newcastle only last week to discuss these issues with local authority officers and operators in the north-east.

Mr. Clelland: I am not quite sure that my hon. Friend has answered the point that was made. The Bill deals with the national roll-out of concessionary fares. Is there any reason why it cannot deal with the shortfall in Tyne and Wear last year and this, which was quite unique, as it goes through its parliamentary stages? It is all very well saying that discussions are going on in the background; in my view and in the light of advice from the Clerks, the Bill could contain provisions to compensate Tyne and Wear for the money that it has lost. Will it or will it not?

Gillian Merron: I am sorry to disappoint my hon. Friend but the Bill has the scope only to expand the geographical extent of concessionary fares. It is about setting out a national scheme and cannot deal with local points.

Several hon. Members *rose—*

Gillian Merron: I want to make a bit more progress. Reference has been made to the Isles of Scilly, which is an issue that excites a lot of interest. It is probably worth pointing out now that residents of the Isles of Scilly are of course entitled to the national concession on the mainland, so there will be a need to administer passes for those residents.

My hon. Friend the Member for Tyne Bridge asked why the local authority where the journey starts has to pay. The answer is that that is the only practical solution before us for reimbursing operators; otherwise, places such as London would have to

cross-charge hundreds of other local authorities across England. We are seeking to provide a workable, practical and easily understandable scheme.

The hon. Member for Rochdale requested an extension—he was not alone in that—of the definition of "disabled", and the extension of free travel to companions of disabled travellers. That is another spending commitment. It would cost about an extra £10 million a year to extend free travel to companions of disabled travellers, and some £50 million to extend it to people with mental impairment. Again, however, it is not just a question of cost but of defining eligibility and managing bus services' ability to respond.

My hon. Friend the Member for North Durham (Mr. Jones), who represents his constituents so well on the issue of buses, asked about the administration of the scheme. There will be no change to who administers the scheme for 2008; again, our priority is to get it up and running properly. However, we are looking at who is best placed to carry out such functions in the medium term, and we will consult widely on that issue.

The hon. Member for Uxbridge raised a number of issues, including one that was raised earlier: those who have disabilities, and the ability of bus drivers to be understanding. Although I accept that training is important, along with increased accessibility—some 50 per cent. of buses are now accessible to people with disabilities—it is important that we put on the record our thanks not just to the bus drivers but to the staff who work behind the scenes: the cleaners, mechanics, trainers, administration staff and managers who keep bus services running.

On the issue of photographs on passes, we need a single national standard, including for London. The passes will need photographs because they will be used in areas that do not yet have a smartcard system and will need to be shown to drivers. We are also all concerned about fraud and, as the concession has become more generous, so it becomes more valuable. That is why we are seeking to encourage smart ticketing in the longer term.

Several hon. Members raised the issue of young people, and that is a further funding commitment from Opposition Members. If the concessionary fares scheme were extended to young people aged five to 18, the Department conservatively estimates that it would cost more than £500 million a year. There are no plans to make concessionary travel a statutory entitlement for young people, but local authorities are free to offer it if they wish.

David Taylor: Will my hon. Friend give way on that point?

Gillian Merron: I am just coming to the end of my remarks.

Buses are getting better. They are becoming more accessible for elderly and disabled passengers than ever before. There are more buses on the roads, and they are getting newer. The average age has come down by more than 20 per cent. over the last 10 years. Bus stops are better lit, and there is more and better information.

As we take forward the "Putting Passengers First" proposals in the forthcoming draft Local Transport Bill—I know that many hon. Members will welcome that—we will see more improvements over the next few years, making the bus the first choice, not the last resort. We want more people to enjoy bus travel, especially those for whom it is more than a convenience—indeed, a lifeline.

For the first time, the Government via this Bill will guarantee that no older or disabled person in England need be prevented from travelling by bus by cost alone. It is a major step forward for some of the most vulnerable in our society, not just in transport provision, but in social inclusion. It will make a real difference to millions of people. My hon. Friends and I are proud of this Labour Government's commitment to improving the lot of bus passengers, to bringing more people on to buses and to our achievements on concessionary travel. I know that this important Bill will be welcomed by people up and down the country. The Opposition support this Bill, but this Labour Government have introduced it and are delivering for 11 million over-60s and disabled people. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

CONCESSIONARY BUS TRAVEL BILL *[LORDS]* (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A (Programme motions),

That the following provisions shall apply to the Concessionary Bus Travel Bill *[Lords]*.

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on 7th June 2007.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of of any message from the Lords) may be programmed.—*[Mr. Roy.]*

Question agreed to.

CONCESSIONARY BUS TRAVEL BILL *[LORDS]* [MONEY]

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with bills),

That, for the purposes of any Act resulting from the Concessionary Bus Travel Bill [Lords], it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenditure incurred under or by virtue of the Act by the Secretary of State, and

(b) any increase attributable to the Act in the sums payable under any other Act out of money so provided.—*[Mr. Roy.]*

Question agreed to.

Ticket Agents

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Roy.]*

6.23 pm

Ben Chapman (Wirral, South) (Lab): I am delighted to have secured this debate on transparency and competition in charging by ticket agents. As a nation, we spend more than £1.5 billion a year on advance ticket sales—a figure that has risen by more than 150 per cent. since 1999—for pop and rock concerts, west end theatre or shows, opera, stand-up comedy and sporting events. Of that huge sum, more than a third was spent with ticket agents.

Going to such events has become an increasingly popular leisure activity. The number of these events has increased. People have more disposable income and are able to purchase tickets easily via the internet. In most other markets, that demand would be met by greater supply, but in respect of pop concerts and, to a lesser extent, other top-end productions, it puts not only the acts but the ticket agents—through exclusive deals—in a powerful position. For example, Kylie Minogue's come-back concert sold out in six minutes; if there had been as many tickets as punters willing to pay upwards of £50, several Wembley stadiums could have been filled.

Given the massive discrepancy between supply and demand, it is paramount that we keep a careful check on those who—quite properly—seek to make commercial gain in that market. However, that is quite separate from the legitimate debate about the increase in size of the secondary market in the resale of tickets. I am concerned only with the primary market and I shall argue that, although ticket agents perform a perfectly useful role, we need to do much more to ensure that their pricing is transparent and fair, so that the punter can see exactly how much he or she will pay. In addition, given the sometimes high stakes involved, we should question whether the relationship between promoters and agents should not be further scrutinised.

These days, it may be inevitable that people who decide to see a show or concert are charged at least one fee, if not two, on top of the ticket's face value. However, although it may be inevitable it is not always expected. People quite legitimately budget on the basis of an advertised price. One might baulk at a £55 ticket for the Monty Python musical "Spamalot" but accept the fact that the show is obviously popular. What might cause more irritation would be to find out later in the transaction that a surcharge of £15 was to be added by the agents, as I understand has occurred. Although that may be a top-end example it is not uncommon to find companies charging in the region of £5 on top of the face value for the privilege of buying a ticket from a particular agency.

Information is power, however. For many events, it becomes apparent only late in the transaction—crucially, perhaps after the decision to purchase—that there are to be added fees. As the Office of Fair Trading 2005 report "Ticket agents in the UK" recommended, information should be provided on advertisements to indicate, if not to specify, the price range of the tickets to be sold, as well as the fact that there will be a booking fee. Welcome guidance issued by the

Committee of Advertising Practice before the OFT report was published required advertisers not to mislead, for example by quoting only the lowest price or by not indicating clearly that a booking fee applies. However, that had the unintended consequence that, rather than display more information, advertisers simply removed it altogether—as they were perfectly entitled to do under the guidelines. I appreciate that booking fees vary between agents, which is a good reason to shop around, but if agents are primarily or completely in charge of selling tickets on behalf of the promoters of the concert or show, it is only right that the consumer should be fully aware that they will take their cut and, furthermore, that the amount of that cut is known at an early stage.

The names given to fees are often confusing and sometimes downright misleading. Sometimes they are referred to as booking fees, and at other times as service charges, processing fees or administration fees. Most of those descriptions give the impression that the fee is incurred to meet an expense involved in the processing of the transaction, but in reality it is simply how the agents make their money. Why cannot that be made clear? If it is not made clear, the situation is similar to that for banks—albeit on a lesser scale—where the charges generally bear no relation to the actual costs incurred and are merely a way of making money. I acknowledge that ticket agencies are legitimate companies operating as useful intermediaries between promoters and customers, but we should be able to demand some honesty about their role. The same is true about their use of the phrase "postage and packing", which can cost very much more than the price of a first-class stamp.

A corollary of the assumption implicit in labelling such charges administration fees, or whatever they may be called, is that the marginal cost of administering extra tickets for the same recipient should be small—in fact, so small as to be non-existent—but that is not the case. In the vast majority of instances, the same fee applies to each ticket, whether the purchase is of one or 100. Again, we come back to the misleading impression that fees are merely expenses being passed on to the customer.

These days, it is becoming harder and harder to buy directly from a box office, and having agreements in place and clear information on the options is rare. To take one example, Ticketmaster operates a "box office" service on behalf of a number of venues, in addition to those owned by Clear Channel, including, for example, the Manchester Evening News arena, the Metro Radio arena in Newcastle and the Brighton centre. Tickets are usually still available directly from those venues, but that fact is not advertised prominently on venues' websites and the impression given is very much that using the agent is the sole means of obtaining tickets.

When people phone the automated inquiries and booking line for the MEN arena, no mention is made of the fact that tickets can be purchased directly, without incurring a fee. Tickets to see Ricky Gervais, for example, have a face value of £25, but then there is a £4.95 booking fee per ticket, plus £2 for postage. That latter charge applies even when people pick up tickets at the box office. That means that a party of four would pay nearly £22 in additional charges, or a mark-up of 20 per cent., for the privilege.

I do not seek to single out Ticketmaster in particular. When judged against the rest of the industry, it is as good or as bad as many others at providing information. However, given the money to be made, it is not surprising that its results for this quarter, which were announced only last week, were so healthy. The website of its parent company, IAC, boasts of Ticketmaster's revenue worldwide jumping 44 per cent.

"due primarily to increased revenue in the United Kingdom and Canada".

Tellingly, it adds that there was a 10 per cent. higher than average revenue per ticket. One can speculate on the causes of that, but it certainly does not seem to illustrate any downward pressure on margins.

Although the Office of Fair Trading found no evidence of a lack of competition in the ticket agents market, it did uncover some potentially distorting arrangements between promoters and agents: for example, preferential contract rights in exchange for access to a proportion of the tickets allocated. That may take the form of some of the revenue from the sale of the tickets by agents being returned to the promoter, who may then pass it on to the artist or to his or her agent. Thus, as the OFT found, it is often directly in the interests of the promoter for additional fees to be charged. The OFT talks of competition operating at a level not visible to the customer: between agents competing to attract promoters by offering financial inducements in the form of higher fees. Surely that is not right. It could even sometimes be called a bung. In some circumstances, if an allocation of tickets is bought up completely by one agent, that may be regarded as a closed shop.

It is not that these arrangements always necessarily disadvantage the consumer. The OFT points out—I think rather naively—that sources of income from booking fees

"can mean that face value ticket prices are lower than they would be otherwise."

That may or may not be the case, but would it not be better to have a standard, transparent system so that everyone knows where they are? Most would agree that, given the unprecedented demand for tickets to rock and pop concerts, and perhaps to a lesser degree to west end shows, once an agency secures a large ticket allocation, in effect it has a licence to print money.

It is not all doom and gloom. Plenty of theatres operate without the need for ticket agents and the associated hefty booking fees. As I am a Merseyside MP, I instance Liverpool's Everyman and Playhouse theatres, as well as the Liverpool Philharmonic, which charge a fee only for internet transactions. Transactions made in person or by phone are free. In the first two examples, the fee is a flat rate, regardless of the number of tickets involved. As Liverpool is the European capital of culture next year, it might be fitting if, for example, the city's new Kings Waterfront arena, which will no doubt host many big events, could take a lead which other similarly big venues may follow by keeping booking fees to a minimum or at least ensuring that the option to buy directly is fully advertised and that transparency rules.

Ticket agents perform a useful role for people who have neither the time nor the inclination to buy directly from the venue, but many people resent charges being

[Ben Chapman]

levied, especially when they pick up the tickets from the venue on the night. There are things that we should be doing to ensure greater transparency and competition. First, we should work to encourage venues and promoters to agree guidelines under which a proportion of tickets for each event would always be available directly, without fees applying, with that fact advertised prominently. That is less of a problem with west end shows than it is with pop concerts, but tickets for some of the more popular shows are available only through agents.

Secondly, we need clear advertising of fees, so that people know what they are paying, or what they are likely to pay, both when they see the event advertised initially and when they inquire further. Thirdly, the industry should agree a standard wording for fees, so that it is made clear that people are paying not merely the expenses incurred but the profit of the intermediary. Fourthly, we should scrutinise more closely the relationship between promoters or venues and agents to ensure that there is no question of collusion either to inflate booking fees or to exclude non-agency sales from the equation. On all those aspects, it might be timely for the OFT to look again at its 2005 report and examine this important issue in depth.

6.35 pm

The Minister for Industry and the Regions (Margaret Hodge): I congratulate my hon. Friend the Member for Wirral, South (Ben Chapman) on securing a debate on an important subject that is of lively and continuing interest to hon. Members on both sides of the House and to many of our constituents. I should declare a lively personal interest: I am an avid theatre-goer and opera-goer, and the mother of an aspiring theatre director. We all want the situation to be right.

I am, of course, aware that consumers are often concerned by what they feel are very high fees charged by ticket agents. Most consumers accept that taking advantage of the benefit of using a ticket agent will involve some extra cost, but many of us dislike paying the fees charged by primary ticket agents and others on top of the face value of a ticket. Many consumers think that the charges are too high, and trading standards services and the Office of Fair Trading report that consumers have concerns about slowness of transactions and the non-delivery of pre-paid tickets.

As my hon. Friend said, these issues were explored in the OFT's 2005 report on ticket agents, which examined the services provided to consumers, and I want to talk about the work that the OFT is undertaking. Collectively, ticket sales in the UK are now a very large market. These figures are somewhat out of date, but in 2003 the estimated total value of advance tickets sales in the UK was about £1.4 billion, of which about £580 million came from sales through primary ticket agents—those in which my hon. Friend has the most interest—which have agreements with the promoters of events. Again, although the figure may be a little conservative, the OFT estimates that the business between 1999 and 2003 grew by about 150 per cent. That increase resulted in part from more events being held—we all welcome that—but we also believe that it was partly due to consumer demand for greater convenience when booking a ticket, and the increased use that we all make of the internet to buy tickets.

Tickets sold through primary ticket agencies will usually include the face-value price, as printed on the ticket itself, a booking fee charged for each ticket and the additional processing fee for the transaction, which relates to the printing, postal charges and other administrative costs involved. Event promoters negotiate with artists' agents for the number of appearances, and they determine the face value of tickets and the allocation and distribution of tickets between the venue box office and ticket agencies. Artists and their agents may also require a share of available tickets, which they may distribute as they see fit.

As we all know, the demand for tickets for some events may turn out to be greater than expected. That excess demand provides secondary agents with an opportunity to resell tickets at an even higher price to those who really want to attend and who are prepared to pay a premium to get the tickets.

As my hon. Friend said, whatever the source of the tickets, one of the main concerns is that consumers need to be properly and clearly informed about all charges so that they can make an informed choice. Consumer law on price indications imposes a requirement on all traders to give information on pricing clearly to consumers, so that they can compare prices in different outlets and make informed choices about what is best value for money. Although it is for the consumer to decide whether to buy a ticket that is being resold, it is important to ensure that they have clear information on which to base that choice. There are specific legal requirements on ticket agents that resell tickets to provide consumers with the price and any other details that appear on the ticket, such as the location of the event or the seat number. That is to ensure that potential buyers have the relevant details before they buy.

Trading standards services have taken enforcement action against a number of ticket agents in cases in which breaches of the legislation have been identified as causing collective harm to consumers. The OFT will, of course, continue to work with trading standards to ensure that all ticket sellers comply with the relevant consumer protection legislation, and it will take enforcement action when it believes it to be necessary. As my hon. Friend probably knows, the current regulations will be replaced as part of the implementation of the unfair commercial practices directive, which we are transposing into UK legislation. We expect the regulations to come into force in April 2008, and they will be a major piece of legislation that will ban unfair marketing and selling practices in the ticket market. They will require all ticket traders to provide consumers with the material information that they need to make an informed purchasing decision.

There are also understandable concerns surrounding bogus ticket agents advertising fake entertainment events or tickets that they do not have. Those are plain and simple frauds, and they too can be prosecuted when the victims bring the evidence to the attention of trading standards officers. Another concern to consumers is the use of unfair terms in ticket agencies' standard terms and conditions. The law on business to consumer contracts requires businesses not to use unfair terms in their contracts.

Both the OFT and trading standards services act in a number of ways to try to improve the terms of consumer contracts. They may do so through campaigns to raise consumers' awareness of their rights, through guidance that is published and by taking enforcement action to prevent the use of unfair terms in a contract. In 2003, the OFT published guidance on unfair terms in consumer entertainment contracts to ensure that the standard terms used in the contracts and in the ticket sector are fair. Work continues on identifying and tackling ticket sellers who do not comply with the law.

As my hon. Friend has said, the OFT has reported on the ticket agents market. The study concluded that consumers need better information about tickets to enable them to shop around for the best deal, but it also concluded that some ticket agents' standard terms may contain terms that the OFT would generally consider potentially unfair. The report noted that event promoters and primary agents can impose conditions on the sale of their tickets and can invoke laws, such as those to do with breach of contract, to prevent the resale of tickets. The OFT is currently working with the ticket agency industry's representative bodies, such as the Society of Ticket Agents and Retailers, with the aim of producing fair model terms and conditions that could be used by all members. That is a significant advance in the market.

My hon. Friend expressed concern about the level of competition in the ticketing industry which, as he knows, was an issue considered by the OFT, as the promotion of competition and the enforcement of competition law are central to its functions. Its report considered whether there is a lack of competition that could result in disproportionately higher fees being applied than would otherwise be the case. It looked, in particular, at the effect of the vertical agreements between event promoters and primary ticket agents. However, as he knows, the report did not find any evidence that those agreements hinder competition. The OFT concluded that competition between rival ticket agents to secure agreements with promoters tended to enable lower costs to be passed on to consumers in the form of lower prices.

As I mentioned, however, the OFT has made recommendations to improve information for consumers. Most consumers tend to make an initial decision on whether or not to go to an event on seeing an advertisement, but full information on charges is often only available within the transaction itself. It is very often the only way to obtain accurate price information without contacting the ticket seller. That can make it much harder for consumers to opt out of the purchasing transaction, especially if they think that the event that they want to attend is likely to sell out quickly. It is an essential part of consumer protection that advertisements do not mislead consumers. It is important that they inform people.

The OFT is looking at the rules governing event entertainment advertising. It found that the code of non-broadcasting advertising practice, written and enforced by the industry committee of advertising practice and independently administered by the Advertising Standards Authority, is less than satisfactory, as non-broadcast advertising tends not to carry price information. The report therefore recommended that the guidance on event advertising be reviewed and amended to include, among other things, the requirement that advertisers display the face value of the ticket, while indicating where additional fees may apply and whether they could vary depending on the sales channel and the ticket seller used. It recommended, too, that event organisers follow up any amended guidance to provide consumers with the fullest possible information when advertising events.

In general, the OFT study found that where consumer protection regulation is applied, it appears to be working well and that most consumers express high levels of satisfaction with the ticket-buying process. However, as my hon. Friend pointed out, there are areas for improvement, and the Government fully support the OFT's initiatives to secure these improvements. My hon. Friend suggested a number of measures to make the market in tickets more transparent and to make it work better for consumers, which, broadly speaking, fall within the scope of the OFT report.

As regards clearer advertising, the OFT recommended that the guidance be amended. I will pass on to the OFT the full text of my hon. Friend's speech so that in further discussions it can take account of what he has said. I will ask, too, for its views on the other proposals that he has made, as they are closely related. I will write to him with details of those views. The OFT will certainly wish to have the opportunity to consider his proposals, discuss them with interested parties and, if appropriate, make further recommendations on the market.

In conclusion, I thank my hon. Friend for raising these important issues and for giving me the opportunity to explain the protections that already exist for consumers and the work that we have in hand to offer better transparency and more information. I will ask the OFT for its views on his suggestions. Like him, we want consumers to be informed and empowered in the marketplace. We will therefore continue to work closely with the OFT and other authorities to achieve that shared objective.

Question put and agreed to.

Adjourned accordingly at ten minutes to Seven o'clock.

House of Commons

Tuesday 15 May 2007

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

LONDON LOCAL AUTHORITIES BILL *[LORDS]*
Read a Second time, and committed.

Oral Answers to Questions

TRANSPORT

The Secretary of State was asked—

Public Transport

1. **John Robertson** (Glasgow, North-West) (Lab): What policies he has considered to encourage the use of public transport. [136903]

The Secretary of State for Transport (Mr. Douglas Alexander): The Government have provided record and sustained investment in transport and have brought decision making closer to local areas to ensure that public transport better meets the needs of passengers.

John Robertson: I thank my right hon. Friend for his reply. He is right to say that the Government have invested heavily in public transport, yet the perception is still that more needs to be done. What does he propose to do to try to get people out of their cars and on to quality public transport in future, thereby solving some of the problem of our CO_2 emissions?

Mr. Alexander: I fully accept my hon. Friend's suggestion that more needs to be done. That is why we are investing £88 million a week in the country's railways after decades of under-investment, and why there has been sustained investment in our bus network. In addition, we have brought forward proposals, most recently at the turn of the year in "Putting Passengers First", to advance the cause of ensuring a better bus service in this country, because although there are communities where buses operate effectively, in too many communities there still is not the standard of service that people want. With regard to both buses and trains, we are seeing real improvements on the back of real investment.

Sir Nicholas Winterton (Macclesfield) (Con): The House debated public transport matters only yesterday, and I am pleased that the Secretary of State acknowledged that there are areas of the country where there is no meaningful public transport at all. He was talking about buses, but clearly there are other forms of public transport, such as taxis and minicabs, that might well be used in areas where the demand is limited, but where the interest in services is great, particularly among elderly people who do not have their own transport. What encouragement will he give to counties such as Cheshire, which has sadly had to reduce the amount of subsidised public transport, because of the reduction in revenue from central Government?

Mr. Alexander: I am not sure that I agree with the hon. Gentleman's characterisation of the reduction of the revenue support grant. It is of course for individual local authorities to determine the level of concession that they offer their residents. He makes a fair point in recognising that in the longer term and in the future, there may well be opportunities, for example through smart ticketing that allows cash to be credited, to consider providing pensioners with facilities that would make a more flexible range of services available, whether that is through dial-a-bus, community travel or taxis. However, those are discussions for the future, as well as for today.

Mr. Ian Austin (Dudley, North) (Lab): The one form of public transport directly managed by my right hon. Friend's Department is, of course, the Government car service. Why does his Department require British Government Ministers to drive around in the Japanese-built Toyota Prius, which has two engines and a wasteful manufacturing process, and has to be shipped halfway around the world on boats that pump out emissions, when we could be supporting the environment and showing British industry that we are on its side by using Birmingham-built Jaguars, which use the cleanest diesel technologies in the world?

Mr. Denis MacShane (Rotherham) (Lab): Give him a Jag!

Mr. Alexander: I am not sure whether that call was "Give him a job" or "Give him a Jag." My hon. Friend the Member for Dudley, North (Mr. Austin) is a tireless campaigner for the west midlands, and I once again pay tribute to his efforts. It is fair to recognise that the Government car service has an obligation to consider where we can secure the best environmental technologies, given the commitment that has been shown, not just by the Government but by Members on both sides of the House, to taking our environmental responsibilities seriously. I am happy to write to my hon. Friend on the subject.

Mr. John Redwood (Wokingham) (Con): More people would use rail services at busy times if there were more seats and more regular services. Will the Secretary of State look into the technology to see how we can get more friction and traction for trains that run on commuter lines, so that we can double the number of trains that use the existing lines? That cannot be done at the moment because there is not the technology.

Mr. Alexander: Perhaps rather unusually, I find myself in agreement with the right hon. Gentleman in recognising—*[Interruption.]* Perhaps I will live to

regret that comment. I join him in recognising capacity as a serious challenge. That is why I announced in March, when we published the high level output specification, that we will specify 1,000 extra carriages for the rail network. However, that is without prejudice to the continuing work that we need to take forward on, for example, considering platform lengthening or the possibility of double-decker trains. The number of trains that we can run on the existing network is limited, but I assure the House that we are seriously considering all options to make full use of that network.

Sarah McCarthy-Fry (Portsmouth, North) (Lab/Co-op): Residents in Paulsgrove in my constituency have had one of their bus services—the 1C—withdrawn by First Bus, but following pressure from residents a partial service has been reinstated, which finishes at 5 o'clock. Many people consider the needs of elderly residents, and the partial service means that elderly residents cannot go out at night, but I was told of the case of a young lad of 15 who used to go to a theatre group and get the bus back late at night, but now cannot go. Does my right hon. Friend agree that we should consider the needs of young people for bus transport and try to make them less dependent on their parents' cars?

Mr. Alexander: Improved bus services benefit all ages in the community. It is right to recognise that in my hon. Friend's community, in mine and in the communities of many Members, bus services are a vital lifeline. That is why, all too often, following the arbitrary withdrawal of services on which people rely, there is understandable concern and anger in those communities. That is one of the reasons why, last summer, we took a long hard look at bus provision in the United Kingdom, why we published "Putting Passengers First", and why we are determined to drive forward better arrangements to assure effective partnership between local authorities and the bus operators.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): If it is Government policy to encourage greater public transport use, why has South West Trains been allowed to increase its fares at off-peak times by 20 per cent. without any consultation? Does the Secretary of State think that that decision will help the Government meet their policy aims?

Mr. Alexander: The fares at off-peak times, to which the hon. Gentleman refers, are not regulated fares. Although I understand that there was real concern and public interest in the fares that were announced, it is important to emphasise that those are not fares set by Government. The regulated fares, which are set by Government, in addition to the advance purchase discount fares, account for about 70 per cent. of the journeys made on Britain's railways. Beyond those regulated fares and advance purchase fares, there must be a degree of flexibility for train companies to set prices against other modes of available transport, but I would urge all train companies to act responsibly when considering the setting of unregulated fares.

Clive Efford (Eltham) (Lab): My right hon. Friend is no doubt aware of the overcrowding on train services in the south-east. We recently had an Eltham to Victoria service cut by two carriages. Such a penny-pinching approach to the provision of services in south-east London is not good enough and will not deal with the congestion on our lines. When my right hon. Friend next meets representatives of South Eastern Trains, will he impress upon them the fact that south-east London is not served by the London underground, train services are essential, and that it is important that we extend the length of our trains, not cut them?

Mr. Alexander: Here in London, particularly south of the river, there is clearly a strong reliance on the over-ground train network, and I will be happy to ensure that in the discussions that the Under-Secretary of State for Transport, my hon. Friend the Member for Glasgow, South (Mr. Harris), has with officials from South Eastern Trains, the points that my hon. Friend has raised are put directly to them.

Philip Davies (Shipley) (Con): Further to the excellent point made by my right hon. Friend the Member for Wokingham (Mr. Redwood), one of the biggest barriers to people using public transport in my part of the world is overcrowding on the Airedale and Wharfedale lines into Leeds. When will the Government start putting right the chronic underfunding of transport in west Yorkshire? In everything done by the Government, west Yorkshire always gets a bad deal.

Mr. Alexander: I am always happy to receive representations, but it is an interesting charge to be put to us by the Conservative party that there is chronic under-investment in the railways of the United Kingdom. As I have made clear, a commitment has been made for 1,000 extra carriages for the network by 2014. It is important that all of us in the House recognise that any party that says that it is possible simultaneously to have lower fares, lower taxes and higher investment is not being altogether straight with the general public.

Rail Industry

2. **Ian Lucas** (Wrexham) (Lab): What assessment he has made of the barriers to entry to the rail industry. [136904]

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): The operation of passenger and freight train services is subject to a range of regulatory requirements designed to safeguard the public interest. Before being awarded an operating licence, therefore, a new operator has to satisfy the Office of Rail Regulation that it has the necessary competence, especially in safety management.

Ian Lucas: Business, commerce and industry in Wrexham all support the application by the Wrexham and Shropshire Railway for a direct rail service to London for the first time since 1957. The only people who are opposed to that are the subsidised franchised train operators in the midlands, who do not provide a

direct service to Wrexham. Does my right hon. Friend believe that the rail regulator should take into account the interests of passengers first, not the interests of subsidised franchised rail operators?

Mr. Harris: My hon. Friend has made a persuasive and eloquent case in favour of the new service. He will understand, of course, that a decision on access to the network is one for the Office of Rail Regulation to take, and it will be made over the next few weeks. He also knows that it would not be appropriate for Ministers to seek to influence that decision. However, he should be aware that Network Rail has also raised concerns about the number of pathways that might be available to the new operator. As I say, a decision will be announced in the next few weeks.

Mark Pritchard (The Wrekin) (Con): Following on from the comments of the hon. Member for Wrexham (Ian Lucas), can the Minister give a commitment to the House that he will ensure that Network Rail and the Office of Rail Regulation do not put up unnecessary barriers to entry as regards the direct link from Shropshire to London? Has he had any discussions about that route in relation to the issues raised today?

Mr. Harris: I have had meetings with my hon. Friend the Member for Wrexham and several other colleagues about the merits of the case. However, I did not undertake to raise it directly with the Office of Rail Regulation, because it would not be appropriate for me to do so. I have every confidence that the ORR will make a decision based entirely on the merits of the application.

A14

3. **Mr. Philip Hollobone** (Kettering) (Con): When the Highways Agency expects to publish detailed proposals on the improvement of the A14 around Kettering. [136905]

The Minister of State, Department for Transport (Dr. Stephen Ladyman): I have asked the Highways Agency to submit recommendations on potential improvements this autumn.

Mr. Hollobone: I am grateful that the Minister is urging the Highways Agency to get a move on, because the people of Kettering have been waiting a long time for the proposals to be announced. When that happens, will the Minister ensure that plans for a parallel distributor road include provision for that road to be as close to the A14 as possible so as not to encroach on neighbouring villages? Will he also ensure that the Highways Agency liaises with Northamptonshire county council to provide that a connecting eastern bypass is built round Kettering?

Dr. Ladyman: The hon. Gentleman is asking too much if he expects me to commit to all those things in advance of the proposals. However, I can assure him that I have taken a personal interest in transport issues in the growth area around his constituency. I have visited the sites and spoken to developers, councils and development agencies, and I will continue to do so. I will commit the Highways Agency to working closely with everyone in the area to ensure that we come up with the best possible solution for local people.

Regional Airports

4. **Mr. Desmond Swayne** (New Forest, West) (Con): What measures he is taking to reduce noise from aircraft at regional airports. [136906]

The Parliamentary Under-Secretary of State for Transport (Gillian Merron): The Civil Aviation Act 2006 strengthens airport operators' powers to control noise at airports. Those powers enable airports to introduce noise control schemes and to charge penalties to operators of aircraft that breach noise controls.

Mr. Swayne: What will the Minister do to encourage aerodromes to use the powers granted under section 4 of the Act and to implement the technology that will enable them to track aeroplanes that depart from minimum noise routings and to have a robust regime to fine those that do so?

Gillian Merron: It is important that airports take control over noise. It is Government policy to ensure that we work to reduce the numbers of people who are adversely affected. I am aware that Bournemouth airport, which is local to the hon. Gentleman, plans to install a noise and track-keeping system in July. The new provisions under the 2006 Act are welcome, but the consultative arrangements are also working well in many cases throughout the country.

David Taylor (North-West Leicestershire) (Lab/Co-op): Despite the fact that some years ago East Midlands airport introduced noise preferential routes, track monitoring and penalty schemes, the rapid growth of aircraft numbers to up to 200 air traffic movements a day means that communities around the airport periphery are still suffering a great deal from noise. Does the Minister accept that the 2006 Act should include a fall-back option to allow, in extreme circumstances, ministerial designation under the Civil Aviation Act 1982 to relieve the communities of south Derbyshire and north-west Leicestershire from the problems that they endure at the moment?

Gillian Merron: It is worth reminding the House that the air transport White Paper seeks to strike a fair balance between the local and national economic benefits, as well as the local environmental costs described by my hon. Friend. In respect of designation, where self-regulation is not enough the Government already have the power to designate airports for the purposes of section 78 of the 1982 Act. However, that does not mean that control by the Government, which my hon. Friend requests, ensures a quieter noise environment. What matters is that local consultation produces that, and I urge him to work locally to do so.

Adam Afriyie (Windsor) (Con): It is the noise of a single aircraft that wakes people up in the middle of the night, thus causing stress in their daily lives and generally upsetting their quality of life. What plans does the Under-Secretary have to measure aircraft noise by the noise that is heard on the ground in the eardrums of sleeping individuals rather than by obscure and complicated noise quotients, quotas and

averages, which do not especially affect anyone? I stress that the noise of an individual aircraft affects people. What are her plans?

Gillian Merron: I presume that the hon. Gentleman is offering to be a volunteer to have the noise measured in his ear when asleep. I shall take that information back to the Department.

The Department continues to review measurements of noise—indeed, there is wide discussion about what constitutes the best form of measurement. I am sympathetic to the hon. Gentleman's points and I shall ensure that the Department considers his comments.

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): My constituents in Inverness want to hear more, not less noise from aircraft. They are especially worried that the transatlantic agreement on open skies will threaten essential services between Inverness and London Gatwick and Heathrow airports. Will the Under-Secretary act to protect those vital services by using a public service obligation, thus ensuring that my constituents continue to hear those economically essential journeys for many years to come?

Gillian Merron: Regional airports add much to local economies. That is why several hon. Members welcome such development in their areas. I confirm that the air transport White Paper recognises the importance of good air links to London to the UK's regional economies. The Government's guidance on the protection of regional air access to London was published in 2005 and it set out the way in which we will interpret the criteria for imposing the public service obligations in European regulations.

Rail Services

5. **Mrs. Nadine Dorries** (Mid-Bedfordshire) (Con): If he will make a statement on the future of rural and branch railway lines. [136907]

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): The Government recognise the importance of local railway lines to the communities that they serve and seek to support their development, primarily through the implementation of the community rail development strategy. The Department has recently published a review of the progress that we have made in implementing it.

Mrs. Dorries: I am lucky to be here to ask this question because the 13.08 from Harlington in my constituency was severely delayed. Given the house-building targets that are being imposed on Bedfordshire, does the Under-Secretary agree that additional investment in rural and branch railway lines is needed now to increase capacity and frequency and to deal with the current problems, to which I can testify today, as well as what we will face in future? Do we not need the investment now?

Mr. Harris: May I first say how delighted I am to see the hon. Lady in her place? She has managed against all the odds to make it to the Chamber.

I echo the comments of my right hon. Friend the Secretary of State in an earlier answer. The Government currently spend £88 million a week on investing in the railways. That is a record sum. It is noticeable that Opposition Front-Bench spokesmen have not announced a single penny of extra investment in their transport plans. Until that happens, I will not take lessons and—

Mr. Speaker: Order.

Jeremy Wright (Rugby and Kenilworth) (Con): The Under-Secretary will agree that rural and branch lines are no use without stations to serve them. I raised with his predecessor the question of Kenilworth station, which does not yet exist, even for such a big town. Now that the business case is available and positive, will he join me in doing all he can to ensure that Kenilworth gets that vital transport link?

Mr. Harris: I am more than happy to discuss Kenilworth or any other non-existent station with the hon. Gentleman, provided, of course, that there is a business case. That must include partnership agreement with not only Network Rail but private sector partners.

Stephen Hammond (Wimbledon) (Con): The Government have announced plans for thousands of new homes throughout the country, but there is a genuine concern that the transport requirements, and whether the railway network can support that growth sustainably, have not been considered. On 26 April, together with Transport 2000, we launched a campaign to protect disused railway lines from development. On the same day, my hon. Friend the Member for Epsom and Ewell (Chris Grayling) wrote to the Secretary of State, asking him to impose a two-year moratorium on the sale of land on former rail routes, establish an independent study and introduce long-term protections as necessary. Exactly what does the Secretary of State intend to do?

Mr. Harris: It is the responsibility of British Rail Board [Residuary] to safeguard any disused land that may conceivably be used for railway purposes in the near future. That is done on a case-by-case basis and I am not convinced that it would be helpful or even necessary to produce a list of lines that could at some point in the future perhaps be reopened. That would not be particularly helpful.

Rail Fares

6. **Simon Hughes** (North Southwark and Bermondsey) (LD): What his policy is on the setting of rail fares. [136908]

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): Certain rail fares are regulated by the Government. Those include season tickets and full-fare singles and returns in and around London and other major cities. Regulated fares are monitored to ensure that train operators comply with the limits set for those fares. Other fares are a matter for train operators.

Simon Hughes: Following that answer and the exchange between my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael) and the Secretary of

State, will the Minister tell us whether the Government are resisting pressures from rail operators to reduce the times when saver tickets are available?

Mr. Harris: The Government, along with the rail industry, are looking into a new structure to make fares on the railways much more sensible and easy to understand. However, the hon. Gentleman will understand that regulated fares—the fares that most people travel on—are actually 2 per cent. cheaper today in real terms than they were 10 years ago.

Mr. Brian Jenkins (Tamworth) (Lab): Does my hon. Friend realise that fares on the rail system from Tamworth to London have gone up remarkably in the past three years? Does he believe that it is due to the near monopoly of Virgin Trains on that line and does he believe that having more operators on it would provide more competition and reduce fares? How can we make that possible?

Mr. Harris: I am not aware of the details of my hon. Friend's question, but I would be happy to look into them. However, I repeat my earlier point that regulated fares—most commuters and rail passengers travel on either discounted or regulated fares—are actually 2 per cent. cheaper in real terms than they were 10 years ago. My hon. Friend will understand that if we were to extend the regulation of rail fares, it would mean an increase in subsidy from the public purse. That would mean a consequent reduction in the amount of public money available for other services.

Chris Grayling (Epsom and Ewell) (Con): Well, I think that we have just heard the death knell of the saver ticket. When the Department signed the latest round of franchise agreements, were Ministers aware that commitments to increase premium payments to the Government were based on an assumption of sharp increases in unregulated train fares?

Mr. Harris: The amount of premiums that any rail company wishes to pay to the Department for Transport is a matter for that company at the bidding stage of any new franchise. The fares increased by South West Trains in the past few weeks are not regulated fares. The Government have no plans to extend their regulation and I am not aware that the hon. Gentleman has a policy to do so either.

Chris Grayling: Do not Ministers check the financial assumptions in the agreements that they sign? The Secretary of State is always telling us that there are only two sources of funds for the rail industry—the taxpayer and the passenger. Is the Minister honestly telling the House that Ministers did not realise that when they signed up to the increased premiums, they were also signing up to deals that would mean big fare increases? If he is saying that, I think that people will not believe him.

Mr. Harris: Franchises are let on a competitive basis and each train operating company is entitled to put forward its own proposals for the franchise over whatever period it will cover. Regulated fares are limited to a 1 per cent. increase over inflation in any one year, but unregulated fares are not subject to that kind of limit. If the hon. Gentleman is suggesting that the Government should regulate those fares, I would be very interested to hear the details of that proposal.

Kelvin Hopkins (Luton, North) (Lab): Has my hon. Friend made careful comparisons between fare levels on continental state-owned railways and those on our privatised railways? If so, has he drawn any obvious conclusions?

Mr. Harris: My hon. Friend makes an interesting point, but I have to say that the difference between British and European fares is very often exaggerated. He will be aware that the level of general taxation in this country is significantly less than that on the continent. The prices that passengers pay per kilometre in most European countries are very comparable to those in this country.

Baggage Handling (Airports)

7. **John Barrett** (Edinburgh, West) (LD): What plans he has to seek changes in the system of baggage handling operations at UK airports; and if he will make a statement. [136909]

The Secretary of State for Transport (Mr. Douglas Alexander): None. The provision of baggage handling services at UK airports is governed by the EU ground handling directive 1996, which aims at liberalising the provision of ground-handling services through the introduction of competition.

John Barrett: Has the Secretary of State had any discussions with British Airways regarding the sale of BA Connect and the resulting outsourcing of baggage handling operations, which many of its staff feel amount to BA abandoning Scottish airports and their staff?

Mr. Alexander: I am in regular dialogue with British Airways and I was of course aware of the decision regarding BA Connect. I should perhaps declare an interest, in that a number of my own constituents have been affected by the changes that the hon. Gentleman has described, not least because they work at Glasgow airport. As I understand it, the airline is now in formal consultation with trade union representatives about the future of existing employees, but this is primarily a matter for the company and its employees.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): My right hon. Friend will be aware that baggage handling services have changed hands. Will he use his good offices to ensure that the companies that are now responsible for baggage handling give their staff the proper training that they require? Given that baggage is often accompanied by people, will he also ensure that the people carrying the baggage are treated in an appropriate way, especially at security checkpoints, where the treatment can sometimes be impersonal and intrusive?

Mr. Alexander: Obviously, all of us would wish for people to be treated with respect and dignity. The information that has been provided to me today suggests that British Airways is offering existing

employees a choice between transferring to Aviance UK at Edinburgh under the Transfer of Undertakings (Protection of Employment) Regulations 1981, alternative employment with BA with relocation packages where applicable, or voluntary severance, and that there will be no compulsory redundancies.

Mr. Denis MacShane (Rotherham) (Lab): I have the honour, in common with many other right hon. and hon. Members, of representing the Commons on the parliamentary assemblies of the Council of Europe and NATO, so I have to use airports a lot. I have to say to my right hon. Friend that, despite his good efforts, baggage handling in the big British airports is really quite lamentable—often worse than in some third world countries. It is not his fault, it is not BAA's fault, it is not the airline's fault—everyone seems to pass the buck. Will he set up a working party to look into this, to ensure that all the security lanes are properly used and that baggage is delivered to customers at roughly the same speed as it is in Europe or the United States?

Mr. Alexander: I am not convinced by my right hon. Friend's proposal. He is a committed pro-European—he clearly uses a number of European airlines—and I would be surprised if he were to ask the British Government to deviate from the terms of the EU ground handling directive of 1996 which, as I said in my original answer, seeks to improve services through the introduction of competition.

Retro-reflective Markings

8. **Mr. Andrew Mackay** (Bracknell) (Con): When he plans to make retro-reflective markings mandatory on all newly registered heavy goods vehicles. [136910]

The Minister of State, Department for Transport (Dr. Stephen Ladyman): By 10 October 2009.

Mr. Mackay: That is exceptionally good news. As the Minister will be aware from the various Adjournment debates in which we have both been involved, this measure is absolutely essential. After the tragedy on the M25 the weekend before last, in which a commercial vehicle was involved in an accident leading to the death of six passengers, it is also long overdue. I congratulate him on bringing it into effect at last.

Dr. Ladyman: I thank the right hon. Gentleman. I do not usually get thanked by the Opposition; this makes a welcome change. Obviously I cannot comment on the causes of that particular accident until it has been thoroughly investigated, but I have no doubt that retro-reflective tape will reduce the number of accidents. The regulation will come into effect on that date all across Europe as well.

Mr. David Drew (Stroud) (Lab/Co-op): May I congratulate my hon. Friend? I told him that those on both sides of the Chamber pressing for this measure would not go away, and we have not. If we can now get it brought in as a matter of urgency, everyone will gain. I hope that he will acknowledge that this has been a worthwhile campaign.

Dr. Ladyman: My hon. Friend has been campaigning long and hard on this issue, along with my hon. Friend from one of the Bolton constituencies which escapes me for the moment. I congratulate them on their endeavour and I promise to continue to work to ensure that the measure is implemented according to the given time scale.

Rail Passenger Journeys

9. **Gordon Banks** (Ochil and South Perthshire) (Lab): What change there has been in the number of rail passenger journeys since 1997. [136911]

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): The number of rail passenger journeys grew by 35 per cent. between 1996-97 and 2005-06. In 2003-04, for the first time since 1961, more than 1 billion rail journeys were made, and the number of rail journeys increased further in 2004-05 and 2005-06.

Gordon Banks: I thank the Minister for his reply. Does he agree that each of those journeys reinvigorates a local economy as well as addressing our climate change responsibilities? What more can he do to get people off the roads and on to the railways, so that my constituents will be able to receive the full benefit when passenger transport services return to my constituency in Clackmannanshire later this year?

Mr. Harris: My hon. Friend is absolutely right in his assessment of the importance of transport links to local economies. The regulation of rail fares in his constituency is a matter for the Scottish Executive. In regard to getting people out of their cars and on to the railways, my right hon. Friend the Secretary of State will make an announcement in July on the high level output specification, which will for the first time allow the Government to specify exactly what they want to buy from the rail industry in terms of performance and capacity, and exactly how much will be spent on that. We are extremely optimistic about the future of the railways in Britain.

Miss Anne McIntosh (Vale of York) (Con): While I welcome the figures given by the Minister on the increase in passenger journeys, is not it in the interests of both passengers and franchisees to increase the length of the rail franchise? When he has regard to who the next franchisee on the east coast main line will be, will he ensure that there is competition between the three providers of the main franchises between London and Scotland?

Mr. Harris: This debate has been aired in the House on several occasions. I understand the arguments for longer franchises, but a conclusive argument in favour of longer franchises has not been made. There are benefits to the current regime, under which most franchises are between seven and 10 years long. In relation to the inter-city east coast franchise, a competitive process is under way, and deliverability, rather than price, will decide who wins that contract. I am sure that her constituents will find that no less of a service is provided by the new Great North Eastern Railway franchise than is the case today.

Fiona Mactaggart (Slough) (Lab): What would the Minister say to the First Great Western official who told me that it is not sensible to have a major destination with a high-speed 40-minute train journey from London? Over recent years, First Great Western has reduced the number of fast services between Slough, a major draw for investment into the UK, and Paddington. What can he do to make First Great Western realise the impact of its policies on our economy and on inward investment in Britain?

Mr. Harris: My hon. Friend has spoken on several occasions of her unhappiness with the First Great Western service received by her constituents. I understand her concerns. The Department for Transport is determined to ensure that First Great Western meets the franchise commitments to which it has signed up. I have regular meetings with the management of First Great Western to make sure that the service on that franchise improves. I am confident that, working together with Network Rail, a better service will be received by customers in future.

Mr. Mark Lancaster (North-East Milton Keynes) (Con): Despite a large increase in passenger journeys from Wolverton train station, its passenger facilities have not improved. Shortly before the last general election, the Government trumpeted a £2 million package of improvement for the station. Unfortunately, since then, that package has been reduced to just £400,000. Will the Minister explain why that reduction has occurred? Will he at least consider allowing the package to be spent over a longer period of time, so that the station does not lose it in six months?

Mr. Harris: The hon. Gentleman will understand that I do not have detailed information about that case to hand. I would be happy, however, to write to him with more details. He will understand that part of the Government's record investment in the rail network is in improving stations. I understand the impatience expressed by Members on both sides of the House when their stations are not attended to. Given the record amount of money being invested by Network Rail in infrastructure, however, I would hope that his and other stations will receive attention in due course.

Community Transport (Buses)

10. **Dr. Alan Whitehead** (Southampton, Test) (Lab): What plans he has to enhance the role of community transport in the provision of bus services. [136912]

The Parliamentary Under-Secretary of State for Transport (Gillian Merron): The community transport sector plays a valuable role in providing services that complement those of commercial operators. We are discussing with community transport sector representatives the proposals in "Putting Passengers First" to allow it to play a larger role by improving the regulatory regime that applies.

Dr. Whitehead: I thank my hon. Friend for that answer. Does she accept that section 22 permits for community transport are particularly restrictive in terms of payment for drivers and the size of buses? Does she have plans to review both those aspects to make community transport more effective in local transport provision?

Gillian Merron: I accept the point made by my hon. Friend, who has campaigned in support of community transport in his area and beyond for some time. "Putting Passengers First" contains proposals to lift the restrictions on paying drivers, so that they can be paid more than expenses, and to lift the 16-passenger seat limit for the size of vehicle for which permits can be issued. I hope that that will be of great support to the role of the community transport sector.

Mr. Patrick McLoughlin (West Derbyshire) (Con): In my constituency, the Bakewell and Eyam and Ashbourne community transport schemes provide a fantastic service for elderly people in remote areas. Will the Concessionary Bus Travel Bill, which we discussed yesterday, be of any help to those two organisations?

Gillian Merron: The community transport in the right hon. Gentleman's area is indeed to be commended. The Bill that the House passed last night extends geographical provision rather than extending provision to other sectors, but it allows for more provision should it be required in the future. Furthermore, local authorities such as the right hon. Gentleman's are entitled to, and could, go beyond the national baseline for the provision of concessionary fares.

Coach Fare Scheme

11. **Mr. Jamie Reed** (Copeland) (Lab): What funding his Department has provided for the half-price coach fare scheme for pensioners and disabled people. [136913]

The Parliamentary Under-Secretary of State for Transport (Gillian Merron): Total funding of nearly £46 million has been provided to date for half-price fares for older people and disabled people making journeys on scheduled coach services.

Mr. Reed: Along with a number of other Members, I welcomed the Second Reading of the Concessionary Bus Travel Bill last night. Can the Minister assure us that the details of the financing of the new scheme will not affect the existing concessionary fares schemes that benefit my constituents so much?

Gillian Merron: My hon. Friend is right to refer to the benefits received by his constituents. Some 17,000 over-60s and disabled people in Copeland are entitled to benefit from both concessionary fares and half-price coach travel, and I can confirm that half-price coach travel will continue to be available to them.

JUSTICE

The Minister of State was asked—

Prison Visitor Permits

20. **Meg Hillier** (Hackney, South and Shoreditch) (Lab/Co-op): What guidance her Department issues to prisons on the issuing of permits for visitors. [136922]

The Minister of State, Ministry of Justice (Mr. David Hanson): Guidance for prisons on visiting orders is contained in Prison Service standing order 5A, which requires visitors to convicted prisoners to possess a valid visiting order for each visit, which should be issued as soon as possible by the prison to enable the visit to take place. The format of visiting orders varies according to local requirements.

Meg Hillier: I am delighted to be the first to ask a question of the new Ministry of Justice, and to welcome my right hon. Friend to his new position.

I am pleased that the Department recognises the need for prison visitor orders to be issued swiftly, but I am afraid that that recognition does not appear to equate with reality. A constituent of mine, Father Mark Minihane of St Monica's in Hoxton, had to make 31 calls to Wormwood Scrubs before he could obtain a visiting order. He wrote to me:

"It took one family a week to get a visit, another is permitted by her boss at work to phone many times during the day in order to get through".

He reported that when people did get through, they often had to wait for 25 minutes.

What further work can the Department do to ensure that prisons comply with the instructions, and are there any other methods that people can use to—

Mr. Speaker: Order.

Mr. Hanson: I am grateful for my hon. Friend's welcome to the Department. We will be judged on whether we protect the public and whether we reduce reoffending, and I believe that the Ministry of Justice will do both.

I accept my hon. Friend's criticism of the present booking system, which is not perfect in all respects. In 2006 we issued good practice guidelines for booking and arranging visits, which were issued to each prison. We want to find ways of improving contact with prisons, such as e-mail and enabling people to book further visits when they make their first visit. I believe that, given the co-operation of the Prison Service, all those measures will be introduced over time, but I accept that the prison to which my hon. Friend referred—I know that she has already written to the director general—is not perfect. I hope that the measures I have described will improve the system.

Mr. Oliver Heald (North-East Hertfordshire) (Con): The Minister will appreciate that prisoners are less likely to reoffend if they receive family visits, and also if they are taught to read, write and add up and can do useful work in prison. But, as we have just heard, visits are being made more difficult and are being rationed, courses are being disrupted and proper work is often unavailable, all because the prisons are so overcrowded. That really is criminally irresponsible: it encourages more crime, and wastes lives and money. Is not the Chancellor to blame, because he has failed to fund the number of prison places that we need?

Mr. Hanson: I welcome the hon. Gentleman to his new, wider Front-Bench responsibilities. He will recognise that it is now on the table that 8,000 prison places will be built in the next five years and that there will be extra places by this summer, such as at Maghull. If he had joined me in my visit to Liverpool prison last week, he would also have recognised that much good education work is being done in prisons to help prevent reoffending. The hon. Gentleman has said that we are not doing enough. As he supports tax cuts and reductions in public expenditure, I do not know how he would find the resources to build the prison places, to have the education in our prisons and to make a difference to people's lives. This Ministry of Justice will do those things, and I look forward to him supporting us in the Lobby on such issues.

Corston Review

21. **Ms Sally Keeble** (Northampton, North) (Lab): What assessment she has made of the recommendations of the Corston review of vulnerable women in prison; and if she will make a statement. [136923]

The Parliamentary Under-Secretary of State for Justice (Vera Baird): The Government have given a broad welcome to the report. The Lord Chancellor has asked me to take responsibility in the new Ministry of Justice for women in the penal system. I visited one woman's prison last week—Moreton hall—and I will visit another, Low Newton, on Friday. I have also had a first meeting with Baroness Corston today. Her recommendations propose action by a number of Departments, with whom they must be explored as we develop a detailed response. We will do that as soon as possible

Ms Keeble: I welcome that response and also the fact that my hon. and learned Friend has been given responsibility for this area of work. What are her views on the Corston review recommendation that there should be smaller, more secure units for women, instead of the larger, more regional prisons? Also, what are her views on early intervention to deal with women prisoners, who are often much more vulnerable than male prisoners, and on the expectation that that will better protect women prisoners and the wider public from repeat offending?

Vera Baird: The early interventions that my hon. Friend recommends follow on from the proposals in the "Together Women" project, which was resourced by my right hon. Friend the Member for Norwich, South (Mr. Clarke) when he was Home Secretary and which offers a multi-agency, one-stop shop approach for women to better address their needs and to try to head them off at the pass in respect of their offending. Therefore, these proposals follow on in a natural progression from other proposals, and they will take matters forward. In respect of having local units, there will of course be resource implications and we will need to balance them against the obvious potential benefits and savings. However, if we can shift resources and move women to more local units then—the hon. Member for North-East Hertfordshire (Mr. Heald) raised this point—they will have a better chance of staying in touch with their families and of not finding imprisonment so disruptive, and therefore perhaps of

not being so distanced from the community and being thrown into chaotic lifestyles when they leave. All of these proposals have genuine promise.

Simon Hughes (North Southwark and Bermondsey) (LD): Against the background of there having been an increase over 10 years in the total prison population from 60,000 to about 80,000 and the fact that the number of women in prison has almost doubled in 10 years to 4,300, have the Government accepted Lady Corston's specific recommendation for "a significant reduction" in the number of women in prison and for community punishment to be an alternative?

Vera Baird: Essentially, that is what Lady Corston proposes, and we have given a broad welcome to it. As to refining the detail and the number of people who might be removed, that is probably a long-term project. However, I can assure the hon. Gentleman that the Government very much support the thrust of what she recommends.

Postal Voters

22. **Mr. Philip Dunne** (Ludlow) (Con): What representations she has received on disfranchised postal voters in recent elections. [136924]

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I have received five representations on this subject since November 2006.

Mr. Dunne: May I be the first Member on the Conservative Benches to congratulate the new ministerial team on their new responsibilities? I sincerely hope that the usual channels will in future find more than 20 minutes a month for us to question them.

Thanks to this Government's incompetent introduction of new procedures for postal voting—without there being sufficient time and technologies that worked, and without testing those technologies—how many people throughout the country were unable to exercise their right to vote by post in the recent local elections, and will the Minister accept a dossier being compiled at my request by the two returning officers of district council authorities in my area on the irregularities that have occurred?

Bridget Prentice: I am more than happy to receive any information from any returning officers about the running of those local elections. The Electoral Commission will of course conduct a review of all such matters. I noticed that the hon. Gentleman was complaining on his website about what was happening in the local elections on Thursday 3 May, when he said that he was very concerned about the deadlines and the complex procedure. On Friday 4 May, on the other hand, he said that he welcomed the previous day's local election results for South Shropshire and Bridgnorth district councils, so within 24 hours he seemed to have changed his mind about the procedures' effect. On postal votes, many more people have been voting by post, which is to be welcomed.

Mr. Kevan Jones (North Durham) (Lab): In the recent elections in County Durham, the main problem was printing errors on ballot papers. The Electoral Commission tells me that it recommends printers on a tender list, but in a written answer that I received a week ago, the hon. Member for Gosport (Peter Viggers) told me that the Electoral Commission undertakes no checks of individual printers. Will the Minister instigate checks of these printing firms as a matter of urgency and ensure that the Electoral Commission starts doing the proper job of looking after elections that it is supposed to be doing?

Bridget Prentice: I will certainly take up my hon. Friend's point about the Electoral Commission, but he and everyone in the House will know that it is up to each local authority to make its own arrangements for the running of local elections. Given that many authorities run elections annually—particularly those outside London—they should be building up good relationships with their local printing firms and ensuring that their needs are properly met.

Legal Aid

23. **Tony Baldry** (Banbury) (Con): What assessment she has made of the effect of changes to the legal aid system on access to justice. [136925]

The Parliamentary Under-Secretary of State for Justice (Vera Baird): Our legal aid reforms will improve access to justice because they will mean that we can help as many people as possible and place legal aid on a sustainable basis for the future. They will enable us to shift resources, so that we can spend more on civil and family legal advice and assistance, while being sure that those sectors, as they receive more, give best value to the taxpayer for that money.

Tony Baldry: I thank the Minister for that answer. She will be aware that Banbury citizens advice bureau gives legal advice on benefits, employment, debt and housing law. Last year, it gave advice to 569 people. As from October, following the introduction of the new contract, it will have to give, without any increase in resources, advice to 885 people—an increase of almost 50 per cent.—and if it does not, it will be penalised. That will obviously mean less time per person, at a time when high street solicitors are withdrawing from civil legal aid. Is not the consequence of all this that vulnerable constituents in all our constituencies will find justice much more difficult to access?

Vera Baird: No, that is not the case at all. The substantially improved efficiency and productivity of the not-for-profit sector—including of the CAB in his constituency—has very much been encouraged by the move from block contracts for hours to fixed fees. That requirement, established by the Legal Services Commission, has been in place for more than a year and the sector has responded very well; indeed, many such organisations have achieved productivity increases of 19 to 20 per cent. We expect that to continue and for better service to be given. The hon. Gentleman and his CAB need to read in detail the proposals on the transition from one system to the next, which show that the impact that he is concerned about will not take place.

Mr. Alan Beith (Berwick-upon-Tweed) (LD): What is the point of a system of fixed fees, given that the Government's declared intention is to move to competitive tendering? Is this not an attempt to fix the market price that will cause people to leave legal aid work, which will mean that, when competitive tendering comes, the taxpayer will have fewer bidders from whom to choose and the citizen will have less access to justice?

Vera Baird: The point of moving over to fixed fees is that when competitive tendering comes in, it can realistically be achieved only on a fixed-fee basis. It is much more difficult to do it—except in select and specific cases such as the very high cost cases proposals—on the basis of payment by the hour. It is not the intention to fix the market rate. The right hon. Gentleman's Constitutional Affairs Committee received a letter from the Lord Chancellor indicating that, in the absence of cartelling or any improper conduct, the market would indeed dictate prices. In the meantime, I have been very cheered by the number of solicitors who have taken on more employees, compared with the number who have let them go. In the criminal sector, which I can speak of most, that is indicative of people gearing up for the opportunities that these changes present.

Dr. Alan Whitehead (Southampton, Test) (Lab): Is it the intention of my hon. Friend to monitor the progress of the competitive tendering regime for legal aid contracts and, in particular, will she monitor the second phase of tendering to ensure that there are sufficient tenderers to ensure that access to justice is secured on an equitable basis?

Vera Baird: Yes, the LSC will indeed monitor the process as it develops and is starting to model a process to ensure that it is practical to monitor it. The way in which the competitive tendering will be rolled out is not yet agreed, but it is likely to be on something of a phased basis, perhaps regionally, which will enable us to monitor it properly. We are aware of the problems of the second round, but we have some proposals—not yet totally cleared and fixed—that should ensure that firms can grow in the first round into the position of being able to bid for the second round. In short, we have all those problems very much in mind.

Mr. Henry Bellingham (North-West Norfolk) (Con): Is the Minister aware that the recent Select Committee report talks of a catastrophic deterioration in relations between solicitors and the LSC? It points out that if the reforms go ahead, there is a serious risk to access to justice, especially for the most vulnerable in society and ethnic minorities. The Minister has said that those criticising the report and the changes are wrong and misguided, but surely the time has come for her to listen to an all-party Select Committee, virtually every law firm in the country and many experts. Has it ever occurred to her that perhaps she is the one who is wrong and misguided?

Vera Baird: It is an extraordinary suggestion, coming from the hon. Gentleman, because—as Opposition Members will be pleased to hear, and I know that they are listening with care to me—he said, not two months ago, in Committee on the Tribunals, Courts and Enforcement Bill:

"Although we have some legitimate discussions and arguments with the Government about how that is being implemented, we accept the thrust of what they are doing."—*[Official Report, Tribunals, Courts and Enforcement Public Bill Committee*, 15 March 2007; c. 46.]

There is no threat to advice to the poor from us, but there is from his party. Consider the position of the Hammersmith law centre. The Tory council in Hammersmith is cutting—

Mr. Speaker: Order.

Homicide Victims

24. **Hugh Bayley** (City of York) (Lab): What support the Government provide for the families of homicide victims. [136926]

The Minister of State, Ministry of Justice (Ms Harriet Harman): The Government give funding to organisations that support the families of homicide victims, including Victim Support and Support After Murder and Manslaughter, and victims can apply for compensation through the criminal injuries compensation scheme. The victims' advocate pilots in five Crown court centres give bereaved relatives the choice to speak in court after conviction and before sentence about the impact of the crime on their family.

Hugh Bayley: I would like the Government to consider broadening the range of help that they give to victims of homicide. I have a constituent whose husband was killed by a neighbour and she and their children have been intimidated by members of the killer's family since he was sent to prison. She is a council tenant and she has applied to move either within York or back to Scotland where her family live. Does the Minister think that public housing authorities should make housing transfers a priority in such cases and will she tell me what power the Parole Board has to prevent the killer from returning to the neighbourhood when he is released from prison?

Ms Harman: My hon. Friend raises an important point. It is not just for the courts, police and criminal justice system to work to support the victims of crime. All the public authorities should identify what help they can give to people who suffer as the result of a crime, including the housing authorities. The local criminal justice board has the opportunity to work with the local authority in my hon. Friend's area to see what can be done to help that family. If other victims see that those who have been the victims of crime have not been treated properly by the system, they will give up hope. I will ask the local criminal justice board what help they can give.

As far as the Parole Board is concerned, it can impose restrictions on the licence that apply to where people may live.

Mr. Crispin Blunt (Reigate) (Con): For many families, the most traumatic time—after the murder itself—comes when the killer is put on trial. Usually, support for the families is provided by the Witness Service. Is the Minister satisfied with the service that the Witness Service currently provides?

Ms Harman: I pay tribute to the Witness Service for the help that it provides to victims in homicide cases, and to the exceptional job done by police family liaison officers. They are very highly trained, and support the families while also helping the criminal justice system. Once again, I point to the pioneering work going on in five Crown courts. Families used to be confined to sitting in the public gallery while everyone else spoke about the person killed and focused on the defendant. The pilot means that for the first time families have a chance, after conviction but before sentence, to say what the loss of the person killed means to them.

Voting Irregularities

25. **Mr. Shailesh Vara** (North-West Cambridgeshire) (Con): What representations she has received on voting irregularities in recent elections. [136927]

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): I have received two representations on this issue since October 2006.

Mr. Vara: I thank the Minister for that reply. The Council of Europe is now considering monitoring UK elections, just as it does elections in countries such as Ukraine, Albania, Serbia and Russia. Does she therefore share my concern that, under this Administration, Britain's reputation as a country of free and fair elections is seriously tarnished?

Bridget Prentice: I do not accept the hon. Gentleman's description whatsoever. The Government inserted into the Electoral Administration Act 2006 a provision to allow observers at all our elections. That is something that we have never had before and I believe, if I recall correctly, that the Opposition supported it. I welcome that provision, and believe that it is a good thing for democracy.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Does my hon. Friend accept that, contrary to the voices of doom from the Opposition, in the recent local elections in my constituency between 40 and 50 per cent. of those who voted chose to do so by post? As far as I am aware, there has not been a single allegation of irregularity. Will she therefore give an assurance that she will oppose any Opposition demand to bring in restrictive criteria about who can vote by post, and who cannot? Any such criteria would amount to an unnecessary restriction on voters' freedom to choose how they exercise their franchise.

Bridget Prentice: My hon. Friend makes an excellent point. During the elections, a variety of different techniques—electronic voting, early voting, and so on—were tried in pilots around the country. He is right to point out that no petitions have been received in respect of the 3 May elections, which says something for the robustness of the implementation of the Electoral Administration Act 2006.

Points of Order

3.35 pm

Peter Bottomley (Worthing, West) (Con): On a point of order, Mr. Speaker. The unfair, flawed and hurtful process by which doctors are selected for training remains in place. In a written statement, the Secretary of State for Health has made an announcement about dropping the computer software, although that may not be what is at fault. Is it possible for the right hon. Lady to make an oral statement, or respond to an urgent question, in the Chamber tomorrow? The stratagem involving written questions means that hon. Members cannot the raise the issue in an urgent manner today.

Mr. Speaker: I must say to the hon. Gentleman that it is up to Ministers as to when they come to the House to make a statement.

Philip Davies (Shipley) (Con): On a different point of order, Mr. Speaker, and further to the supplementary question asked by my hon. Friend the Member for Ludlow (Mr. Dunne). Who decides what amount of time should be devoted to departmental questions? Given that the Ministry of Justice covers important matters such as prisons, postal voting, the legal aid system and magistrates courts, I feel that 20 minutes is wholly inadequate. Can you help in extending the period?

Mr. Speaker: I understand that such matters are up to the Government, so I cannot be blamed.

Mr. Andrew Robathan (Blaby) (Con): We would never blame you, sir.

Mr. Speaker: Thank you, I shall remember that. I recall that the Leader of the House made some mention of the matter and that he felt that the allotted time was perhaps inadequate, but I see that he is here.

The Leader of the House of Commons (Mr. Jack Straw): Further to that point of order, Mr. Speaker. May I say to you, and to the hon. Gentleman who has raised the issue, that discussions are taking place through the usual channels to ensure that there is a better allocation of time for the Ministry of Justice?

BILL PRESENTED

Scottish Parliament Elections

Jo Swinson, supported by Mr. Alistair Carmichael, Malcolm Bruce, Danny Alexander, John Barrett, Mr. Alan Reid and Mr. Charles Kennedy, presented a Bill to make provision for elections to the Scottish Parliament to be held under the single transferable vote system: And the same was read the First time; and ordered to be read a Second time on Friday 19 October, and to be printed [Bill 106].

Copyright (Miscellaneous Provisions)

3.35 pm

Mr. David Amess (Southend, West) (Con): I beg to move,

That leave be given to bring in a Bill to make further provision for the protection of copyright; and for connected purposes.

As the House knows, British music has long been one of our country's most successful exports—although sadly, not in the recent Eurovision song contest—and is something of which we should be rightly proud. Last year, United Kingdom acts accounted for 62 per cent. of the top 100 artist album sales. Four of the top five albums of the year were by UK artists: Snow Patrol, Take That, the Kooks and the Arctic Monkeys—I believe that the Chancellor of the Exchequer is a fan, but that has not yet affected sales.

The British market has always been receptive to new music from overseas, with Scissor Sisters, the Killers and the White Stripes all providing examples of successful acts that first broke in the UK. Musically, Britain never ceases to evolve. New talent proves increasingly popular with music buyers. Record companies in the UK recognise the huge importance of new talent in maintaining Britain's formidable reputation for producing the most successful artists.

Britain's wider music industry employs more than 125,000 people in the UK, and the record industry is responsible for most of the UK's investment in new artists, which in 2004 amounted to 17 per cent. of their turnover, or £207 million. It is thus of great concern that illegal peer-to-peer file sharing has already had an enormous effect on British music sales; an estimated £1.1 billion of revenue was lost in the last three years as a result of that activity. On top of that, the music industry has to deal with the other face of online copyright theft—commercial piracy.

It is of course not only the music industry that is threatened by that criminal activity. The film, television and games industries also suffer from illegal downloading—something I have never knowingly done.

I am presenting my Bill to protect the work of the artists whose work we, as a nation, enjoy so much. The Bill will be crucial to protecting and nurturing the future talent of the British creative industries. In December 2005, the Chancellor of the Exchequer asked Andrew Gowers to conduct an independent review of the UK intellectual property framework. The review was published in December 2006, and my Bill takes heed of a number of its recommendations.

Technological change over the past 30 years has created a number of opportunities and challenges for copyright law. In particular, the digitisation of information and the ability to store it electronically has made it far easier to copy and distribute. The problem posed by online copyright theft is twofold. First, there is peer-to-peer file sharing, which is generally carried out by individuals, many of whom are young, in their own homes. As the Gowers report stated:

"Downloading music and films from the internet is now the most common legal offence committed by young people aged between 10 and 25 years old in the UK."

The information they download is often stored in a digital format. The technology that allows people to do

that is readily available; almost every home computer can produce perfect copies of CDs via the internet and file-sharing networks that distribute music to millions of people.

The second aspect of criminal activity is commercial piracy, whereby music is unlawfully downloaded and then copied for sale. Online copyright theft is seen by criminals as a low-risk, high-profit criminal activity. The crime has proven links to other criminal activities such as youth exploitation, drugs, obscene pornography and people smuggling.

As well as that large-scale crime in the digital world, in the physical world counterfeit CDs are bought from personal contacts—friends, neighbours or work colleagues. Market stalls, street vendors and car boot sales are other popular distribution channels, all of which are notoriously hard to police. It is thought that people download music or buy counterfeit CDs because they are cheaper than official releases and are thought of as an effective way to sample music.

In 2003, as part of the implementation of the information society directive, certain types of online copyright infringement were criminalised. The maximum sentence for committing the offence is two years' imprisonment, which contrasts with infringements in the context of physical copyright theft, where the maximum penalty is 10 years' imprisonment. Most people agree that it is a crime to help oneself to the property of another without payment or permission, and accessing illegal content online must be viewed in the same way.

The legislation that we have at the moment accurately denotes the seriousness of the offence, but it makes no provision for the monitoring of the crime or for enforcement—something that they do somewhat better in Italy and Germany. There are currently no structures through which the Government monitor or enforce the law on online copyright theft, despite its being an offence that costs the industry vast amounts of money. In the absence of any publicly funded enforcement, the music industry has taken the lead role in attempting to quantify and tackle the issue. The Bill makes provision for the establishment of a national organisation that will monitor and enforce copyright law as related industries are currently doing for themselves.

I have been in touch with a number of institutions that have been working hard independently of the Government to protect the artists they represent. The Bill makes provision for the Government to take responsibility for the monitoring and enforcing of copyright laws, and to carry on the good work that those groups have done up until now. The groups include the film industry's Federation Against Copyright Theft and the games industry's Entertainment and Leisure Software Publishers Association, which spearheads investigations of criminal activity on behalf of member companies. As for raising public awareness, the British Phonographic Industry has sent hundreds of thousands of instant messages to people who are illegally uploading files in the UK to make it clear that they are breaking the law. Some 70 per cent. of consumers know that unauthorised file sharing is illegal, but the extent to which this awareness translates into a deterrent is unclear.

Having considered the good example that those organisations set, I am calling for a national online piracy investigation and enforcement unit, specifically to monitor and enforce online copyright theft. The unit would be sufficiently resourced to allow a truly national remit. It would regularly research and monitor the scale, nature and impact of online piracy. It would be equipped to carry out investigations into piracy and would have full investigative powers. It would be empowered to bring prosecutions against online piracy. The unit would work seamlessly with existing Government agencies that work in related areas, such as local authority trading standards officers, and with the Serious Organised Crime Agency. It would work seamlessly with industry anti-piracy units to complement and bolster their efforts. Lastly, I understand that internet service providers are privy to much information that could be used to tackle the crime. I suggest that one of the key priorities of the new organisation should be to build links with internet service providers to ensure that, where necessary, information that they have access to can be used in building investigations.

In conclusion, the Bill will establish a national online piracy investigation and enforcement unit to back up legislation currently under development by the Home Office to tackle online internet piracy. I welcome the Government's recognition of the problem posed by online copyright theft and the timely publication of the Gowers report. Moreover, I look forward to reading the findings of the Culture, Media and Sport Committee on copyright theft when its report on the subject is published tomorrow. I commend the Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. David Amess, Janet Anderson, Michael Connarty, Derek Conway, James Duddridge, Mr. Nigel Evans, Sandra Gidley, Mr. John Greenway, Rosemary McKenna, John Robertson, Mr. John Whittingdale and Pete Wishart.

COPYRIGHT (MISCELLANEOUS PROVISIONS)

Mr. David Amess accordingly presented a Bill to make further provision for the protection of copyright; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 19 October, and to be printed [Bill 104].

Opposition Day

[11TH ALLOTTED DAY]

Armed Conflict (Parliamentary Approval)

Mr. Speaker: I inform the House that I have selected the amendment in the name of the Prime Minister.

3.46 pm

Mr. William Hague (Richmond, Yorks) (Con): I beg to move,

That this House supports the principle that parliamentary approval should be required for any substantial deployment of British Armed Forces into situations of war or international armed conflict; and, in the light of the Fourth Report from the Public Administration Committee, Session 2003-04, 'Taming the Prerogative: Strengthening Ministerial Accountability to Parliament', HC 422, and the Fifteenth Report of the House of Lords Constitution Committee, Session 2005-06, 'Waging War: Parliament's role and responsibility', HL 236, calls on the Government to bring forward proposals to give effect to this principle, including mechanisms to ensure that the capability to react rapidly in emergencies is maintained.

Opposition days often—and necessarily—highlight important differences between the parties represented in the House. However, we have chosen for today's debate a subject on which there is gathering consensus in British politics: the need for accepted procedures for giving parliamentary approval for our country's participation in armed conflict.

For years, many hon. Members have given voice to their concerns about the existing arrangements and the need for change. The hon. Member for Walthamstow (Mr. Gerrard), who is in the Chamber, and the right hon. Member for Birmingham, Ladywood (Clare Short) both introduced private Members' Bills on exactly this theme that enjoyed a good deal of cross-party support. Indeed, the Bill introduced by the right hon. Member for Birmingham, Ladywood was sponsored by Labour and Liberal Democrat Members, as well as by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) and me, before I rejoined the Opposition Front-Bench team. The right hon. Member for Oldham, West and Royton (Mr. Meacher) also has a Bill on the subject before the House; I know that the Leader of the House will be pleased that the right hon. Gentleman now has quite a lot of time to pursue that Bill.

In many ways, the fact that we have called this debate has already achieved its objective. It is clear from the Government's amendment that their position is now markedly different from that of only two weeks ago. In a debate in the House of Lords on 1 May—two weeks ago today—the Lord Chancellor said:

"It is the Government's position that the current arrangements reflect the constitutional position. There is more than sufficient parliamentary involvement in that, and it would be both wrong and damaging to change the position."—[*Official Report, House of Lords*, 1 May 2007; Vol. 691, c. 1028.]

However, the Government's amendment today proposes a change to the position, which raises the obvious question of whether the Lord Chancellor has been consulted on the matter, or whether his views have simply been ignored. The looks on the faces of Government Front Benchers suggest that his views have been ignored.

Let me make it clear that I welcome the Government's abrupt change of mind, although given that, I have to observe that there is no reason why they could not have simply accepted our motion. One suspects that the only reason why they have not is "not invented here" syndrome. They have tabled an amendment that appears to say much the same as the motion, except that it refers to a "more explicit" role for Parliament, rather than a clear "principle". In respect of emergencies, the amendment has a dig at "some quarters", without saying who those mysterious quarters are, or where they might be lurking. It remarks that it is

"inconceivable that any Government would...depart from this precedent"

of voting on military action against Iraq, even though no parliamentary vote has ever taken place on a succession of deployments in Afghanistan. Despite those difficulties, the amendment represents progress, and a major change from the Government's position of two weeks ago. Although we prefer our motion and will vote for it accordingly, if it is defeated we certainly will not oppose the Government's amendment.

It is evident that there has been emerging consensus on the subject in recent years. My right hon. Friend the Leader of the Opposition has said that

"the time has come to look at those powers exercised by Ministers",

and he said that giving Parliament

"a greater role in the exercise of these powers would be an important and tangible way of making government more accountable".

He said that when he set up the Conservative party's democracy taskforce, which is led by my right hon. and learned Friend the Member for Rushcliffe. Its interim report states:

"we believe that Parliamentary assent...should be required to commit British troops to any war, international armed conflict or peace-keeping activity."

It goes on to say:

"There will need to be exceptions under conditions of dire emergency, but with a requirement for the Prime Minister then to secure retrospective Parliamentary approval".

The Chancellor of the Exchequer has said something very similar.

Mr. Michael Ancram (Devizes) (Con): May I say how strongly I endorse my right hon. Friend's comments, which reflect what has been said by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke)? Where a military campaign has run out of constructive purpose, and is being pursued only to satisfy the hubris of a departing Prime Minister and a soon-to-depart American President, would it not be consistent and right for Parliament to have the right to vote to discontinue that campaign, too?

Mr. Hague: My right hon. and learned Friend is introducing a particular instance into the general argument; I had, conveniently, been pursuing my argument without raising particular instances. However, he raises a legitimate question: if Parliament has the right to hold votes of the kind that we are discussing, how often should the issue be revisited, and in what circumstances would another vote be required? I do not think that it is possible to lay down hard and

fast rules about that. It is important to stress that both our motion and the Government amendment call on the Government to produce proposals after consultation—consultation with Opposition parties, I hope—and it is very difficult to lay down rules that cover every eventuality. My right hon. and learned Friend has made his point about the situation in Iraq, but I do not necessarily draw a simple conclusion from it.

Mr. Bob Blizzard (Waveney) (Lab): Is not one important difference between the motion and the amendment the fact that concern is expressed in the Government's amendment about the security of our armed forces, in the context of the overall point that we are debating? That is missing from the right hon. Gentleman's motion.

Mr. Hague: No, I do not remotely think that that is a major difference between the motion and the amendment. *[Interruption.]* Well, it is one textual difference, but there are several textual differences between them. It is not a distinction that makes any tangible difference to the matter on which the House is to decide. The idea that any of us, whether in the official Opposition, the Liberal Democrat party or the nationalist parties, are not concerned with the security and well-being of our forces is pretty fanciful, so that is not a very relevant point.

Mr. Denis MacShane (Rotherham) (Lab) *rose—*

Mr. Hague: Talking of points that are not likely to be relevant, I give way to the right hon. Gentleman.

Mr. MacShane: Will the right hon. Gentleman take this occasion to apologise for the failure of the previous Government to commit our troops to armed conflict in the case of Srebrenica?

Mr. Hague: I was absolutely right to say that the intervention would not be relevant. I will go on to explain how Governments of both parties have done things in very different ways, in respect of the procedures for armed conflict, but if I were to go into the merits of going into, or not going into, a particular armed conflict, we will be heading way off course. This debate is about the procedures for entering into armed conflict. There are grounds for criticism of all Administrations in that respect, and I want to come on to that point.

Mr. John Redwood (Wokingham) (Con) *rose—*

Sir Nicholas Winterton (Macclesfield) (Con) *rose—*

Mr. Hague: Well, I will come on to that point eventually. But now I give way to my right hon. Friend the Member for Wokingham (Mr. Redwood).

Mr. Redwood: Does my right hon. Friend think that the right time to hold the vote is just before a significant number of troops are committed, or should the vote take place before a high-level bombing campaign begins? These days, that is often in advance of the committing of troops.

Mr. Hague: Again, the conclusion that we come to on such matters must be the result of consultation between the parties. Indeed, there should be consultation outside Parliament, too. My view is that it would be impossible to lay down hard and fast rules that would cover every eventuality. I think that there ought to be a parliamentary debate and a vote before a major deployment of forces overseas, because, of course, there could easily be mission creep that took us from a deployment to actual fighting. As for a bombing campaign, we would have to distinguish between different circumstances. In the case of Kosovo, the international pressure and the build-up of forces were well flagged up before military action took place. In that case it would have been possible to hold a parliamentary debate and a vote. Of course, in a case where bombing is to be carried out as a surprise, it would not be wise to conduct a parliamentary debate beforehand.

Sir Nicholas Winterton: I agree with everything that my right hon. Friend has said so far. Does he accept that if the security of this country was urgently and immediately threatened, that would be justification for the Government to commit forces without a debate in Parliament and prior approval of the House? To me, that is essential, and it is one of the reasons why I am concerned about the motion as it stands.

Mr. Hague: I totally agree with my hon. Friend about that. He need not be worried about the motion as it stands, or indeed about the Government amendment, on those grounds. Our motion refers to

"mechanisms to ensure that the capability to react rapidly in emergencies is maintained."

I shall return to that. The Government amendment respects the need to respond to emergencies.

Dr. Nick Palmer (Broxtowe) (Lab): I am grateful to the right hon. Gentleman for giving way; he is being extremely generous. He has stressed several times that we cannot make hard and fast rules for every situation. Does he agree, then, that legislation in this context would be inappropriate, and that what we need is some kind of cross-party consensus, and perhaps a consensus between the two Houses?

Mr. Hague: I tend to agree that we need some kind of convention, as advocated by the House of Lords Constitution Committee, or changes in the Standing Orders of the House, rather than legislation which has the additional disadvantage that it could be subject to judicial intervention in circumstances of armed conflict. I agree with the thrust of the hon. Gentleman's remarks.

I was attempting to say several minutes ago that the Chancellor of the Exchequer had said something similar to my right hon. Friend the Leader of the Opposition, saying in January last year that

"a case now exists for a further restriction of executive power and a detailed consideration of the role of Parliament in the declaration of peace and war."

Some of us have gone much further than that in the past, and by some of us I mean that I have, and so has the Leader of the House.

In April 2003 the right hon. Tony Benn and I, in what some regarded as a highly unusual alliance, made

[Mr. Hague]

a joint presentation to the Public Administration Committee, calling for the whole of the royal prerogative now exercised by Ministers, including the power to conclude treaties, the right to reorganise Government Departments, and the administration of the honours system, as well as the power to enter armed conflict, to be brought under parliamentary scrutiny and control. I cannot claim that anything so sweeping is at present the policy of my party or any other party, but the recent splitting of the Home Office with nothing more than a parliamentary statement to accompany it is an illustration of how much vital public business is removed from parliamentary consideration by being conducted under the royal prerogative.

I have always been in good company on that. One Labour politician wrote in 1994:

"The royal prerogative has no place in a modern western democracy"

and that it

"has been used as a smoke-screen by Ministers to obfuscate the use of power for which they are insufficiently accountable."

That politician was the right hon. Member for Blackburn (Mr. Straw), now the Leader of the House of Commons, who is anxiously ensuring that he opens the debate for the Government so that he can have his right to move back to the Foreign Office, rather than the Home Office, when the reshuffle is conducted.

The Public Administration Committee came to a clear conclusion in 2004. It conclusions are referred to in both motions. It called on the Government to bring forward specific proposals

"for ensuring full Parliamentary scrutiny of the following Ministerial prerogative actions: decisions on armed conflict; the conclusion and ratification of treaties; the issue and revocation of passports."

The Committee said that

"the prerogative has allowed powers to move from monarch to Ministers without Parliament having a say in how they are exercised. This should no longer be acceptable to Parliament or the people. . . It is now time for this unfinished business to be completed."

The Public Administration Committee considered the royal prerogative as a whole, but the House of Lords Constitution Committee looked into Parliament's role and responsibility on the issue of waging war. Its witnesses included military, academic and diplomatic experts. Its central conclusion was that

"the exercise of the Royal Prerogative by the Government to deploy armed forces overseas is outdated and should not be allowed to continue as the basis for legitimate war-making in our 21st century democracy. Parliament's ability to challenge the executive must be protected and strengthened".

There is a need to set out more precisely the extent of the Government's deployment powers and the role that Parliament can and should play in their exercise.

Chris Bryant (Rhondda) (Lab): I am sure that there should be full parliamentary scrutiny. However, one of the issues that concerns me is whether there should be a requirement for a vote in this House and in the second Chamber. If one had two different outcomes in the two different Chambers, that might hamper the Government and the nation in a very serious way. Might not a more sensible approach be to return to the practice of previous centuries whereby this country never went to war unless we had granted supply, which was granted only by this House, not by the two Chambers?

Mr. Hague: There are various ways of dealing with the problem that the hon. Gentleman describes. The favoured option of the House of Lords Constitution Committee, which was not a bad one, was when time allowed to have a debate in the upper House which would help to inform the debate in this House, but there would be no binding vote on the Government in the House of Lords. In that way, the nation could benefit both from the expertise of the upper House and the democratic legitimacy of the lower House in an appropriate sequence. However, there would be other ways of dealing with the matter.

Mr. Bernard Jenkin (North Essex) (Con): May I commend to my right hon. Friend the speech by my noble Friend Lord Norton of Louth in response to the report by the House of Lords Constitution Committee, in which he pointed out that to exercise such restraint we need not only mechanisms but the political will? May I take it that the appearance of the name of the Opposition Chief Whip on the motion means that when we are in government he will encourage colleagues to exercise their political will in respect of these matters?

Mr. Hague: My hon. Friend is right. Our noble Friend Lord Norton of Louth—I was going to refer to him later—made an important speech about the provision of information to Parliament and the political will. My hon. Friend can be assured that the presence on the motion of the name of my right hon. Friend the Opposition Chief Whip means that that will be fully borne in mind in a future Administration. It also means that it is very important to vote for the motion.

Mr. Kenneth Clarke (Rushcliffe) (Con): Does my right hon. Friend agree that things could change if we have a reform of the upper House, which we are waiting to see whether the new Prime Minister will take through? If we have an upper House that is largely elected, and where no one party has a majority, it might be important to respect that House by having both Houses of Parliament involved in giving approval to the deployment of troops, thereby making Parliament even more effective in its control of these matters.

Mr. Hague: Although my right hon. and learned Friend and I usually agree automatically on these issues, all I can say is that that must be something that can be borne in mind. It would introduce an additional complexity to matters if the approval of two Houses had to be secured, and one would always have to be sure—at least, most Members of this House would want to be sure—that the supremacy of the House of Commons was guaranteed. However, that is a further matter on which consultation should be held before final proposals are framed.

The House of Lords Constitution Committee argued not for an Act of Parliament, which could subsequently be subject to judicial intervention, but for a parliamentary convention, which could presumably be reflected in the Standing Orders of both Houses, that

determined the role that Parliament should play in the deployment of armed forces overseas. It recommended that the Government should seek parliamentary approval if they propose the deployment of British forces outside the United Kingdom into actual or potential armed conflict, and that they should indicate their objectives, the legal basis and the likely duration and size of the operation. It recommended that, if for reasons of emergency and security, prior discussion were impossible, the Government should provide retrospective information in seven days—or as soon as is feasible—and seek approval at that time.

It is not difficult to understand why so many informed and authoritative commentators and Committees of both Houses have concluded that matters need to be changed. In the past 10 years, the UK's armed forces have been deployed in five major military operations overseas—in Bosnia, Kosovo, Sierra Leone, Afghanistan and Iraq—and in each case the procedure for parliamentary involvement has differed. The House had a fiercely contested debate and vote about the Iraq war. The Leader of the House subsequently acknowledged that that set an important precedent for the future. On Kosovo, about which there was widespread, cross-party agreement, the debate was held on the Adjournment of the House. We have had many Government statements on Afghanistan, but there has never been an opportunity for a parliamentary vote, despite the fact that it is now the most substantial overseas commitment of the British armed forces, and is likely to remain so for some time.

I draw attention to the variety of procedures not to criticise the current Government but to show that those of us who believe that the accountability of Ministers to Parliament is important to our democracy cannot sit back and think that current procedures are adequate. The number of overseas deployments in recent years has highlighted the problem, as has the controversial nature of at least one, but it is also true that the procedure has similarly varied in previous decades. There was a substantive vote at a late stage on the commitment of troops in the Korean war and the first Gulf war. On the other hand, the debate on the Falklands war took place on the Adjournment of the House. No substantive vote took place on the deployment of forces at Suez.

The arguments for ending the extraordinary variety of procedures, which generally results in the adoption of the one that is least inconvenient to the Government of the day, are strong. There is the case for strengthening Parliament vis-à-vis the Executive across the board. Whether or not the Government in this country have the characteristics of an elective dictatorship, there is widespread concern that the power of Parliament to influence Government decisions has become weaker over the years and that the trend needs to be reversed.

A second and related case is that of democratic legitimacy. In the words of Lord Holme of Cheltenham when he introduced the subject in the Lords on 1 May:

"The question is: in a modern democracy, not a 15th century monarchy, on whose authority should the young men and women of our armed forces be sent overseas to fight for their country?"—[*Official Report, House of Lords*, 1 May 2007; Vol. 691, c. 980.]

A third and related argument is that of reassurance to the nation that, on such momentous matters, debate will, whenever possible, be thorough and informed, and that Ministers must always operate under the constraint of knowing that they will have to explain in the House—prospectively or retrospectively—the basis of their actions.

The former Chief of the Defence Staff, Lord Bramall, put the fourth and crucial argument to the House of Lords Select Committee. He said that the armed forces need to know that the elected representatives of the nation are behind them. As he put it,

"the armed forces need to be reassured... that they have the support of the country... Parliament represents the will of the people and if Parliament supports the action... the armed forces can take heart that constitutionally the country supports it."

Such arguments are compelling, but, of course, we are considering no simple matter. That is why we have given careful thought to the phrasing of our motion, which supports the principle that parliamentary approval should be required and calls on the Government to bring forward proposals to give effect to the principle, so that the practical difficulties that many Departments might raise can be taken fully into consideration. We have called for the principle to apply to "any substantial deployment" of British armed forces, bearing in mind that there is occasionally the need for deployment of special forces or others, in small numbers and in great secrecy, as part of rescue or intelligence missions or anti-terrorist activities.

Patrick Mercer (Newark) (Con): Will my right hon. Friend help me to define "substantial"? Does it refer to firepower, manpower or both?

Mr. Hague: As I have said to other hon. Friends who have intervened, it is not possible to set out a precise number or quantification, even when we come to Standing Orders or however such matters are embodied. It has to be a matter for the common-sense judgment of the Government and Parliament at the time. Any of the five military deployments of the past 10 years that I referred to—Bosnia, Kosovo, Sierra Leone, Afghanistan and Iraq—would count as substantial deployments in the common-sense view of the Government and Parliament. It may not be as difficult to answer my hon. Friend's question on a case-by-case basis as he might think.

We call in our motion for this principle to apply to

"situations of war or international armed conflict",

thereby excepting, of course, all domestic and routine military deployments. It is a matter for debate whether peacekeeping operations, which can also involve forces being drawn into danger and conflict, should similarly require parliamentary debate and approval.

We have drawn attention to the work of the Public Administration Committee and the House of Lords Select Committee on the Constitution as the basis of parliamentary consensus because we believe that the latter Committee's recommendation to consider changes by parliamentary convention rather than by Act of Parliament may provide the best way forward.

Finally, we have stressed in our motion that the Government's proposals to give effect to this principle should include

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"mechanisms to ensure that the capability to react rapidly in emergencies is maintained."

No parliamentary procedure should stand in the way of the defence of the nation when it is under attack, when coming to the immediate aid of an ally or in meeting our treaty obligations. That is an extremely important point, because in NATO and the European Union we have obligations to take part in rapid reaction forces. Governments should not be constrained in taking action very quickly when necessary, provided that they are confident of being able to justify their actions in Parliament.

Mr. John Baron (Billericay) (Con): May I raise an additional factor: the importance of good intelligence? My right hon. Friend might agree that the key lesson from Iraq was not the issue of parliamentary approval, but of whether the intelligence presented was properly scrutinised and assessed. In that vein, does he agree that parliamentary approval is of secondary importance to good intelligence, because one could easily paint a scenario where, if the intelligence were bad, we would repeat the same mistake that we made in Iraq, irrespective of parliamentary approval to go to war?

Mr. Hague: My hon. Friend makes a very important point, although I would say that parliamentary approval was not of secondary importance but of parallel and related importance. There should be a formally accepted and generally agreed way of approaching decisions on these matters, but, as on all matters, the quality of those decisions will depend on the quality of the judgment and the available information.

That brings us to questions about how the House should deal with intelligence, which other hon. Members—I have already spoken for half an hour—may wish to pursue in this debate. Relevant issues are the role of the Intelligence and Security Committee, whether it should report to the Prime Minister or the House, whether other Committees should have a role in seeing intelligence under carefully guarded procedures, and the Government's treatment of intelligence, which I shall raise as I reach my conclusion.

Mr. Quentin Davies (Grantham and Stamford) (Con) *rose—*

Mr. Hague: I shall give way, but for the last time, as other hon. Members want to speak.

Mr. Davies: I am most grateful to my right hon. Friend, who has been extremely generous in giving way this afternoon. I would like to take up a point arising from what he said before he spoke about intelligence. He said that it would not, in his conception, be necessary to have a parliamentary vote where we were taking military action under treaty obligations. Earlier on, he said that one example of where, in his conception, a parliamentary vote would have been required was Afghanistan. Surely we took military action there as a result of an attack on an ally, which triggered article 5 of the Washington treaty. Does he believe, on reflection, that that was or was not a case requiring a parliamentary vote under his proposals?

Mr. Hague: It would entirely depend on the speed of the action taken. My point was that where, according to the judgment of the Government of the day, immediate action were required under treaty obligations, they must be able to take it, but they should subsequently come back to Parliament for retrospective information and retrospective approval. Where those treaty obligations lead to a build-up of forces and a plan for a campaign—in the case of Afghanistan, one could argue that there have been three separate stages of deployment over the past six years—there is, of course, a case for prior approval of some deployments. The picture is more complex than my hon. Friend's question allows for and it depends on the speed of the deployments involved.

It must be well within the wit of Ministers to produce the proposals that we are calling for, giving effect through our procedures or conventions to the principle for which I have argued while fully allowing for all the situations that I have just described. I look forward to the Leader of the House saying that they will embark on doing so, and to his accepting our motion in acknowledgement of this gathering consensus. It has to be said, however, that until today the Government have been unwilling to accept that consensus. Their response to the House of Lords Select Committee was thin, to say the least, arguing that

"the Government is not presently persuaded of the case"

for establishing a new convention. They also asserted that

"adequate mechanisms for intense Parliamentary scrutiny of executive actions are already in place."

The Lord Chancellor summed up the debate in the Lords two weeks ago—rather forlornly, because all but one of the other speakers endorsed the Select Committee report—by saying that it was a most impressive report but that he disagreed with it. He said that the Committee's proposal was not the right one, yet he declined to make any of his own.

The Prime Minister has also seemed unwilling to establish new and clear procedures. He told the Liaison Committee in January 2003 that he could not think of a set of circumstances in which a Government could go to war without the support of Parliament, side-stepping the large number of occasions on which that support has never been asked for. He went on to say of the royal prerogative:

"I do not see any reason to change it".

However, the Government have never presented any convincing arguments against the conclusions of the Select Committees of this House or of the Lords.

The Lords Committee considered the Government's cursory response to its report to be "inadequate", saying that it failed

"to provide a comprehensive or stand alone outline of the Government's position".

As Lord Mayhew of Twysden put it, the Government's response, promising in a few short paragraphs to keep its policies under review,

"was selected with satisfaction from the office file of reach-me-down brush offs. The Committee, the armed forces and the public deserve better than that."—[*Official Report, House of Lords*, 1 May 2007; Vol. 691, c. 993.]

I hope that they are now to get something better than that, although it has taken an Opposition motion on the Floor of the House to achieve it.

I hope that it will not be too much longer before Ministers give further indications of their thinking. I hope that the Leader of the House will say today that they will consult the Opposition parties in drawing up their proposals—I think that he is indicating assent to that. I hope that Ministers will also remember that Parliament can come to sensible decisions on matters of war and peace if it has confidence that the information provided by the Government can be relied on, and that the Cabinet itself has been able to exercise its responsibility to make an informed judgment of the intelligence. That relates to the point raised by my hon. Friend the Member for Billericay (Mr. Baron).

The report of our democracy taskforce, produced by my right hon. and learned Friend the Member for Rushcliffe, was entitled "An End to Sofa Government", in reference to how the present Prime Minister has run things. In the Lords, my noble Friend Lord Kingsland has drawn attention to the need for Parliament to be able to have confidence that the proper processes of Cabinet government are observed. He drew attention to page 146 of the Butler report, which reads:

"One inescapable consequence"—

of the way in which the Government make decisions—

"was to limit wider collective discussion and consideration by the Cabinet to the frequent but unscripted occasions when the Prime Minister, Foreign Secretary and Defence Secretary briefed the Cabinet orally. Excellent quality papers were written by officials, but these were not discussed in Cabinet or in Cabinet Committee. Without papers circulated in advance, it remains possible but is obviously much more difficult for members of the Cabinet outside the small circle directly involved to bring their political judgement and experience to bear on major decisions for which the Cabinet as a whole must carry responsibility. The absence of papers on the Cabinet agenda so that Ministers could obtain briefings in advance from the Cabinet Office, their own departments or from the intelligence agencies plainly reduced their ability to prepare properly for such discussions, while the changes to key posts at the head of the Cabinet Secretariat lessened the support of the machinery of government for the collective responsibility of the Cabinet in the vital matter of war and peace."

If Parliament is to be able to exercise its responsibility, it needs to know that the Cabinet can exercise its responsibility on matters of war and peace, and that Ministers are enabled to do so.

Taken overall, this issue can no longer be brushed away as it was by the Lord Chancellor two weeks ago. The number of conflicts in recent years, the extensive deployments of British armed forces, and the raising of the issue by both the Leader of the Opposition and the Chancellor of the Exchequer, mean that Ministers and their officials must now turn their attention to how the principle of parliamentary approval for participation in armed conflict can be established to the satisfaction of the nation. The acceptance of our motion tonight would supply them with the necessary support and authority, and with a requirement to do so. They seem to be on the verge of making a commitment to doing so, and the Leader of the House should be in doubt that we would hold them to it.

4.19 pm

The Leader of the House of Commons (Mr. Jack Straw): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"welcomes the precedents set by the Government in 2002 and 2003 in seeking and obtaining the approval of the House for its decisions in respect of military action against Iraq; is of the view that it is inconceivable that any Government would in practice depart from this precedent; taking note of the reports of the Public Administration Select Committee, HC 422 of Session 2003-04, and of the Lords Committee on the Constitution, HL 236 of Session 2005-06, believes that the time has come for Parliament's role to be made more explicit in approving, or otherwise, decisions of the Government relating to the major, or substantial, deployment of British forces overseas into actual, or potential, armed conflict; recognises the imperative to take full account of the paramount need not to compromise the security of British forces nor the operational discretion of those in command, including in respect of emergencies and regrets that insufficient weight has been given to this in some quarters; and calls upon the Government, after consultation, to come forward with more detailed proposals for Parliament to consider."

For Parliament and any Government, no issue is of greater gravity and consequence than war: whether to put our servicemen and women in harm's way, in the certain knowledge that some will be injured and some may be killed; and whether to entertain the other two certainties of war—innocent civilian casualties and considerable financial cost—along with the uncertainty of war, of unintended consequences.

Precisely because of the seriousness of such decisions, Parliament, especially this House, has long played a role in holding the Prime Minister and Cabinet of the day fully to account for their decisions. Indeed, there has not been a significant armed conflict overseas since the beginning of the 20th century in which the United Kingdom has been involved where, in one way or another, at the time of decision or in retrospect, this House has not indicated whether, and in what way, it has consented to the Executive decision taken.

The very qualifications in the language that I have just used, however, tell their own story about the question that lies at the heart of today's debate—that the power to make war, and to enter into armed conflict, is currently based on the exercise of the royal prerogative. That, in turn, has meant that Parliament's role, though substantial, is imprecise and less than well defined.

The background of the more general scope of the royal prerogative is set out in two Select Committee reports—one of this House and one of the other place, mentioned in both the motion and our amendment. The first, from the Public Administration Committee, from the 2003-04 Session, is entitled, "Taming the Prerogative". The second, from the Lords' Constitution Committee, from the previous Session, is entitled, "Waging War: Parliament's Role and Responsibility". Each report is, in its own way, a model—well researched, well written and with conclusions that are well argued, even if they have not satisfied all. I say parenthetically that if anyone wants an example of the way in which the Select Committee system has greatly strengthened the role of Parliament in holding Ministers to account and in pushing further reform, those are two.

The right hon. Member for Richmond, Yorks (Mr. Hague) generously drew to the House's attention —I would have drawn attention to it had he failed to do

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so—to the fact that I have never been too enamoured of the royal prerogative as a source of Ministers' decision-making power. As the Public Administration Committee also generously pointed out in its report, I first wrote about the prerogative in some speeches and articles in the 1990s. Many of the major constitutional improvements that the Government have made in the past 10 years have had the effect, direct or indirect, of constraining or removing prerogative powers.

The source of the prerogative is buried in the mists of time—drawn from the period when some claimed that monarchs ruled by divine right and never by the people's will—and predates the English civil war and the 1689 Bill of Rights, so prerogative powers are, as I have indicated, imprecise, as has been Parliament's role in adjudicating on them.

As the Lords report points out, the usual platform for debate on whether to put our troops in harm's way is on a motion for the Adjournment. Let us reflect on how that must look to the public. The question before the House is not whether we go to war but whether we go home: whatever else changes, that must. I disclose no secrets if I tell the House that the Modernisation Committee is likely to recommend a replacement of "debates on the Adjournment" with debates on "subjects of importance", whether or not the debates are subject to a substantive or an open motion.

Mr. Kenneth Clarke: I have listened to the right hon. Gentleman with total approval so far. It is obvious that his past writings are the reason he is replying on behalf of the Government today. Does he not agree, however, that the Government of whom he remains a member have experienced a conversion as remarkable and rapid as St Paul on the road to Damascus? I can only imagine that that is either because of the drafting of the motion tabled by my right hon. Friend the Leader of the Opposition and the arguments of the Opposition, or because the Prime Minister has stated his intention of leaving office in the next few weeks. Will the right hon. Gentleman tell me which is the case, and why we are now hearing speeches of this kind when the same propositions have been resisted stoutly for the past two or three years?

Mr. Straw: Neither is the case.

Mr. Hague: Perhaps it is coincidence.

Mr. Straw: No, it is not coincidence; and I think we have taken rather longer than St Paul. We said in response to their lordships' report that we were keeping the matter under review, and that is exactly what we have done.

Let me disabuse the right hon. and learned Gentleman of one notion—that our amendment was drafted in response, literally, to the Opposition motion. Because the Opposition have departed from our practice of tabling Supply day motions early and have been very dilatory, and because I had something else to do yesterday—as the House is well aware—I drafted the amendment on Sunday. Had it been clear that the Leader of the Opposition had used words similar to mine, no doubt we could have agreed on the matter without a Division.

I can tell the hon. Members for Macclesfield (Sir Nicholas Winterton) and for North Essex (Mr. Jenkin), and indeed the right hon. Member for Richmond, Yorks, that if they examine the wording of the amendment they will see that we provide comfort for the Opposition that is absent from the Opposition's own motion. I hope that after further consultation they will accept our amendment without a Division.

Let me answer the hon. Member for Macclesfield by saying, first, that our amendment spells out in more detail why caveats are needed in the exercise of this House of Commons power. It is important to say that, because reports of debates of this kind are read by the military. Secondly, it spells out that there will be consultation, and—as I was going to say later in my speech—of course there will be consultation with the Opposition parties as well as the public. Thirdly, and in many ways most importantly, it is intended to reassure the hon. Member for North Essex in the light of his entirely justified suspicion that those who inhabit the Whips' Offices on either side at all times may just decide to cook something up for their own benefit. What the amendment says and the Opposition motion does not is that we are of the view that the processes adopted in 2002 and 2003 constitute a precedent, and that it is not conceivable that this House would ever depart from that precedent.

Mr. Hague *rose—*

Mr. Straw: Of course I give way to the right hon. Gentleman. I hope that there has been another Pauline conversion, and that he is about to say he will accept our amendment without pressing it to a Division.

Mr. Hague: As I pointed out and as the Leader of the House has pointed out, the Opposition motion and the Government amendment have a huge amount in common. However, if the Government's response—a response calling on the Government to produce new proposals—was so well prepared in advance of the debate, I wonder why the Lord Chancellor said only two weeks ago that it would be both wrong and damaging to change the position.

Mr. Straw: The Lord moves in a mysterious way His wonders to perform. If I were the right hon. Gentleman I should be pleased that we are arriving at a consensus, and that the House is accepting advice of the kind that I was offering back in 1994.

Mr. Redwood *rose—*

Mr. Straw: If the right hon. Gentleman will allow me to make a little more progress, I will give way to him shortly.

As Professor Lawrence Freedman explained in his evidence to the Lords Constitution Committee, since the end of the second world war Britain has been involved in

"more military operations than any other country including the United States".

Some of them were against "anti-colonial independence movements", but

"most were either interstate conflicts or interventions in intrastate wars".

The Lords Committee records that there have been 60 British deployments overseas since 1990, some of them minor, but five major—the Gulf war and the deployments in the Balkans, Sierra Leone, Afghanistan and Iraq, and, in the 1980s, in the Falklands. In each of the cases before Iraq, Government reported regularly to the House in the form of statements, and the issues were often debated, too.

Let me return to the first occasion in my parliamentary career when war was debated: in April 1982 in respect of the Falklands. There is no question but that Ministers at that time recognised the need to gain—in one way or another—the consent of Parliament. Indeed, Parliament was called to a special sitting on a Saturday. However, the debate was short—it was three hours long—and on the Adjournment, and those that followed were also on the Adjournment. I thought at the time that the Commons should have been able to express whether it consented in a tangible way—by vote. I thought that as a supporter—not an opponent—of military action against Argentina, because I considered that to be the proper role of the Commons. To echo a point made by Lord Bramall in the other place, I also thought that because I believed that our troops, some of whom came back maimed and others of whom never came back at all, deserved to know the level of support that was behind them from the people's representatives in this Chamber.

Mr. Redwood: I quite understand the concern about committing troops on the ground, but what procedures should the House follow prior to a big missile bombardment or aerial bombardment—prior to the exercise of considerable force over a concerted period, not a sudden and extreme raid? I ask that question because when I tabled questions on the amount of bombing in recent years I was not given any answers.

Mr. Straw: The right hon. Member for Richmond, Yorks said that the matter we are discussing is not simple, and it is not. The question that the right hon. Member for Wokingham (Mr. Redwood) asks illustrates its complexity The exact circumstances in which this House should in advance have the right to give, or not give, its approval of military conflict decisions must be very carefully considered. Let us look back at the circumstances of the five major wars in which we have been involved and which I just mentioned. Were this new procedure in place, in each case there should have been a debate on a substantive motion, usually in advance—although perhaps, for special reasons, in the case of the Gulf war in retrospect, and an issue might also have been raised in respect of Afghanistan in 2001 to do with our treaty obligations. However, because this is not a simple matter we shall enter into a process of active consideration and consultation to ensure that we get it right and that we do so in a flexible way.

At the time of the Falklands war, the then Government followed precedent, as others before and since have done. Before 2003—the Lords report draws attention to this—there had been only one occasion when the House had voted in advance on a substantive motion: in July 1950 on the Korean war. The motion was agreed without a vote—after, I say to the right hon. Member for Richmond, Yorks, the then Leader of the House had persuaded the then Leader of the Opposition to withdraw his motion. I hope that the right hon. Gentleman takes note of that.

Mark Pritchard (The Wrekin) (Con): If there is a general election post deployment, how does the Leader of the House envisage that new Members elected to a new House will have their say? Would any new Parliament require a new vote?

Mr. Straw: Again, it depends. In principle, this House cannot bind its successor and that has to be the case, but exactly what should be done in each situation depends on the circumstances. No Member of this House—whether new or antique—would ever wish to put our troops at risk or our crucial national interests in jeopardy. That would have to be taken into account, but in principle if there were a new Administration—not a continuity of an existing one—it would be fully open to, and appropriate for, the Government of the day to propose a motion on such a matter.

Mr. Edward Leigh (Gainsborough) (Con): What if circumstances change? Given that the justification for that war—that there were weapons of mass destruction that threatened us—was completely different from the present justification, which is that we should try to install a democratic regime, will the Government now allow us a vote on whether our troops should remain in Iraq?

Mr. Straw: I do not accept that the justification is completely different. Of course I am aware, as all of us are—how could we not be?—of the deficiency of the intelligence in respect of Iraq, but the opinion that Iraq posed a

"threat...to international peace and security"

by reason of its proliferation of WMD was the opinion of the whole Security Council, unanimously expressed in resolution 1441 in November 2002. Indeed, I have just quoted its exact words. I know that the hon. Gentleman has taken a consistent and honourable position against the war from the start. The action that we are now taking to sustain a democratically elected Government in Iraq follows directly from a series of United Nations Security Council resolutions that, essentially, give us not just that discretion but that duty to do so.

Sir Peter Tapsell (Louth and Horncastle) (Con): At the very end of the 1951 general election, the *Daily Mirror* carried the sensational headline, "Whose finger on the trigger?" That is the question that will still have to be answered at the end of all these discussions.

Mr. Straw: As I remember, that was a question about which party should be elected—*[Interruption.]* The issue is that the decision making in our constitution is a matter for the Executive, and whether or not to approve a decision in respect of military action is a matter for this House. Our constitution works on the

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basis, as most others do, that the Executive propose and Parliament—this House—disposes. We are seeking—I am glad that there is a consensus—to ensure that the role of this House is made more explicit and formal, and that the circumstances in which it is asked by substantive resolution to exercise that role are clearer.

Sir Nicholas Winterton *rose—*

Mr. Straw: If I may, I shall give way to the hon. Gentleman in a moment. I need to make some progress, as I have already been speaking for just under 20 minutes.

When, in 2002, military action against Iraq loomed as a possibility, many inside and outside this House demanded that any decision be subject to a substantive resolution by this place. I pay tribute to my late and much-missed friend Robin Cook for the way in which, as the then Leader of the House, he faithfully represented in government this House's views. I am glad to have worked with him on this, and the Cabinet unanimously agreed his propositions. In the event, alongside many statements, four full-length debates on Iraq were held in this place between September 2002 and March 2003. Three debates were on substantive motions: in November 2002; in February 2003; and then, of course, in the crucial determining debate in March 2003, which confirmed the decision for military action by a majority of 263.

That set of debates on substantive motions established a clear precedent for the future from which I do not believe there will be, or could ever be, a departure. Indeed, as my right hon. Friend the Prime Minister put it:

> "The fact of the matter is that I cannot conceive of a situation in which a Government...is going to go to war—except in circumstances where militarily for the security of the country it needs to act immediately—without a full Parliamentary debate".

However, there has of course been an issue about whether these precedents and this clear consensus about the role of Parliament should, as I have indicated, be formalised and made more explicit. As the Government's amendment spells out, we believe that the time has now come to do so. If the amendment is passed, we will make more detailed proposals for consultation—yes, including with the Opposition parties. It is important, if we can, to establish a broad agreement to any new process, precisely because of the gravity of its outcome.

Let me now deal—not with levity—with why there has been some hesitation in government on this issue. Hesitation to make more explicit our procedure has not arisen because of any nostalgia for our system of government before the 1689 Bill of Rights. It has done so because of concern about the adverse impact of any new process on the operational discretion of those in command and on the linked ability to respond to emergency situations and other instances requiring secrecy; and, above all, because of concern about the need not in any way to compromise the security and well-being of our troops or damage their morale. Each of those concerns is very serious and none should be dismissed. Many of them were raised by those who gave evidence to the Constitution Committee inquiry, not least those with military experience. Former Air Marshall Lord Garden and Field Marshall Lord Bramall, himself a former Chief of Defence Staff, both stressed that while they were in favour of greater parliamentary involvement in approving decisions on deployment, they strongly opposed parliamentary adjudication of operational decision making.

Former Air Marshall Lord Garden—now a Liberal Democrat peer—cautioned that:

> "What you cannot do is end up with Parliament micro-managing the forces, taking tactical decisions, and you have to set thresholds at a level where this will not happen. On any roulement you get a sudden bulge of numbers and then a decrease in numbers. You do not want Parliament involved in that".

Lord Bramall echoed his warning, stating that

> "Under no circumstances must parliamentary approval be allowed into the tactical field or the minute field of the way you carry out the operation".

Patrick Mercer: The point that gives me difficulty is the use of the word "substantial". In our current experience, wars do not start with the massing of forces on borders. Instead, they evolve in dribbles. When do we decide that parliamentary permission is needed for a substantial deployment? Does "substantial" refer to firepower or to manpower?

Mr. Straw: I know that the hon. Gentleman has military experience and I say to him that this is a difficult issue. The motion sets out, as I have, the important caveats to taking a decision in advance of a deployment. I am sure that the hon. Gentleman has read the Constitution Committee's report, but if he refreshes his memory on it, he will see the interesting discussion of various conflicts in which we have been involved in which, in the main, we have had the opportunity to consider the matter in advance. Sometimes that has not been the case, but it is significant that it has been the case quite frequently. If we go back through the last 100 years, we see that there has been a build up to every military action that I can think of, and it has been the British Government's decision—to which Parliament consented in one way or another—that has led to the war. I include the second world war, which, yes, turned out to be an existential war involving this country, but the declaration of war was made by us against Hitler, not by Hitler against us.

Dr. Nick Palmer: Does my right hon. Friend agree that although it is likely to increase troop morale if there is solid parliamentary support in advance or at the beginning of an action, it is likely to risk troop morale if the issue is gratuitously reviewed during an action? The suggestions made earlier that the House should regularly return to the issue are therefore perhaps misplaced.

Mr. Straw: My hon. Friend makes an important point. The House should return to the issue in the sense that regular statements should be made and perhaps debates held, but I can think of nothing more damaging to forces' morale—and many of us have family members in the armed forces—or that would create greater uncertainty and possibly put troops at risk than constant reviewing and the risk that the House would effectively make operational decisions in place of those in command.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): The Leader of the House might recall that in March 2004 we had a lengthy debate, which I opened, on the disclosure of the Attorney-General's opinion. The hon. Member for Broxtowe (Dr. Palmer) mentioned troop morale. A major factor in troop morale is knowing that the actions that they take are lawful in international and domestic law. In that regard, will there be a change of emphasis from the Government? In other words, will there be a presumption in favour of disclosure where possible, rather than a presumption against?

Mr. Straw: For very good reasons, neither I nor my noble Friend the Attorney-General favours having the advice offered to the Prime Minister and the Cabinet by Attorneys-General and Law Officers disclosed publicly, whether to this place or in any other way. In evidence to the Lords, my noble Friend drew a distinction between disclosing the advice and disclosing what amount to his conclusions in respect of that advice—whether, in other words, the conflict was lawful.

That was the practice that the Attorney-General adopted in respect of the Iraq war. He answered a parliamentary question in the other place, which I repeated here, and published a briefing document setting out why he believed—and it was his decision, not the Cabinet's—that the war was lawful. Of course Parliament should be informed about matters such as that, but the arguments against making the legal advice available, as opposed to the conclusions stemming from it, are overwhelming. I hope that the question is not pushed further.

There are two models for making Parliament's role more explicit: one is by statute, the other by resolution of this House, including Standing Orders and convention. When the right hon. Member for Richmond, Yorks gave evidence to the Public Affairs Committee—and in his speech he slightly slid over this as, unlike some of us, I think he has changed his mind—he said that a more explicit role for Parliament could be laid down in an Act of Parliament or in the Standing Orders of the House. However, the report states that he went on to call

"for a measure that was 'simple and flexible' to ensure that the House was able to discuss whether it should give its approval for military action. He was, however, concerned, that a comprehensive War Powers Act on the American model would find itself 'overtaken by events' because 'an international situation will arise in the next 20 years that is entirely different from anything we have ever experienced—and we would find such an act did not cater for it".

As we proceed with the consultation, we will look at the various ways to achieve the objective that I believe the whole House shares. As it happens, the Constitution Committee came down firmly against the statutory route, and raised a number of objections to it. The Committee said that a statutory requirement could create confusion about the legal status of our armed forces, and added that any challenges to the legality of a deployment could have a negative impact on the morale of the forces involved. Furthermore, it said that the possibility that troops could face prosecution was wholly unacceptable.

Aside from creating legal problems and potentially drawing the courts into the decision-making process, a legislative framework would have to ensure explicitly that it did not have a negative impact on an ability to react to emergencies. Examples of such emergencies might be the hostage rescue mission in Sierra Leone or, more recently, the UK evacuation of civilians from the Lebanon, where secrecy and speed, respectively, were essential.

The deployment of our forces in the modern world will almost always be part of a coalition. Timetables are not necessarily under our control, and flexibility is needed. Our military involvement could be less timely, and therefore less effective, if an inflexible statutory process and legal challenges to a deployment further delayed commitment. However, I make it clear that we will look at and consider both sets of suggestions that have been put before the House.

The alternatives to statute could be a resolution of both Houses, Standing Orders or conventions. As my hon. Friend the Member for Rhondda (Chris Bryant) noted, that inevitably raises the question of differences between the two Houses and their respective roles. Of course, both Houses have an absolute right to discuss decisions relating to military action, and to be consulted and kept informed by Government. However, in the final analysis, the primacy of the Commons must be upheld—and I believe that that must apply even after the other place has been reformed. I rely on the words of the noble Lord Norton of Louth—

Mr. Keith Simpson (Mid-Norfolk) (Con): It is pronounced "Lowth", not "Looth".

Mr. Straw: I apologise. I remember that for a short while there was a Conservative MP who used to be called "the mouth from Louth".

Lord Louth has noted that

"on issues of going to war, it should be the House of Commons that votes".

Mr. Baron: The Leader of the House is having difficulty answering the central question of when a vote would be triggered in the event of mission creep, but he is also having trouble with saying when the House, having held an initial vote, might be able to vote again if circumstances change. For example, let us suppose that the House votes to approve the deployment of forces in a war. If the main reason for going to war changes, should the House vote again?

Mr. Straw: First, those judgments have to be made in the circumstances of the time. I am not trying to dodge the point—that happens to be true. Secondly, in respect of major conflicts I have been of the view that there should have been substantive motions. The right hon. and learned Member for Rushcliffe (Mr. Clarke) takes a similar view—I have read what he said. Those examples are clear; they define themselves. Thirdly, there are difficulties in the way of the changes that I think the House wants to agree, but they are not insuperable and should not be a reason for resting at the status quo. With good will and the commitment to our armed forces that we all share, we can overcome those difficulties.

Sir Nicholas Winterton: Does the Leader of the House, who chairs the Modernisation Committee on which I sit, accept that we are likely to move towards

[Sir Nicholas Winterton]

the very structure that he has proposed to the House, and that there will be debates in the House on substantive or meaningful motions to enable the House to express a view one way or the other? That is likely to be a recommendation of the Modernisation Committee's current inquiries and is—I point out to colleagues on both sides of the House—a result of representations made to us from both sides of the House.

Mr. Straw: Indeed. It seems as though the recommendations of the Modernisation Committee are moving in that direction. We are certainly proposing to change the title "Adjournment debate"; it is ludicrous and outdated and even in the House no one can understand why we move to go home and then spend six hours discussing not whether we are going home but issues of major importance. The Government have tried to make better use of substantive motions for subject debates as well as for debates on specific issues. Of course, judgments have to be made; for example sometimes—as I have done myself—in foreign policy areas it is better for there to be open debate without a specific resolution, as sometimes there may be, too, in respect of reviewing the progress of military action. Finally, it is always open to the Opposition to table a substantive motion, although neither Opposition has tried to do so in respect of military action during my 28 years in this place.

Mr. Jenkin *rose—*

Mr. Straw: I have quoted the hon. Gentleman a couple of times, so I shall give way to him.

Mr. Jenkin: I am most grateful to the right hon. Gentleman. The advantage of a non-substantive motion is that it can allow the House to air views without necessarily intending to divide the House. Nevertheless, it was just such a motion that led to the downfall of the Chamberlain Government on 6 May 1940, so it is not exactly a blunt instrument.

Mr. Straw: I accept that. Some of us were in the Chamber on 3 April 1982 for a short debate on a motion for the Adjournment, which had a disastrous effect on one member of the Cabinet and framed the rest of the conduct of that war. I am not dismissing debates on the Adjournment, but we need to think about what is appropriate for today rather than for 60 years ago.

Mr. Tobias Ellwood (Bournemouth, East) (Con): If the House is to vote, we must have the right information. The right hon. Gentleman referred to the crucial debate on 18 March 2003 that led us to war. Many people inside and outside the House believe that we were misled about the information that took us to war. What changes will the Leader of the House introduce to make sure that we have correct, unspun information so that we can accurately vote on the case, rather than what happened in 2003?

Mr. Straw: This is not the occasion to rehearse all that, but no one sought to mislead the House, or to act in that way. Four successive inquiries found no shred of evidence of any desire by members of the Government, including my right hon. Friend the Prime Minister and me, as Foreign Secretary, to mislead the House. My right hon. Friend the Prime Minister, the then Secretary of State for Defence and I sought to put before the House as much information as possible, including extensive documentation of what the United Nations was deliberating and deciding in respect of its view that Iraq posed that threat to international peace and security. That is the fact of the matter. Yes, there was an argument about whether it was appropriate to take military action, but there was much less argument, internationally and here, about whether, at that stage, on the public and secret information available, Iraq posed a threat to international peace and security.

The vote on Iraq in 2003 set a clear precedent for the need for the substantive involvement of Parliament in decisions on armed conflict, but now is the time to formalise that precedent and to define its scope. The Constitution Committee has provided a helpful starting point, setting out the core characteristics that might define such a process: principally, that Government should seek parliamentary approval in respect of any decisions on the major or substantial deployment of British forces outside the UK, that they should indicate the basic objectives and nature of any such deployment, and that they should keep Parliament informed of progress. We will make more detailed proposals, as I said. It is vital, not just for the House, but for those we represent—particularly, the brave men and women who comprise our armed forces—to get this matter right.

At the end of his speech—the serious part of his speech was sandwiched in the middle—the right hon. Member for Richmond, Yorks started to have a bit of fun by talking about what he called presidential government. I am glad that he mentioned that the charge is levied—entirely inaccurately—not only against this Government; it has also been levied by the right hon. and learned Member for Rushcliffe against previous Administrations, including a number in which he served, in an interesting document from the democracy taskforce, which he chairs.

However controversial the decision to go to war against Iraq may have been, it was a decision in which senior Ministers—myself included—were actively involved, not just day by day, but hour by hour. It was a decision that was made by Cabinet and explicitly approved by the House on a substantive motion of exactly the kind that we all now want to make standard and to embed within our procedures.

Nor does the evidence support the oft-heard allegation that there was once some golden age in the '50s and '60s when Parliament reigned supreme. All the historical and expert evidence points the other way. It points to an increasingly active, effective Commons—as well as Lords—and to the much greater accountability of Ministers generally. From the establishment of departmental Select Committees by Norman St. John-Stevas—a great reformist Conservative Leader of the House—in 1979 to the many improvements made in the last 10 years, including the Human Rights Act 1998, which has quite properly made Ministers much more judicially accountable for their many decisions, and the recent move to Select Committee-style hearings on Bills, this place has become more effective and Members much more active.

That process has to continue. We have by no means reached a state of grace in the necessary balance of power between the Executive and the legislature. We want to see this place—this Parliament—strengthened. Reforms of the kind set out in our amendment on what should be Parliament's crucial role in approving or withholding consent for the decision to go to war are justified in their own right and are further steps on the road to making a constitution fit for this century, not for the last. I commend our amendment to the House.

4.58 pm

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): This is an important debate, as illustrated by the quality of the opening speech from the Opposition and of the Government's response. National security is surely the most important responsibility of any Government and committing our armed forces is the most serious decision ever taken by a Government. Parliament ought to be central to that decision. As a party, we have long supported the principle of parliamentary approval for participation in armed conflict. On 1 December 2004, we tabled an amendment to the Humble Address in which we proposed a special Select Committee to address that issue, because we regretted that the legislative programme contained

"no commitment to introduce legislation to clarify the responsibility of the Prime Minister to Parliament, particularly in relation to the prerogative powers and the role of Parliament in matters of war and peace".—[*Official Report*, 1 December 2004, Vol. 428, c. 742.]

In October 2005, Liberal Democrat Members were present in significant numbers to support the Armed Forces (Parliamentary Approval for Participation in Armed Conflict) Bill, which was promoted by the right hon. Member for Birmingham, Ladywood (Clare Short) and owed a great deal to the hon. Member for Walthamstow (Mr. Gerrard). The Bill had significant cross-party support. Accordingly, we will support the Conservative motion in the Lobby.

We are entitled to pause to reflect on the significance of the change of heart that the motion represents. While the Chancellor might have missed the vote in 2004 on our amendment to the Humble Address, the right hon. Member for Witney (Mr. Cameron), who is now the Leader of the Opposition, voted against it. The following year, on Second Reading of the private Member's Bill introduced by the right hon. Member for Birmingham, Ladywood, the Conservative spokesman made a speech in which he identified no fewer than six or seven major areas of concern. The motion thus marks quite a turnaround. However, I must give credit to the shadow Foreign Secretary because he was a sponsor of the right hon. Lady's Bill and had gone on record about the matter before the Public Administration Committee as early as March 2004. Even with his famous powers of persuasion, he must be quietly pleased that he has turned Conservative thinking so thoroughly on its head in the period since then, not least in the absence of any significant new developments or tests of principle since his leader voted against the very idea only two and a half years ago.

With a few honourable exceptions, Conservative Members are in the midst of a public U-turn. However, the Government's position is nowhere near as clear cut. Few would be surprised that Labour Members voted against our amendment to the Humble Address in 2004, or would need any reminder that the Minister for Europe, the then Leader of the House, effectively talked out the Armed Forces (Parliamentary Approval for Participation in Armed Conflict) Bill in October 2005. However, something odd has certainly happened. The Government seem to be changing their mind for some strange reason, even though, as the Leader of the House pointed out, his credentials on the matter go back a very long time.

The trouble is that the change is happening in awkward slow motion, which means that the Government amendment is a curious creation. We cannot entirely put that down to the fact that it was drafted on a Sunday, probably somewhere a long way from the House. The Government are edging in the right direction through the amendment, but they cannot quite bring themselves to accept wholeheartedly the principle of parliamentary approval for our forces' participation in armed conflict. The amendment states that following the votes held before the beginning of the conflict in Iraq,

"it is inconceivable that any Government would in practice depart from this precedent".

It also says:

"the time has come for Parliament's role to be made more explicit"—

whatever that means. Although, as ever, the Leader of the House made an elegant and entertaining speech, he did not quite spell out what he had in mind. At the risk of being churlish—

Dr. Palmer: Will the hon. Gentleman give way?

Mr. Moore: I am happy to give way to the hon. Gentleman.

Dr. Palmer: If the Leader of the House had spelled that out, would not the hon. Gentleman be criticising him for bringing forward proposals without the necessary consultation?

Mr. Moore: I do not think that the hon. Gentleman can get away with that. The Leader of the House, in his usual way, was making an elegant attempt to square the Government's very difficult position that the shadow Foreign Secretary exposed, given what the Lord Chancellor and others had said.

I was trying to be churlish—I was almost denied the opportunity. When the Government say that

"it is inconceivable that any Government would in practice depart from"

the Iraq precedent, we need to pause for a moment. It was, of course, an important breakthrough that there were votes on different motions. On 18 March 2003, the Liberal Democrats were united in voting against the invasion of Iraq. However, the manner in which the Government sought and obtained the House's approval did not create good precedents. Few will forget the dossiers of dubious distinction, the discredited manner in which the legal advice was obtained and then disclosed, or the flouting of international law. While the votes were of paramount importance, in every other respect the build-up to the Iraq conflict did not create any welcome kind of precedent at all.

[Mr. Moore]

As has been said in debates in the House in recent months, we still need a full inquiry into what happened before the disastrous intervention in Iraq. There is an ever more urgent need for consideration in terms of the withdrawal of our armed forces. We will return to those issues on other occasions—or at least we hope that we will, although opportunities to debate, in Government time, what has happened in Iraq since the conflict began have been almost non-existent. If Parliament's role is to become more explicit, it cannot be involved only at the outset of military action; it must have an appropriate role in considering what follows. We welcome the Government's intention to consult and to bring more detailed proposals before Parliament, but we must hope that Ministers intend all those issues to be taken into account.

Whatever lies behind the changed or changing positions of Members on both sides of the House, we appear to be reaching a defining moment in Parliament, in which we assert our position and take on more responsibility for some of the most difficult decisions that a country ever faces, and not before time. In this fiercely uncertain world, the United Kingdom retains a key role in seeking to establish peace and in maintaining order. As previous contributors have mentioned, Britain has more than demonstrated that in the past decade in Kosovo, Sierra Leone and Afghanistan, never mind in countless smaller-scale expeditions. Time and again, our armed forces have demonstrated their bravery, commitment and professionalism.

In Parliament, there have been Adjournment debates, statements and questions aplenty, but, with the exception of Iraq, there have been no votes. That surely has to change. Let us be clear about one thing: the principle of parliamentary approval for the deployment of our armed forces into conflict will not make things easy. Every one of us in the Chamber will be faced with a major responsibility that will never be comfortable. However, given what we ask of our young men and women on the front line, the least that they should expect of us is that we give serious consideration to the matters of life and death that they face. That is also what people across the country now expect. A million people took to the streets in anger and frustration to express their opinions on Iraq. The 21st century media allow people to absorb news from countless sources and to take part in debates online or in the studios, and they find it hard to believe that although the issues and the nature of the debates have moved on, our procedures in Parliament have not.

As the right hon. Member for Birmingham, Ladywood, said when she introduced her Bill 18 months ago:

"the distance between public opinion and the power of the Executive is too great in our constitutional system".—[*Official Report*, 21 October 2005; Vol. 437, c. 1087.]

When the Government bring forward proposals, as they have pledged to do in their amendment, they must seek to bridge that gap and to create a new balance that gives Parliament a legitimate role, while recognising the legitimate needs of Government to make appropriate, timely decisions about the deployment of our armed forces. The motion recognises that and mentions

"mechanisms to ensure that the capability to react rapidly in emergencies is maintained."

The Government's amendment is right to stress

"the paramount need not to compromise the security of British forces nor the operational discretion of those in command, including in respect of emergencies".

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): I think that hon. Members on both sides of the House accept that there will be circumstances in which a Government will have to go to war without getting the prior approval of the House, and in which retrospective legislation will need to be sought. Does the hon. Gentleman agree—I hope that the Government agree, too—that if retrospective approval is refused by the House, it is important that that should not de-legitimise the conflict that has taken place up to that time? That would put our armed forces in a very difficult situation and would be intolerable. The effect of a refusal of retrospective approval should only be to require the Government to withdraw from the conflict; it should not de-legitimise what has happened up to that point.

Mr. Moore: The right hon. and learned Gentleman makes an important point. I am happy to agree with it, and I am sure that it will find support among Members from across the House.

In seeking to strike a new balance between the Executive and Parliament, most of our initial attention must be focused on our deficiencies in respect of parliamentary oversight and Executive accountability. The rag-bag of statutes, powers and conventions that make up what passes for a British constitution gives plenty of scope for unaccountable Executive authority. The very notion of the royal prerogatives, dating from the mists of time, creates an air of mystery, but beneath the colourful, confusing veneer, many of those prerogatives have morphed into modern-day instruments of raw Executive power. Many outside this place find it staggering that the Prime Minister alone can take the decision to enter into armed conflict. The Cabinet's role is not formalised, never mind Parliament's. Although politically it would be hard to ignore a vote in the Chamber that had gone against the Government, there is no explicit constitutional bar on the Prime Minister of the day doing just that. That must change, too.

The way in which government is conducted must also change. As I said before, we have not yet had a full inquiry into the disastrous decision-making processes that led to our participation in the Iraq conflict, but through the Hutton and Butler reports and the work of right hon. and hon. Members on the Committees of the House, we have had a glimpse of the informal and ill-judged way in which the Prime Minister took us to war. Certainly, we have learned more than enough for Parliament to demand more.

We start from a position that may be slightly different from that of earlier speakers. On matters of such significance, we should have legislation, rather than simply tweaking Standing Orders. That is why we supported the private Member's Bill in the past. All of us must be prepared to discuss these matters when the Government's proposals are submitted for consultation. In the private Member's Bill that was debated 18 months ago, there were sensible proposals that provided a proper starting point for that debate. I

hope that the Leader of the House will examine those proposals closely as he considers what to bring forward.

The House will not have moved the game on unless any vote that we are asked to take is based on the kind of report envisaged by the right hon. Member for Birmingham, Ladywood and many others, which sets out the reasons for the proposed action and the legal authority for it—more like the 13-page opinion from the Attorney-General on 13 March 2003 than the one-pager produced on the day of the debate a few days later. We will also need proper and appropriate detail on the geographical extent, the expected duration and the relevant elements of the armed forces that will be involved. Appropriate detail is an important element. Operational security and the safety of our armed forces must not be jeopardised, so the Prime Minister must have sufficient discretion to determine the amount of detail put in the public domain. Even with this important qualification, the provisions of the Bill would allow a significant advance in the level of parliamentary scrutiny.

We must look at how that scrutiny is maintained appropriately once the conflict has begun, and later when it has finished. If we are to consider new ways in which the Executive explains its reasons for and seeks support for military action, surely we must also find new ways of scrutinising events afterwards. Positions on this have changed and hardened in the light of the Iraq experience, with the Conservatives now also committed to an inquiry, at an appropriate time, into what happened.

A great deal of political energy has been expended on the demands for and rejections of inquiries. Without constraining the Committees of the House in the work that they undertake, we ought to have a clearer system of review which, at the right moment, allows proper investigation of the background to conflicts and our involvement in them. Governments can no longer expect Members of the House or members of the public to accept anything at face value. After Iraq, who will?

During the Second Reading debate on the private Member's Bill, a range of voices were raised in opposition to it. Legitimate issues were highlighted but, sadly, the clear objective for many on the day was to see the Bill killed off. That it was not even allowed to progress into Committee when ample opportunity was given makes that clear beyond doubt.

Whatever the reasons, we on the Liberal Democrat Benches welcome the fact that the political winds have changed direction. We must quickly return to all the detailed issues at the heart of this debate. Our priority must now be for Parliament to be put at the centre of decision-making and scrutiny, where it belongs.

5.14 pm

Mr. Michael Meacher (Oldham, West and Royton) (Lab): There are two reasons why I enter into this debate. First, we are discussing a hugely important constitutional issue that involves democratic accountability, which I now regard as one of the central issues of our time. Had I had a little more opportunity in the leadership contest, I would certainly have been advancing the arguments for reform very strongly. Secondly—the right hon. Member for Richmond, Yorks (Mr. Hague) had the grace to refer to this at the beginning of his speech—I am currently promoting a private Member's Bill, the Waging War (Parliament's Role and Responsibility) Bill.

It is surely one of the most astonishing comments on our so-called—I say that deliberately—British democracy that in this country the decision to go to war, which, as all Members have said, is the gravest decision ever facing a nation, is still taken by one person alone, the Prime Minister, and there is no requirement to seek parliamentary approval. I acknowledge that the Government's amendment states—I hope that this is correct—that it is "inconceivable" that there would not be a parliamentary vote, in accordance with what happened in 2002 and 2003, in committing this country to war. However, even if that were true—and the fact is that there have been several occasions when it was not—it is, in my view, not sufficient in a parliamentary democracy, on an issue of such gravity, to rely on such assumptions. We do not, of course, have a written constitution—I do not expect that to change at all quickly—but this is a matter that must be clarified explicitly, beyond any conceivable doubt.

That is all the more so given that, as I was amazed to find in my preparations for this debate, even where the Prime Minister of the day does allow a parliamentary vote, and that vote is opposed to war, the Prime Minister still has the absolute power to ignore the result of that vote and to commit the nation to war. That applies both where the vote is taken after the declaration of war, as in the case of the Attlee Government over the Korean war and the Major Government over the 1991 Gulf war, and where the vote is taken shortly before the start of war, as was the case with the Blair Government over Iraq.

Dr. Palmer: Does my right hon. Friend agree that, in practice, if Parliament really had substantial disagreements with the Prime Minister of the day on an issue of war and peace, he would not be able to pursue it because he would be immediately brought down by a vote of confidence?

Mr. Meacher: I understand that point. In practice, that may well be the case. It is extremely difficult to envisage a Prime Minister losing a vote on a matter of such weight and still proceeding. However, my point is that it is simply unacceptable, however unlikely it might be, that the constitutional position remains that he or she would be entitled to take that course. If Parliament has any sense of its own dominance in the final decision, that is not a situation that we can allow to continue.

It is equally true that there is at present no requirement to have a parliamentary vote on a substantive motion to take the country to war. That was the case when Britain went to war in the Balkans in the 1990s. There was lengthy fighting in Bosnia and in Kosovo for which there had been no parliamentary approval. It is also true that even where a vote is called, it can be arranged, as I am sure that all Members remember extremely well, at the last minute when British troops are fully deployed, just before the outbreak of hostilities, as of course happened on

[Mr. Meacher]

18 March 2003. It is then extraordinarily difficult for Parliament to abort a build-up to war. Frankly, a pistol is being held to Parliament's head. In effect, Parliament would humiliate the Prime Minister as well as calling a halt to a process, which, by that stage, is almost unstoppable. That is not acceptable as adequate and proper consultation in a parliamentary democracy on a matter of such gravity.

Mr. James Gray (North Wiltshire) (Con): The right hon. Gentleman is right that, had the vote in March 2003 been the only one, it would have constituted an unacceptable pistol held to Parliament's head. However, there were two previous votes on Iraq—one as early as November. Despite amendments—I suspect that the right hon. Gentleman was one of the signatories to them—the House none the less agreed that we would effectively go to war.

Mr. Meacher: The hon. Gentleman says that the House agreed that we would "effectively go to war". I do not believe that the motions as they were drafted at the time were perceived as being as explicit as that. I shall have to refresh my memory—perhaps that also applies to the hon. Gentleman. They gave an indication of the direction of the Government's thinking and that of the Prime Minister's intentions, but they were based on the information that was given to the House at the time. That is an important consideration.

The Deputy Leader of the House of Commons (Paddy Tipping): Perhaps I could remind the House that my right hon. Friend was then a member of the Government and diligently supported the Government line.

Mr. Meacher: I am grateful to my hon. Friend for reminding me of a fact about which I have been asked on every platform in the past few weeks. I repeat that it is correct: I made that decision, and I continue to regard it as the biggest political mistake of my life. However, my defence is that I believed what I was being told. I have no regrets about that explanation because it is true.

We should not get locked into a discussion about Iraq. The debate is not an argument about the rights and wrongs of going to war over Iraq in the sense that we should introduce a decision-making procedure that would prevent such a result in future. A large majority in the House and the nation now take such a view about Iraq, but that is not the point, which is much wider. Irrespective of the rights or wrongs of particular wars, the decision to go to war is so paramount to the life of the nation that it should be made only by an elected Parliament on a substantive vote, well before events have moved to such a point that Parliament has little or no alternative to ratifying a decision that has already been reached.

The matter, more than any other issue, raises the question of democratic accountability in Britain, which has withered away in the face of a marked centralisation of power in the past 30 years. The power of the Prime Minister under successive Administrations has increased, is increasing and should be cut back. Many of the previous checks and balances have been eroded and some of the pre-existing autocratic powers in the hands of successive Prime Ministers, derived from the monarchs of previous ages under a totally different system of governance, have been consolidated further. The right to take a country to war, irrespective of parliamentary or public opinion—that is the actual position, however unlikely it may seem—is the clearest example of that.

Under the royal prerogative over the centuries, the powers of the Crown, exercised by the Prime Minister, without consultation with either the Cabinet or Parliament, include the right to declare war or make peace, to sign or ratify treaties, to confer honours—recent events might suggest that that is another subject that Parliament should further consider—to make appointments, to establish commissions and to grant pardons.

I am pleased that considerable advance has been made inasmuch as the democratisation of those prerogative rights is, it seems, increasingly advocated by all the political parties. Other political parties can speak for themselves, but I am pleased to say that my party, when in opposition, said that it would ensure that

"all actions of government are subject to political and parliamentary control, including those actions now governed by the arbitrary use of the royal prerogative".

The document particularly emphasised as central areas of concern both going to war and the ratification of treaties. One smarts a little about this, but I have to say that it is rather regrettable that the Government have repeatedly sought to block private Members' Bills that have tried to provide validity to those aspirations. It would, of course, be very much better if the Government legislated, which is what is needed, so it is essential that, in the light of this debate, the Government now bring forward their proposals to implement that commitment.

In addition to the democratic dimension, strong constitutional arrangements are important. I am pleased that attention has been given to the crucial point that evidence cited to justify such a momentous decision as going to war should be full and transparent—subject to the strict dictates of national security, which is, of course, another problem, as all Governments regrettably use national security as a way of concealing information that might be damaging to themselves. In the case of Iraq, that would mean that the Attorney-General's full advice on the legality of the war—the 17-page version, not just the one-page—would be made available, as would the evidence on the existence and threat of weapons of mass destruction, insofar as it was available to the intelligence services, and the proper reporting of what turned out to be crucial in that case, which is the key French position on the possible use of the veto in the Security Council.

All of that would need to be laid before Parliament. Had all that information been made available in the months running up to March 2003, I think that a very different decision might well have been reached in Parliament. If such full information were provided, all of those matters would be much more thoroughly scrutinised and the manipulation of the evidence would become much more problematic. I might add that this is even more the case in an era of what some have called "sofa Government". The informality with which even major decisions are taken was devastatingly

documented in the Butler report. Again, sadly, cross-departmental consultation and negotiation is today much less constant and less systematic.

For all those reasons, as I said, I introduced a Bill in February. Either because of the luck of the draw—I was low down in the order—or for other more mischievous reasons, I have not previously had the opportunity to put my case to the House, so I am grateful to the Opposition for the opportunity to do so now. The Bill requires that the approval of Parliament be sought before British armed forces can be deployed in military action. For that purpose, it also requires the Prime Minister to lay before both Houses of Parliament a report setting out the objectives, the legal basis and the likely duration of the proposed military action.

The Bill also deals with important situations where the Prime Minister may need to determine that deployment is urgently necessary before the approval of the House of Commons can be achieved. We should not in any event seek to prevent that, but in such circumstances—they would, I think, be rare—the Bill requires that the Prime Minister must still lay a report before Parliament within seven days of the commencement of troop deployment. I believe that that is a reasonable compromise.

Those demands are not out of step. There is nothing remarkable about any of the proposals, and it is not as though we would be making any great democratic advance by adopting them. Rather, we would be catching up with what other countries already do. In the United States, for example, the War Powers Resolution of 1973 states that if the approval of Congress for waging war is not secured within 60 days, the President must withdraw US forces within a further 30 days.

The proposals that we are discussing today represent a crucial change whose implementation is long overdue. As we now know from the leaking of the Downing street memo, the Prime Minister apparently committed the UK to war in Iraq in secret in April 2002 by giving his word to President Bush at his ranch in Texas. The fact that, under the present arrangements, he could legitimately argue that he was entitled to do so—I believe that that is the case—is precisely why those arrangements need to be reformed. I submit that it is now our duty in this House to put in place proposals to ensure that that kind of personalised, secretive and undemocratic decision making, reminiscent of a long bygone age and totally unsuitable for a modern constitutional democracy, is brought to an end, and that Parliament takes the role that we all know the nation and the electorate clearly demand.

5.31 pm

Mr. Kenneth Clarke (Rushcliffe) (Con): I have debated many times over the years with the right hon. Member for Oldham, West and Royton (Mr. Meacher), but I cannot remember another occasion on which I have agreed almost completely with everything that he has said. For the sake of his left-wing credentials, and of my own position in my party, I will also say that I cannot think of any other subject on which we would get so close to each other's views. I endorse what he has said today, however, and I particularly agreed with him when said that the motion tabled by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) had provided the opportunity for a significant constitutional change. We are not debating a small matter here.

Suddenly, resistance has crumbled to the important assertion of the role of Parliament in a modern democracy, and to the way in which we will establish legitimacy for going to war in future. This is therefore an important occasion. So far, the debate has attracted only what I would call the true believers, and only a few weeks ago they would have found themselves in a small minority. The Leader of the House was able to find a 1994 book, in which he put forward admirable sentiments—which, alas, were not adopted by the Government in which he has served for 10 years. Everyone else who has spoken has form on this issue, including through supporting private Members' Bills seeking to make this change, which have been flatly opposed by the Government.

It is important that we true believers not only rejoice on seeing the sinners coming to repentance, but take advantage of the occasion to give an indication of what we want to come out of this. The Government's amendment to the motion is expressed in broad generalities, but we must ensure that the process is changed, so that in some highly controversial future situation of which none of us can yet be aware, some future Government do not try to rely on the wrong bits of the proposals or slip back from where we appear to be going.

This change seems to be one of the few beneficial outcomes of the recent Iraq war. We are not, of course, debating the merits of the war today, but it is the controversy surrounding it that has led to this change. It has revealed how weak our constitutional arrangements for going to war have been, and the dissatisfaction with that process has produced this significant shift in position. The decision to take part in the invasion of Iraq was based on the Prime Minister's power to advise on the exercise of the royal prerogative, and it is long overdue that we should assert, in contradiction to that, that the Prime Minister and the Government derive their power from Parliament, not from the monarch, and that the arrangements resulting from the Glorious Revolution of 1688 are totally unacceptable to Parliament in 2007. I very much hope that the Lord Chancellor's defence of the 1688 Glorious Revolution and the royal prerogative on this subject, made only two weeks ago, will be the last defence of that arrangement heard in British politics from any sensible source.

Dr. Palmer: I am not sure that the right hon. and learned Gentleman is entirely correct to say that the Iraq war is a good example of the royal prerogative being inappropriately used. Does not he agree that the Prime Minister's decision to have a vote on the conflict changed the landscape here, and that we are now seeking to institutionalise such a vote as the norm? Does not he also accept that the controversy that has continued to surround that conflict shows that a parliamentary vote is not the only way of resolving such difficult issues, and that we need to consider the whole question of war making as a process?

Mr. Clarke: Certainly, the Prime Minister and the Government were persuaded that they had to move to a substantive vote. I give credit for that to the

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Government, and particularly to Robin Cook, who, according to the account that we heard from the Leader of the House earlier, persuaded his colleagues that it was not possible to carry on resisting the demand for a substantive motion in the House of Commons. That changed things to a certain extent. I understand why the Leader of the House should have tabled a motion, and should make a speech today, pointing out that that is a precedent on which we will never go back; it is skilful advocacy to take credit for that now, and to claim that that is the basis on which the change is being made.

I urge caution, however. For the reasons given by the right hon. Member for Oldham, West and Royton, on which I shall try to expand in my speech, that was not a satisfactory precedent in many ways. The circumstances in which the vote was taken revealed the weakness of not having had a vote before. Although it became impossible for a present-day Government to resist putting a substantive motion to the House of Commons, that was not satisfactory. Indeed, continued dissatisfaction with the recent process led the right hon. Member for Birmingham, Ladywood (Clare Short) to table her Bill, which I supported, led the right hon. Member for Oldham, West and Royton to table his Bill, and should lead us all to clamour for reform. Now that things have moved, the consultation should lead to our considering in great detail how to enshrine the process to make sure that when Parliament is given its right to vote and scrutinise in future, it can do that properly without a pistol held at its head, in full knowledge of all the relevant information, and in a position actually to influence the outcome. We are not there yet.

I would adopt as a starting point the recommendations of the House of Lords Constitution Committee. I was pleased that the Leader of the House referred to those recommendations with apparent approval, and I hope that that means that the Government will look to the report of that Select Committee, chaired by Lord Holme, a Liberal peer, as the starting point. It is important that we consider what that Committee eventually recommended, on page 43 of its report. To save time, I shall paraphrase it, but only a little.

That report said that the Government should be required to seek parliamentary approval if they propose the deployment of troops outside the United Kingdom in an area of conflict, and that that decision should probably be subject to scrutiny by a Select Committee and in other appropriate ways. It recommended that prior approval should be required as the trigger for the deployment of troops, and that subsequent ratification of that approval should take place if circumstances change after the deployment is first made. It also said that the Government should be required to put forward the legal basis of the possible warfare or conflict that may arise from the deployment, and that the case for going to war should be set out clearly for parliamentary scrutiny.

The one point on which I differ from the Select Committee—and which is open to further argument—is that I would prefer as much of this as possible to be put on a statutory basis, whereas the Committee came down on the side of parliamentary convention. There are enormous difficulties involved in the drafting of a suitable statute. We do not want too rigid an arrangement to cover an infinite variety of circumstances, which may on occasion require some common sense and flexibility. I regret to say, however, that I have declining confidence in the power of convention in the British constitution. I used to be a great supporter of the place of convention in the constitution, because I prefer political sanctions to legal sanctions and intervention wherever possible, but I regret to say that in modern times I have seen more parliamentary conventions laid on one side when expediency determines than I have seen statutes defied or revised. Other countries have found it possible to put similar processes on a statutory foundation, and I do not think it should be beyond proper consultation, and the wit of parliamentary draftsmen, to find an appropriate basis for this process, as long as suitable discretion is allowed not only for emergencies but for all the other myriad circumstances to which Members have already referred today.

Sir Malcolm Rifkind: My right hon. and learned Friend is correct in saying that other countries have found it possible to adopt a statutory approach, but may I suggest that that may not be a proper comparison? The United Kingdom is one of the very few countries that use their armed forces for a wide range of activities and operations in many parts of the world, including not just conflict but peace enforcement and peacekeeping. What would concern me enormously about a statutory approach is that the problem would be dealt with in a very rigid way that could seriously impede the ability of our armed forces to perform properly the task they had been given. As we have all agreed, circumstances will constantly change, and if it were necessary to refer constantly to some Act of Parliament rather than using the greater flexibility allowed by a convention, we might do a great disservice that we certainly do not intend.

Mr. Clarke: I agree that that danger must be avoided in the drafting of a statute. A hugely complex, detailed and prescriptive statute would be a mistake. However, I do not think that it is beyond our abilities to produce a statute setting out firmly the framework of the process that should be followed, leaving adequate discretion to both Government and Parliament to use it as common sense and politics dictate in particular circumstances. That is, of course, something that can be considered during the consultation that the Leader of the House has proposed.

Why do I say that it is not good enough merely to adopt the precedent of the vote that we had? I am grateful for the fact that we had a vote—it was a triumph that we managed to secure one—but why did that vote not constitute an adequate basis on which to proceed? The first and most obvious point is that it was not a timely vote.

I will not repeat what the right hon. Member for Oldham, West and Royton has just said, but there was resistance to a vote when it became increasingly obvious that an invasion was being planned. I share the right hon. Gentleman's suspicion that the Prime Minister used the royal prerogative to commit the country to taking part in an invasion early in 2002,

long before that information was shared with many people in the country. We did not arrive at the vote that counted until the very eve of war, and when we did vote, it was obvious to anyone who had followed the debate that the invasion would take place within a matter of days. Half the British Army was already in place in the desert, and no doubt the Americans were telephoning the Prime Minister to tell him that he must speed up the process because everyone was going to go.

I know that in recent days the right hon. Member for Oldham, West and Royton has been embarrassed by the fact—quite amazing to those who know him—that he has a record of having voted in favour of the invasion; but he is not alone on either side of the House. I well remember from discussions that took place at the time of the debate that many Members on my side of the House—not just the 20 or so who voted against the war at various times—felt that they could not possibly vote against it when the troops were already in the field, and could not understand how on earth Parliament could now be expected to pull them all out and bring them home. It was not a vote in which Parliament was being invited to take part in a timely fashion, and it was not a vote which most Members of Parliament could really believe would have the slightest credible effect on the outcome.

We had had various statements. We had known what was going on. We had had one or two votes. We had had the vote in November 2002 on resolution 1441. I voted in favour of the motion tabled that day; it was skilfully worded. A very high proportion of those who voted in favour of that motion believed that they were voting for the last chance of avoiding war, not in favour of participation and an invasion. Many of us became indignant when it was later claimed that the November vote gave parliamentary authority for what happened. Many people in this country and abroad thought that a second United Nations resolution would be required before it could be turned into a basis for war.

We had a lot of statements, followed only by questions, but no substantive motion. Whenever problems arose we had inquiries, but the inquiries were deliberately set up with very narrow terms of reference. The Hutton report inquired into the death of Dr. Kelly. The Butler report inquired into the use of intelligence; it was very critical, but not sufficiently so to shake the Government. In my opinion, those inquiries were set up to minimise parliamentary debate on those issues and to shift it outside, not to give Parliament a further opportunity to take part in the process.

We had no vote at any relevant time when the debate and vote might have influenced the outcome, so we now have to draft a process. The starting point must be when a significant deployment of troops takes place; that is the time when the law, or strong convention, should require that parliamentary approval for a Government decision be given before it can be acted on. We need a process that lays down rules to establish that.

Wider issues could also arise. The time has come when—as the Modernisation Committee seems to be contemplating—Parliament should have more control than it currently has over its own timetable and agenda, and the subject matter for debate. I welcome what the Modernisation Committee appears to be contemplating if that gives the opportunity for Parliament itself to force motions and substantive debates on substantive questions about the progress of a war and the next steps that should be taken.

I do not believe that once we have gone to war, that should always rule out parliamentary scrutiny on the grounds that any discussion would undermine the troops in the field and be bad for morale. Of course certain types of debates would be very damaging to morale and extremely unpatriotic, but I think that the House can be relied on to treat Members who engage in such debates very roughly indeed. However, on many occasions the troops must be amazed that so little parliamentary attention appears to be paid to what they are engaged in, and they would like to be reassured that somebody back home is debating what is going on, and what is the likely outcome. In a modern democracy it should be impossible to cut out parliamentary scrutiny, and the need for the Government to seek a reaffirmation of their authority. I believe that they did so on a considerable scale in the Crimean war; the case for that in the 21st century is much stronger. We should be allowed to have such scrutiny nowadays.

Mr. Ellwood: My right hon. and learned Friend is making a powerful case, and I fully support what he says. I was not in favour of the war, but I am not in favour of the management of the peace initiative either. Does he agree that it would also be right to scrutinise what we do in the aftermath of war fighting—in the peacekeeping? Had we managed that better, the position would not be as it is now—close to civil war.

Mr. Clarke: I wholly agree. In terms of both Iraq and Afghanistan, we are currently unclear about what the Government believe will happen. We have not had adequate parliamentary scrutiny. I supported the operation in Afghanistan, and I was against that in Iraq. There is no argument against Parliament's considering a serious substantive motion about the future conduct of operations in both places. It would not be remotely unpatriotic for this House to address that. The circumstances in both countries are plainly wholly different from those that we thought we would face when we first intervened.

The second thing wrong with the process was the way in which, at every stage, the Government controlled all the information on which Parliament acted. Of course the Government have to be the principal source of information, but there are certain types of information that our conventions and statutes should require them to lay before the House as a matter of duty, not just of choice. The legal basis for the war should obviously be placed in a clear statement before the House. As it happens, I am not one of those who believe that the Attorney-General's full opinion should ever be made public and placed before the House, because that would get in the way of fearless advice. Moreover, if the whole thing had to be drafted for public consumption, that would alter every nuance of it. Rather, the conclusion should be set out as such, and as a declared statement of the legal basis on which the Government are proceeding. That was done during the Iraq war, but again, not willingly or in a straightforward fashion. It was pretty messy, and arguments continued about the whether the Attorney-General had wavered. It would have been much better

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to have had straightaway a requirement that the Attorney-General draft the legal basis for proceeding to war and place it before Parliament.

Mr. Straw: I know that the right hon. and learned Gentleman took a different view on the merits of the Iraq war, but on reflection I do not think that his comments about presenting to this House and the other place legal justification for military action are justified. My right hon. and noble Friend the Attorney-General did come forward at the appropriate time—it needs to be borne in mind that, contrary to what the right hon. and learned Gentleman said, a decision to go to war had not been taken until the last few days before it was put before this House—and did present a legal justification for military action, which is exactly what he said he thought ought to happen when he gave evidence to their lordships' Committee.

Mr. Clarke: I do not agree with that analysis of events at all. The whole point about the invasion of Iraq is that it was not a sudden or quick process. It was a very long process planned back in 2002, involving a remorseless build-up to an invasion that became ever more inevitable the more that preparations were made. One can see that from Bob Woodward's descriptions of what was going on in the United States. As is usual, we have had far more revelations about what happened day to day in the United States in the run-up to the war than we in this country will get for 30 years.

There came a stage in that process when so many troops had been deployed and so much preparation has taken place for what might lead to an invasion—I would say that it was 90 per cent. likely to lead to warfare—that the time had come for Parliament to be asked to approve that deployment. At that stage, Parliament should have had plainly before it not just a bald statement that the Attorney-General believed the deployment to be lawful, but an adequate, decent legal statement on the legal basis, saying why, on the authority of international law and precedent, the Attorney-General had come to that conclusion. There should, of course, also have been a plain statement of the purpose of the war, and why the British Government thought that there was a British interest that it might prove necessary to defend through the use of military force. That was the key thing in the Iraq war.

When we have the promised inquiry—now promised by a Government who were reluctant to have an inquiry, and who refused one the last time we debated this issue on, I think, a nationalist motion—we will discover whether the reasons given for going to war when we had the final votes were those agreed on by the President of the United States and the Prime Minister many months before. To judge by my many discussions with neo-conservative friends of mine who debated vigorously with me my opposition to their determination to see regime change in Iraq, I very much doubt whether at any stage there was a plain and defensible statement of the real political and diplomatic motives for going to war. Something of that kind must be the starting point, so that we can clarify it in consultation. We need to put it into some firm process that cannot be wriggled out of, so that with future military conflicts, we will not get into that situation again.

Dr. Palmer *rose—*

Mr. Clarke: I apologise, but I must conclude.

My main concern is of course to improve parliamentary control, and to deal with the problems that the right hon. Member for Oldham, West and Royton addressed, such as the ever-growing power of the Executive and the ever-weakening role of Parliament in holding the Executive to account on the public's behalf. However, we must also ask questions about the legitimacy of warfare. We all want to debate what is a just war and what is not. What are those extreme situations where British interests are so threatened that the use of military power is justified? There are few pacifists in this House, and we all accept that such situations do occur. However, they have occurred 60 times—some to a minor extent—in the last 10 years. We need to be satisfied, and our troops, too, need to be satisfied, that they are embarked on a legitimate process that has been authorised by the Parliament of their country, which is upholding the best interests and the best values of their country.

The point was brought home to me most clearly in one of those arguments that I have described with one of my neo-conservative friends—a leading architect of the war. I was debating with him United Nations resolutions and the legality in international law of what was being proposed. I knew very well that he did not take the United Nations or international law very seriously; on the whole, such matters were indulged in by neo-conservatives to assist their European friends in getting their own countries involved, as well. They were not high on the list of priorities so far as leading neo-cons were concerned. However, my neo-con friend was able to answer my question about the legitimacy of his argument: he said, "We have all the legitimacy, as an American Government, that we require. We have large majorities in favour in both Houses of Congress." He thought that far more important than UN resolutions, or some fiction—in his opinion—called international law. I reflected that I could not counter that by saying that such legitimacy would necessarily be required under the curious constitution of the United Kingdom.

What we are advocating, and the change that we are embarked on, will not in my opinion weaken this country as a power able to exercise influence in foreign affairs or defence. My right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind), a former Foreign Secretary, is concerned that we might put in place systems that hamper our ability to punch above our weight—to use the Foreign Office phrase of which he is very fond—and to have an influence for good in the world. I would not wish to see that, but nine times out of 10, the process that we are discussing would strengthen a British Government's power to handle a diplomatic incident and to insist that British influence prevail.

There will be cases like Suez, when Ministers lied to Parliament quite substantially—which I have no basis for saying that Ministers in the present Government did in the case of Iraq. There will also be cases like

Iraq, in which there was controversy, and eventually it was proved that the whole thing was wrong. But in other cases, if a British Government facing our enemies, or other problems, can say, "We can demonstrate that we have won the support of Parliament"—it would usually be on a cross-party basis—"by explaining the cause and the legal basis and by being frank about the deployment," that Government will be more feared and respected. There will then be less doubt about their ability to take part in military action if our interests are not respected.

I do not think that, in the 21st century, we would weaken a Government by doing that; I think that we would strengthen it. We would get rid of the absurdity whereby it remains the case that the Prime Minister of the day can take to himself the powers of an absolute monarchy. A future Prime Minister would have enhanced authority if there were a process by which he could get the authority of Parliament behind him in defending British interests overseas. The proposed constitutional change would improve, rather than weaken, our ability to conduct foreign policy, and it would be looked back on as a change that it is amazing was not made a century earlier. This system should not have been allowed to drag on until this stage. At last, we have a Government spokesman standing up and defending what future students of politics will regard as obvious common sense.

6 pm

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): This debate is on the principle of parliamentary approval for armed conflict. It is an important debate of principle, but it takes place of course in the shadow of a very real armed conflict—the ongoing war in Iraq. I voted against that war and was never more comfortable with a vote in Parliament.

Last week, I attended a production at the Tricycle theatre entitled "Called to Account", which was conceived and directed by Nicolas Kent, in which the Prime Minister is put on trial for war crimes. There can be few armed conflicts in the 20th and 21st centuries that provoke as much bad feeling and anger as the war in Iraq. Even though we had a vote on it, the process by which we went to war has put a focus on the issue of parliamentary approval.

The decision on whether to go to war is the single most important function of Government, and the public do not understand that on that decision a vote in Parliament is strictly optional. In fact, as the Leader of the House pointed out, the public do not understand why, when we do have a vote, it is on the issue of whether we should go home. It makes no sense to have procedures that have no meaning even for relatively well informed members of the public.

The process by which we agree to armed conflict at present reflects the use and abuse of the royal prerogative. Several hon. Members on both sides of the House have made reference to the royal prerogative and how outdated its use is now, but the first person whom I heard speak at length and fluently about the abuse of it was the former right hon. Member for Chesterfield, Tony Benn. On that, as on many other issues, he was both prescient and right. He has been proved correct by events and I am sure that he will be pleased to see that Ministers are catching up with him on the issue.

The other important aspect of the debate, although we are dealing only with one narrow function of the royal prerogative, is that it sheds light on the slide that has taken place under successive Administrations towards a presidential model of government, without the checks and balances that one sees in the US, which has a genuine President. It is interesting that the US is having a lively, constructive and engaged debate, instigated by Congress, about the Iraq war, its progress and whether the US should withdraw. We are having no such debate on the Floor of the House. Here, we have to await the will of whoever is Prime Minister. The comparison with the US, where Congress can have a proper debate about the progress of the war and the possibilities for withdrawal, is most illustrative.

It is especially important that the House reviews the process by which the country goes to war given the rise and rise of the doctrine of liberal interventionism. I am a sceptic on that issue, especially when the intervention occurs without a proper legal framework. If we are to intervene increasingly in other countries for humanitarian or other reasons, we need to have a much firmer framework on which to do so. At the moment, international law on the subject means whatever the last lawyer to speak about it says it means.

Members on both sides of the House have said that we not only need a vote on going to war, but better intelligence and more information. They have said that we did not have enough intelligence last time and that that was the problem. As one of those who voted against the war in Iraq, I wonder whether they read either of the dossiers that were produced. Both were simply assertion piled on assertion and lacked factual information. Having read them, I was never persuaded by them. Perhaps it is my background as a career civil servant that led me actually to read the paperwork, but I was not persuaded by it.

Nor was I persuaded by the assertion in the newspapers that Saddam Hussein had missiles that could hit British territory, or even Cyprus, in 45 minutes. Hon. Members on both sides have said that they did not have enough information, but on the information that was laid before the House—and the speeches and writings of people such as Scott Ritter, one of the last UN weapons inspectors to go to Iraq—I was satisfied that there was no legal basis for the war. Members who unfortunately voted for the war should not hide behind a lack of intelligence or information.

We had a vote on war with Iraq and for that we owe some gratitude to the then Leader of the House and the then Foreign Secretary, who felt it important that if we were to go to war in that instance we should do so after a vote in the House. None the less, it was not mandatory to have a vote. I welcome this debate and what we have heard from at least one of the candidates for the leadership of the Labour party about a willingness to move the procedure on. It is wrong for Parliament, for our armed forces and for the political process that we should continue, in the 21st century, to take our country to war through a process that depends on the norms of the 16th century.

I am glad that we had a vote on the war in Iraq, even though it was held at the very last minute, when many Members felt almost as if a gun were being held to their head. I am also satisfied with the Government's

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amendment to the motion, which represents a welcome move forward in the thinking on the issue.

In the 21st century—an era of 24-hour news and media punditry; an activity in which I have some part-time interest myself—talking about parliamentary processes and procedures often seems wearisome and old-fashioned. People ask why such things matter. They do not get the point of being exercised about Parliament, its role and procedures. But the truth is that, despite 24-hour news and the increasingly presidential nature of our system, the rights and the powers of Parliament remain the last and best defence of the citizen. On the issue of how and why we go to war as a country, the Government's amendment represents a significant advance. I am glad that we are having this debate and to be able to support the Government's position on the issue.

6.8 pm

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): On the face of it, the debate is about parliamentary approval for this country to go to war, but it is almost as much about the erosion of trust in Government and the Prime Minister that has led to the demand for change. I am perhaps the first to contribute to the debate who is profoundly unenthusiastic about the change. I will support it, for reasons I will come to in a moment, but I take no particular pleasure in doing so. I have in mind not only the continuing controversies over the Iraq war—and the feeling shared by many people that they were let down by the Government in the projection of the case for war to both Parliament and the country—but the Kosovo conflict.

Whatever one's views about the Kosovo conflict, the truth is that we effectively declared war on another country that had not attacked us. We proceeded to bomb that country for six months, but at no time was a vote taken in this House of Commons to give approval to that decision. Three debates took place on the Adjournment, but on no occasion was there an opportunity for a vote on something that was manifestly a war, even though no war had been declared.

The conflict in Kosovo, in combination with the Iraq situation, has led increasingly to a profound mistrust of our arrangements, and to a demand to formalise them. Why do I say that I am unenthusiastic about that change? The answer is that, when one looks at how the royal prerogative has developed over centuries, one sees that what we have now is very different from what existed originally. In the past, the royal prerogative meant that a monarch—or any Prime Minister or chief minister appointed by that monarch—could take decisions regardless of the views of Parliament. Even in those days, however, the need to vote supply meant that Parliament could influence indirectly the monarch's ability to go to war.

In contrast, the circumstances of the 20th century and today are profoundly different. When hon. Members of all parties talk about the need for democratic accountability, they speak as though we did not have an elected Government. Yet the Government are as elected as this House is, and they are the Government only because the Prime Minister and his or her colleagues command a majority in this House. Therefore, there is not the fundamental lack of legitimacy that existed when the royal prerogative was developed and used at an earlier time in our history.

Moreover, the question goes beyond the fact that a Government—any Government—are elected. The comparisons with the US made by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) are not entirely appropriate, for the following reason. The US President does not depend for his continuation in office on the support of Congress. If the American legislation did not require a vote in Congress before the US could go to war, a President could take that decision on his own initiative. Short of impeachment—which is incredibly difficult, for all the reasons that we are familiar with—there would be no way in which Congress or the American public could either reverse the decision, or stop it.

A President is elected for a full term of office. He does not need to have a majority in Congress—very often, as at present, he does not have such a majority. It would therefore be intolerable, of course, that an issue as fundamental as peace or war could be determined by the President without anyone being able to do anything about it, short of invoking the ultimate nuclear weapon of impeachment.

In the case of the UK, we all know what the political reality is: a Government who decline to ask for an endorsement by the House of Commons in these matters will not survive unless they command, if not the enthusiasm of the House, then at least its acquiescence. The Government take great pride in the fact that they asked for the House's support when the war in Iraq was determined. That is, of course, historically correct, but I do not think that I will be contradicted when I say that many Labour Members voted for the Government only with enormous reluctance. They did so because they feared that the Government would fall if they failed to carry the day. Similarly, a Government who went to war without a vote would know that the consequence of acting against the wishes of the House and of their own party would be the same.

In an ideal world, therefore, I would prefer that we were not going in the direction in which we are moving. Once constraints such as we are discussing today are introduced by statute—and also, to some degree, by convention—there is a danger that demands for repeated votes during the course of a war could create extraordinary uncertainty and incoherence for our armed forces in the field.

As I say, I take no great pleasure from the direction in which we are moving, but I believe that the Kosovo conflict was hugely important. I make no comment about its merits, but no vote was held in respect of that conflict, and not because the Government believed that not holding a vote would somehow assist our armed forces. No vote was held because the Government were, I suspect, embarrassed by the lack of a mandate from the UN Security Council, and by the fact that we were attacking a country that had not attacked us. The Kosovo mission had broad support on both sides of the House, but the Government found it convenient—for political rather than military reasons—to avoid the House being requested to give its formal approval.

That is now history, and it is important that we go forward. If we are to require in future that the House must give its explicit endorsement when military operations are contemplated or about to take place, it is very important that we are conscious of what the necessary safeguards should be.

The Government and my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) have both suggested that there would be occasions when it would not be possible for the Government to ask the House for approval in advance of a military operation, and that therefore provision should be made for retrospective endorsement. It is true that there might be such occasions, but any such retrospective endorsement would have to be considered very carefully. In an intervention earlier, I made the point that it is hugely important that a failure to grant retrospective endorsement should not render illegitimate a war already begun, as that would place our armed forces in a very difficult and incoherent situation.

Dr. Palmer: Does the right hon. and learned Gentleman agree that that is also an argument against requiring legislation in these circumstances, as that would subject whatever we might decide to judicial review? As a result, a court might decide that our troops were engaging in an illegal activity because of a drafting error in the Act authorising the war.

Sir Malcolm Rifkind: I wholly agree. It is hugely important that we do not get so involved in our debates in this Chamber that we forget the potential implications for the people doing the actual fighting and risking their lives on the country's behalf.

There is a second aspect to the question of retrospective approval. It is very important that, if that retrospective approval were to be refused, the Government have maximum flexibility in respect of how our troops would be withdrawn. It cannot be demanded that, because the House of Commons has declined to give its support, our troops must be brought home in days or week, regardless of wider implications. I repeat that we must trust the Government to handle such matters in a sensible and flexible fashion. We must not tie their hands too much.

I shall make only two additional points, as I do not want to detain the House much longer. The first is that the motion asking the House to approve the Iraq war was incredibly complex. I have it here: debated on 18 March 2003, the motion was 32 lines long—a massive attempt to justify what the Government had in mind. A danger arises when it turns out that some part of a justification such as that turns out to be invalid. I shall read out part of the motion, although I stress that I do so not for partisan reasons but to illustrate my point. The motion seeking approval for the Iraq war began by requesting that this House

"recognises that Iraq's weapons of mass destruction...pose a threat to international peace and security"—[*Official Report*, 18 March 2003; Vol. 401, c. 760.]

That was accepted in good faith, but we now know that no weapons of mass destruction existed. If the basis on which the House is asked for approval turns out to be totally invalid, what does that do to the legitimacy of a conflict? What message does it send to the armed forces in the field?

If a similar resolution is required in the future, I propose that, far from having 32 lines, it should have only one and a half. Of course, any Government arguing their case from the Dispatch Box will have to explain their views, and of course such matters will be debated on both sides of the House, but I believe that the motion itself—the formal, legal endorsement for going to war or entering into armed conflict—should be kept to the minimum possible length in order to avoid the risk to which I have referred.

Mr. Ellwood: My right hon. and learned Friend is making a powerful argument. The vote on the 18 March motion was not about going to war—I was going to intervene on the hon. Member for Hackney, North and Stoke Newington (Ms Abbott) on this point—although I acknowledge that both of us were not here at that point. There was a vote on resolution 1441, which related to the failure of the inspection programme, and a vote on resolution 678, which was tucked away in the motion and had actually been written 12 years before. If we are to introduce new arrangements, we must have a clear-cut indication that this House will decide whether we go to war, rather than the ambiguity of the motion debated on 18 March 2003.

Sir Malcolm Rifkind: My hon. Friend is correct; the motion was meant as political justification for the war. It even refers to the need for peace between Israel and Palestine, as if that was part of the justification for going to war in Iraq.

Ms Abbott: In fact, I was in the House for the debate on 18 March. Whatever the words on the Order Paper, there was no doubt in the mind of anyone in the House—not least the unfortunate people dragged into the Prime Minister's office in the hours before the debate to have their arms twisted behind their backs—that it was a vote on going to war.

Sir Malcolm Rifkind: I do not doubt for a moment what the hon. Lady says, but it is not a question simply of what Members of this place believe. The terms of the motion are the public record of the decision taken by the House, so they should be in a form that does not subsequently create more problems than they solve.

Mr. Kenneth Clarke: I have listened to my right hon. and learned Friend's criticism of the motion, but I am not quite sure why a terse, one-line statement, leaving Ministers free to assert whatever they want from the Dispatch Box, would make it any more legitimate. Does not his criticism make the contrary point, which is that at that stage the Government were obliged to set out as many bases for the war as they could think of? I suspect they were acting on the advice of the Whips who said that the debate must be timed for the last possible moment and that the motion should include reference to this and to that because it would maximise the vote. Is not my right hon. and learned Friend's point that a clear statement of the basis for war should be made earlier, so that it is not as subject to the vagaries of whipping, timing and pressure of imminence? Such a statement would put on the record the reasons for going to war and make it easier to hold the Government to account thereafter.

Sir Malcolm Rifkind: I agree, but my main concern is the impact on our forces in a theatre of war. It is hugely important that they have a clear understanding that, whatever subsequent political events may demonstrate, the legitimacy of their actions on our behalf is not open to question.

Finally, there is sometimes a tendency to assume that there is a straightforward choice: we are either at war or not at war. However, anyone who has been involved in conflict—even indirectly, in my case, or directly, like some of my hon. and gallant Friends—knows that that is not the case; the spectrum of military activity is huge. I am not referring only to peacekeeping or peace enforcement. I offer an example of the difficulties that we shall have to address.

While I was Defence Secretary and then Foreign Secretary, the UN resolutions on no-fly zones in Iraq were enforced. That did not involve conflict on a day-to-day basis—we were not attacking Iraq every day of the week or every week of the year—but Britain and the United States, the two countries militarily involved, had told the Iraqis that if they breached the UN resolutions and attacked our aircraft or were seen in the air in the no-fly zone, we would take military action to stop them. On several occasions, the Iraqis breached the no-fly zone, so British and US jets took to the air and sometimes shot down Iraqi aircraft and attacked Iraqi radar installations. That was not a declaration of war in any interpretation, but it was armed conflict, which is the term used nowadays. There are rarely declarations of war; they have gone out of fashion as declarations, even if the substance is still with us.

Armed conflict took place, but we cannot seriously suggest that between the Iraqis breaching the no-fly zone and the UK taking action to enforce it we should have had to come to the House to ask for approval. That would be an absurd situation. However, such operational problems can easily arise in the real world, so I say to my hon. Friends as well as to the Government that although, sadly, it is necessary to move towards a formalisation of the role of the House and of Parliament as regards the Government's use of what has formerly been the prerogative, it will be enormously difficult to handle unless we are prepared to sacrifice the flexibility that has until now been an asset. It is sad that erosion of trust in the Government has forced us to make such painful choices.

6.25 pm

Mr. Neil Gerrard (Walthamstow) (Lab): Normally, when I attend debates and hear agreement between Ministers and Opposition Front Benchers I am immediately suspicious. Today, I shall make an exception, because an important development is taking place along lines for which I and some other Members have been arguing for some time. As I pointed out earlier, I introduced a private Member's Bill on the subject in January 2005. It had cross-party support and in the following year my right hon. Friend the Member for Birmingham, Ladywood (Clare Short) took the matter up again after the 2005 general election.

Over the past two or three years, there has been a change of opinion and in the degree of support for our views. In late 2004, I tabled an early-day motion that attracted 149 signatures; by 2005, a similar motion received 233 signatures. The shift is continuing. The right hon. Member for Richmond, Yorks (Mr. Hague) suggested that it had occurred among only Labour Members, but it has actually occurred on both sides of the House. In 2004, seven Conservative Members signed my early-day motion; by 2005, 36 of the 233 signatures were Conservative. In the opening speeches and in the interventions made on the right hon. Member for Richmond, Yorks, I still detected unease among some Conservative Back Benchers about not only the Government's proposals but those of their Front-Bench team.

The general mood and general opinion have shifted. The right hon. and learned Member for Rushcliffe (Mr. Clarke) said that only the converts are in the Chamber, but there has been a significant change and the general view on both sides of the House is that Parliament should be involved in what is probably the most important decision that we can make—sending troops to military conflict.

The differences between the Opposition motion and the Government amendment seem to be of the order of angels dancing on pin heads. Whichever of them is accepted, we shall have reached agreement on an important point of principle—things need to change—although we shall still need discussion and consultation about the detail of how the changes are to happen and whether it is to be through legislation or convention.

There has been much mention of Iraq, but the war in Iraq was not the stimulus for my private Member's Bill, or for the inquiry carried out by the Public Administration Committee, which looked much more broadly at the use of the royal prerogative. The question we are debating was just a part of that. There were three votes on Iraq and I never had any doubt that each of them was about legitimising a forthcoming war. I cannot understand how people in the House at the time could see any of those three votes as anything else.

The first debate was in November 2002, some months before the war, and some Labour Members were not really sure whether they should vote. During the debate, I told them that it might be their only chance to vote before the war and that they should not assume that there would be another chance, although in fact there were subsequent votes. But a precedent was set. The Prime Minister said shortly afterwards that he thought that it was inconceivable now that any Government could try to go to war without a vote—but the fact that the Prime Minister said that is no guarantee for the future. We have to look at the mechanisms involved.

Mr. Gray: The hon. Gentleman used an interesting word. He correctly said that the three votes "legitimised" a war that would otherwise not have been legitimate. Does he therefore agree that if a procedure such as the one that we are discussing were put in place, there would be a risk that, in future, Prime Ministers would seek to use a vote in this place to legitimise something that, if it were done under the royal prerogative, would not be legitimate?

Mr. Gerrard: I think that we are getting into a slightly arcane legal point. Obviously I accept that if it were laid down in legislation what votes should be

taken, how they should be taken and in what circumstances, that would open up the possibility of legal challenges—in a way that might not arise if we had a convention. But I was not using the term "legitimising" in its strictly legal sense; I was thinking about the Government's seeking justification for the action that they intended to take.

If we start to look at the detail, we can see that the argument between having legislation and relying on convention is quite difficult. My gut feeling and preference would be for legislation, having introduced a private Member's Bill on the subject a few years ago, but I recognise from that experience the difficulties of drafting and of getting the legislation exactly right. Safeguards are necessary to allow for urgent action and for troops to be able to defend themselves without any fear that that action will create difficulties for them. How do we distinguish between military action and peacekeeping? Is there really a distinction in some cases?

I recall the debate on the Bill introduced by my right hon. Friend the Member for Birmingham, Ladywood and that some of the difficulties that were suggested at that time were somewhat exaggerated. The most important difficulty is one that the right hon. and learned Member for Rushcliffe spoke about in his contribution: the timing of the vote. If Parliament is asked to vote when troops have already been deployed—as it was in the final vote on Iraq—certainly for some people it becomes much more difficult to oppose the war.

Ms Abbott: Does my hon. Friend agree that timing is vital for two reasons? When the House is asked to vote on military action and the troops are massed at the border, two issues come into play in Members' minds. First, there is the fact that they will be letting down their troops, who have been heavily deployed. Secondly, there is the humiliation that the Prime Minister of the day will suffer if his own MPs do not vote for military action. Timing is key to having a proper and reasoned vote on the subject.

Mr. Gerrard: I accept both those arguments. The difficulty is how to get the timing right. If the timing of the vote is left entirely in the control of the Prime Minister, frankly it would be a pretty stupid Prime Minister who could not select when he would have a much better chance of getting the desired outcome. There is no question but that the timing of the vote can affect the outcome. Whether we go down the legislative route or the convention route, we should be looking for some mechanism that gives Parliament more control over the timing and more choice about when votes are called, as was suggested. If all the choices about timing are left to the Executive, it is almost certain that the vote will take place when it is most likely that the Executive will get the result that they are looking for.

Dr. Palmer: Does my hon. Friend agree that there is a genuine difficulty? We have discussed the problems with having a vote very late in the process, but if we have a vote very early in the process a lot of MPs will feel that it is rather premature and that it might inflame the situation. There could be a delicate diplomatic situation and the Prime Minister of the day could have to go to Parliament and say, "Give me a mandate to go to war," when there might still be a chance of peace. Does he agree that there is a genuine objective difficulty that makes it difficult to lay down in statute exactly when the vote should take place?

Mr. Gerrard: I accept that point. There are genuine difficulties about the timing. If we look not just at the Iraq war, but at some of the other military actions over the past 10 years, we see that there have been quite long build-up periods. Choosing when there should be a vote is not simple. I would not pretend for one moment that it was. But we ought to give some thought to the mechanisms for determining the timing of the vote. That will be critical in getting a procedure that works properly—if we are going to have parliamentary involvement. I am not suggesting for one minute that I have a simple, easy answer, but it is a key point.

Mark Durkan (Foyle) (SDLP): Should not the rights and responsibilities of Parliament extend not just to the resolution to deploy into an area of armed conflict? Should it not have the right to monitor what subsequently happens? Perhaps it could appoint a bespoke Select Committee to monitor what happens in the conflict and post conflict. In situations such as Iraq, when Parliament knows that it is potentially on a countdown to deployment to armed conflict, such a bespoke Select Committee could be formed and could help to determine when parliamentary votes were required and when debates were appropriate.

Mr. Gerrard: I thank the hon. Gentleman for his intervention. That is obviously one possible mechanism. In terms of scrutiny, there seems to be no problem with Select Committees choosing to look at what is happening. The real problem is that debate is not taking place in the House as a whole. We have had relatively little debate in the past two or three years about what is going on within Iraq, when it is clearly of immense importance and when there are many, many Members who are seriously concerned about what is happening. But that is a slightly different issue: it is to do with what happens afterwards, rather than what happens at the point when we are about to take military action.

I was interested to read in the report from the House of Lords Constitution Committee some of its descriptions of what happens and what needs to happen. The Committee talked about wars "of necessity", "of choice" and "of obligation". A war of necessity is self-defence. If one is attacked, quite clearly one expects to defend oneself. As far as this country is concerned, it is difficult to think back to a time when that actually happened—when the trigger for war was a direct attack on this country. The Committee dismissed wars of obligation as not being a reality. It pointed out that none of the international treaties that we are signed up to forces us to take military action. Even perhaps the most obvious example, article 5 of the NATO treaty, which is the core commitment to collective self-defence in NATO, only commits each signatory to take

"such action as it deems necessary"

in the event of an attack on another. In the end, the sovereign country still decides whether to take military action.

[Mr. Gerrard]

In every case, the military action that we are involved in, and have been involved in over quite a long period of time, has been the result of choice. It was a political choice to be involved in military action in Kosovo, Afghanistan, Bosnia, Sierra Leone and Iraq—the major military actions over the past 10 years. It cannot be suggested, as some tried when we discussed parliamentary involvement a year or two ago, that if Parliament had been involved, it would have given the game away and alerted the enemy that we would be involved in military action, because every example involved a significant build-up period. In most, although not all, of those cases, military conflict did not involve the UK going it alone because either we were in a coalition, or the action took place under the auspices of UN resolutions.

I am glad that there is recognition that some of the objections that were raised in the past were rather spurious and that we have reached a position in which we will today agree the principle that we need to find a different mechanism. I understand the argument that a convention could be more flexible than legislation and that a workable convention might be easier to achieve. I remember from drafting my private Member's Bill that it is really difficult to get all the detail right and to think of all situations that might arise so that they can be covered. The key issue is that there should be substantive votes. We need a mechanism that will ensure that substantive votes take place in the House and that the House can have a degree of control over the timing of votes. Those are the two things that we should be looking for from the consultation that will take place as a result of this debate.

6.41 pm

Mr. Edward Leigh (Gainsborough) (Con): Supply days usually make very little difference, and I often wonder why we are always on a three-line Whip for such debates because the Opposition always get voted down by the Government and, apparently, very little ever changes. However, this will clearly be an historic occasion—the earth has moved. Governments have declared war, which is arguably the most important thing that they have to do, in a certain way for centuries, but, apparently, as a result of the motion moved by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), both sides of the House have had a Damascene conversion this week and decided that Parliament should be allowed to have a say on all future occasions. As several hon. Members have said, there is very little difference between the motion and the amendment. This is an historic occasion, and I hope that, for once, when the newspapers are printed tomorrow, they will note that.

On that bipartisan note, we can all be very pleased, but why has this happened? I do not think that anyone can deny that there has been a massive breakdown in trust in the Government's word to Parliament. We must be very careful about what we say because we do not want to be ruled out of order, but everyone knows that that breakdown has happened.

We have heard a lot of talk about how the historic prerogative of the Crown is rather old-fashioned and how no one believes in it any more, but there was overwhelming public support for what Governments were doing in all wars before the Iraq war, which was declared in March 2003. We only have to think back to the days before the declaration of war in 1914 to recall that there was overwhelming support among the public and in the House and massive demonstrations were held. There was a feeling that we were absolutely right to go to war because the independence and neutrality of Belgium had been violated. The mood in 1939 was much more sombre, but it was absolutely united. We felt that while we had given Germany every opportunity to try to maintain peace, owing to our desperate experience of the first world war and our desire to avoid war, we had to go to war. Although there was some opposition to the Falklands war, there was basically a united House of Commons and united public opinion on that much smaller war, which happened after the sovereignty of part of the United Kingdom was grossly violated by an invasion. While all those wars drew support, there was one important exception: Suez. That rather proves the point.

We should not dismiss what happened in the past as being rather old-fashioned, but accept that before the events of March 2003 the system worked really quite well. Prime Ministers did not act alone irrespective of public opinion. The truth is that they acted in line with public opinion—they almost had no choice. During the events of May 1940, Winston Churchill said that if the Government had tried to resist public opinion, they would have been physically dragged from office.

Dr. Palmer: Will the hon. Gentleman give way?

Mr. Leigh: No, I will not. The hon. Gentleman has made a lot of interventions and he will be able to make his speech in his own way.

We cannot brush aside the serious events of March 2003. The motion for which we voted—I must admit that I voted against it, not for it, and most people were misled by it—made it absolutely clear that we were going to war because there was a direct threat to this nation. The motion cited numerous United Nations resolutions and stated explicitly that the war was a just war. A just war is a war into which a country is forced against its will to defend itself. We were told in March 2003 that we had to go to war because we were faced with a dictator who was out of control, who had the third or fourth biggest army in the world, who had weapons of mass destruction and who was a real and potent threat to the region.

At that time, numerous people—I and many others who were far more knowledgeable than I was about opinion in the Arab world—raised their voices about the risks, while many people with huge experience in our diplomatic service warned the Government that invading a sovereign Arab nation would, far from solving the problems of terrorism, grossly exacerbate the problems. All those voices have been proved right. However, everyone in the House, even those who voted against the war, believed that Saddam Hussein had weapons of mass destruction. Those who voted against the war believed in deterrence and thought that as the concept of deterrence had always worked in the past, it would work in this case. We believed that even if he had weapons of mass destruction, he would never dare use them. We need not rehearse all the arguments that were

made at the time. We accepted the word of the Government, but that word simply was not right. There were no weapons, which is why we must accept that there has been a massive breakdown in trust.

We can argue that that is now all history. In a sense, this debate has been a rather friendly academic exercise. We have talked about history and while, of course, the Government will never apologise for what happened, they have half-apologised and said that they acted in good faith. However, while we have made progress in that we all apparently accept that the decision was difficult and that votes must take place in the future, as they did then, the terrible aspect of what we are debating is that the situation continues. Fifteen of our soldiers have been killed in the past year alone. As a result of the decision to invade Iraq, tens of thousands of innocent Iraqis have died, yet otherwise they would still be alive. They died yesterday, they are dying today and they will die tomorrow.

Mr. Douglas Carswell (Harwich) (Con): Does my hon. Friend agree that scaling back the Crown prerogative by ensuring that parliamentary approval was required before engaging in armed conflicts would help to clarify our war aims from the outset? Clear, unequivocal war aims would ensure that we avoid the sort of mission creep that is taking place in Afghanistan, where a war that started to root out the Taliban is fast becoming a counter-productive campaign to eradicate poppies. Does my hon. Friend agree that, regardless of which party is in office, rolling back Crown prerogative would mean better decision making, greater clarity and less muddle?

Mr. Leigh: Of course I agree with that. To turn briefly to the subject of Afghanistan, apparently everybody assumes that there is broad support for what is going on there, but looking at the history of Afghanistan and our previous involvement there, I have enormous doubts about what is happening in that country. I have doubts about whether we will ever resolve the situation, and whether we will ever defeat the Taliban, their successors, or the successors of their successors, because once again we are being sucked into a vortex of military operations in an Arab country. Of course my hon. Friend is right. Apparently, we are all in agreement on the problem: in future, we must have a resolution before we go to war. However, there are still enormous doubts about how to ensure that that happens.

Where I part company from many people in the House—I apologise to you, Mr. Deputy Speaker, but I have to say this—is that I believe that we need another vote on whether we should stay in Iraq. As I said to the Leader of the House, to the Prime Minister last week and to the Secretary of State for Defence yesterday, although the point was constantly brushed aside, the situation has changed fundamentally. We went into Iraq because we feared for the security of the region, and we believed that the country's Government was a threat to the region. We now justify our continued presence by saying that we are asked to be there by the democratically elected Government, and we say that we will stay there as long as is necessary. However, there has been very little debate in the House about what is actually going on Iraq, and what little debate has taken place has had to be forced on the Government.

We all know that, in reality, the writ of Iraq's ostensibly democratic Government hardly extends beyond the green zone. We face the same situation that we faced in Vietnam and in many other wars: our Government and the American Government are desperately finding an excuse to get out. The excuse will be that we have somehow resolved the security situation, and that the democratically elected Government of Iraq is happy for us to scale down our forces, but we all know that that is simply not true. We all know that there is a complete and desperate mess out there. None of us has any time for what Saddam Hussein did, and we all know that he was a ruthless and desperate tyrant, but we have enormous sympathy for ordinary Iraqi people. When I visited Iraq while Saddam Hussein was in power, those people were going about their business. They were running their little stalls in the marketplace in some semblance of peace and security, but now they are living in a vortex of violence. Our troops are still there, and it appears that no Government Member has the courage to come before the House and say, "It's all over. The mission has failed; it simply has not worked, and we are going to get out."

As I said yesterday to the Secretary of State for Defence—my point was brushed aside—we all know that the incoming Prime Minister will get us out of Iraq before the general election. It is inconceivable that British troops will still be in Iraq at the time of the next general election. Any Government that still had troops in Iraq at the time of a general election would be swept aside by our electorate. Such is the complete breakdown in trust, and such is the opposition of the British people to our continuing presence in Iraq, that whatever happens, and whatever the security situation on the ground, our troops will leave. For that reason, the process is subject to an arbitrary timetable of three, or more probably two, years.

Is there any sensible debate? No. Is any real intelligence coming out of Iraq? We are told, of course, that we are doing terribly well in the southern part of the country, although the Americans are having all sorts of problems, and we are told that we are gradually withdrawing, but we have not actually been told what has been happening in the provinces from which we have withdrawn. We all know that gradually a strong military or political force will take over as we leave. Apparently, we will now withdraw to the airport, but does anyone think that a country can be run from an airport? The reason we are withdrawing to the airport is to try to reduce our casualties. It means that we can maintain the political fiction that we are still in the country and are sustaining the Government, and that everything is all right. We are stuck in the airport. Armies that retreat to airports are armies that are leaving the country.

The only way we can run Iraq is by having many more British troops there. We would need not 5,000, but 10,000, 15,000 or 20,000 troops on the ground throughout the southern part of the country. Is there any real discussion of the subject? Is there a vote? There is nothing. We are deluding ourselves. When we leave, one of two things will happen: either there will be complete chaos and civil war, or some strong man will take charge. We are all apparently agreed that terrible mistakes were made in the aftermath of the invasion,

[Mr. Leigh]

that we should have left the Iraqi army in place, that we should have left Ba'athists in charge of the army, and that we should have got out within three months—and there were all the prison scandals, too. However, that is all said with hindsight. At the end of the day, a strong man will emerge, and it will not be the present bunch of corrupt politicians who are sheltering in the green zone, and who have just awarded themselves a two-month summer recess while American troops are dying in the streets trying to protect them. Incidentally, there is a lot of disquiet in America about that.

Why do we not have the courage to hold another vote, or to start doing what the United States Congress is doing? Ours is now one of the weakest Parliaments in the western world. The United States Congress is applying massive pressure to the American Administration. Negotiations continue daily, and votes are threatened that would cut off President Bush's supply; he is having to negotiate his way out of that impasse. Here, we are brushed aside with soft words. We are told, "The Prime Minister says that we are in Iraq at the behest of its Government", and we are told that we are making progress, but no details are given.

There are no intelligence reports, just as there were no intelligence reports before the war, and I suspect that there is actually very little intelligence. Before the war, we all imagined that the Government were equipped with massive amounts of sophisticated intelligence, and that there were agents on the ground informing the Government what was happening. I do not believe that that sophisticated intelligence is out there at the moment. I think that the Government's intelligence on what is happening in the provinces that we have vacated is very weak indeed. The Government are flying by the seat of their pants, and they have no idea what will happen; they simply want to get out. Why do we not have the courage to have another vote in Parliament, or to do what other self-respecting legislators have had the courage to do and say, "It's all over"?

Iraq is not worth the life of another British soldier. It does not matter whether we get out next month, in a year's time or in two years' time; Iraq will find its own way, and that is the right way. I cannot understand why we have a sort of intellectual imperialism as regards Arab people and the Muslim world, or why we think that we are entitled to impose our ideas of western liberal democracy. Of course, in this House, we all believe that those ideas are superior, but do we have no idea what is going through the mind of ordinary Iraqis, apart from those few politicians sheltering in the green zone? Do we really imagine that we are popular in Iraq? I know that there is a division of opinion on that, and that some people would perhaps like us to stay, but fundamentally, most people are opposed to what we want, and opposed to our way of life. They see violence around them, and they want us to get out. The days of us imposing our views on those people are over.

This is a great debate, and we have made enormous progress. As a result of a massive breakdown in trust, there will be no more wars that commit us in the way Iraq did. However, the time has come for another vote—a vote calling for an immediate, ordered withdrawal of British troops, so that the Iraqi people, and the Iraqi Government, whatever shape or form they take—military, semi-democratic, Shi'a, Sunni or Kurd—can find their own way to peace and justice, according to their own lights. Let us have another vote, and let us get ourselves out of this mess.

6.59 pm

Dr. Nick Palmer (Broxtowe) (Lab): In response to the hon. Member for Gainsborough (Mr. Leigh), I do not think that the debate has a great deal to do with Iraq specifically. Indeed, Iraq shows the limitations of what we are doing today. I also do not think that the debate has much to do with Afghanistan. I slightly question the hon. Gentleman's expertise, as he seems to think that Afghanistan is an Arab country. It is not.

I shall explore in my speech the limitations of what we are doing today. To some extent, we have all been in agreement and we have made matters too easy for ourselves. I accept what everybody has said so far, that the issue is extremely important, and that we are making a very important change to the democratic tradition in Britain. It is a good change and it is overdue. I pay tribute to hon. Members such as my hon. Friend the Member for Walthamstow (Mr. Gerrard) and others who are not present. I also draw attention to my near neighbour, my hon. Friend the Member for Nottingham, North (Mr. Allen), who tabled motion 27 on the Order Paper, which I guess he can now withdraw because it is essentially identical to what we are about to approve today.

The background to this debate is the increasing public scepticism over the involvement of Britain in international affairs to anything like the extent to which we have been accustomed in recent years. The right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind), who spoke earlier, is a vigorous supporter of Britain punching above its weight. There was a recent opinion poll that specifically asked, "Are you in favour of Britain punching above its weight?" A substantial majority said, "No, we are not. We are against Britain getting too much involved." That is a serious issue for all of us.

We can all think of conflicts on which we disagree. For some it might be Suez, for some it might be Iraq, for some it might be a number of conflicts. Similarly, unless we are pacifists, we can all think of occasions when we would like Britain to intervene or to have intervened in the past. Many people feel that we ought to be intervening in Darfur. There are some who feel that we should be intervening in Zimbabwe or in Burma. There is always a debate on these topics and there is always a case for intervention. It is sobering that we have come to a point where the public on the whole say, "I don't care if there is a good case for it. We don't want to get involved." In what we are doing today and in subsequent discussions, we need to try to rebuild the process to the point that the public accept that if that process is gone through in the correct way, we will reach a reasonable basis on which to intervene overseas.

I agree with the public that we have tended too often to say, "We are the experts on what the world needs and we are prepared to intervene, whatever it takes and wherever it may be." It is necessary to be able to do that in the right cause to prevent genocide or wholesale

slaughter, and we need a process that we can accept. I am in favour of the change and I should like to explore some of the specific details that have been raised during the debate. The hon. Member for Newark (Patrick Mercer) asked what the test should be for substantial involvement, and whether it should be firepower or manpower. The answer is both. If we commit substantial firepower abroad, Britain will become very much part of whatever controversy is involved. That is a matter on which the House of Commons should legitimately be able to express an opinion. If we commit substantial manpower, the likelihood is that British lives will be lost—so even more so should Parliament be involved.

The right hon. and learned Member for Rushcliffe (Mr. Clarke) and my hon. Friend the Member for Walthamstow both raised the issue of timing. As we discussed in my exchange with my hon. Friend, there are difficulties both in consulting too early and in consulting too late. If the Prime Minister had come to the House six months before the Iraq war—at a time when I think that he had privately concluded that it was likely that war would be necessary—and if at that stage he had sought the authority of the House to go to war, with the United Nations still debating the issue and a great deal of controversy about Saddam's intentions and about the potential for the weapons inspectors to succeed in their mission, it would have been seen as an extremely provocative act, effectively pre-empting the attempt to find a peaceful outcome. However, by consulting only when the troops were on the border, as my hon. Friends the Members for Walthamstow and for Hackney, North and Stoke Newington (Ms Abbott) said, a great many of us felt that it was very difficult at that stage, with our troops on the border, for us to say, "No, let's all go home."

I suggest that we foresee two separate decisions. One would be taken at the time of a substantial deployment of troops abroad. It would be accepted that that was not a vote to go to war, but a vote to deploy troops with a view to forcing a positive outcome. There would then be a separate decision at the time that it was felt that military force was needed. Those are two quite separate decisions, which should be seen as such. It should be possible to say, "We authorise the dispatch of 50,000 troops"—or whatever the number might be—"for the purpose of advancing a favourable outcome", without that being a commitment to armed conflict, which would necessarily and prematurely inflame the situation.

I am opposed constantly to revisiting the issue once a conflict has started. That was the point that we discussed briefly earlier. If our troops are fighting, it seems to me that we should not have some routine mechanism for Parliament to revisit the issue at regular intervals to discuss whether they should be fighting or whether they should stop. That would be demoralising.

Nick Harvey (North Devon) (LD): Surely the hon. Gentleman cannot logically say that it is for Parliament to take a view at the outset, but that however long events go on and however badly they are going, there should be no facility for Parliament to comment. I noticed that he used the word "routine". The German Bundestag has a regular timetabled look at such things. I would not advocate that, but I would want to feel that Parliament could come back if, in the fullness of time, it did not consider that some of the original hopes and expectations were being realised.

Dr. Palmer: I agree with the hon. Gentleman. I am glad that he picked up on my word "routine". That is the point that I am making. Whereas Parliament should be automatically required to approve deployment and outbreak of war, I do not think that it should be automatically, by some standard mechanism, required to come back to the subject every three months or whatever the interval might be. In that case, the normal parliamentary process would take effect. If one of the political parties comes to the conclusion that a substantial change in strategy or even a complete withdrawal is needed, there are existing procedures in Parliament to allow that political party to raise the matter on one of its Supply days as a substantive motion.

We heard the hon. Member for Gainsborough and one or two others urge that we withdraw from Iraq as soon as possible—virtually immediately. It would be open to the Conservative Opposition to use a Supply day such as today to put forward not a motion in principle about war-making powers but a motion urging immediate withdrawal. They have not done so because, at this point, they do not think that it would be justified or in the interests of our troops or the country. As I understand it, the Liberal Democrats favour an early withdrawal, and it would be open to them to put forward a substantive motion on a Liberal Democrat Supply day. If the Government came to the conclusion that a change of strategy was needed, it would be open to them, in all sorts of ways, to come to Parliament to ask for such approval. However, it should not be an automatic process—the automatic element should relate only to the deployment of troops.

Mark Durkan: My hon. Friend emphasises the importance of people in this House not wishing to demoralise those who are already deployed in an area of conflict. Surely it would be demoralising to leave the question of parliamentary scrutiny of what takes place to partisan motions and initiatives. What does he think of the idea of forming a bespoke Select Committee each time there was a resolution to deploy, which would then consider and adjudge whether debates or motions in this House were subsequently necessary depending on developments and performance?

Dr. Palmer: We should not underestimate the hesitation that any political party would feel about bringing forward a proposal to change the war strategy or, in effect, to admit defeat and go home. I guess that that is why the Liberal Democrats have not done so, although that is a matter for them. I am not against my hon. Friend's proposal, which is interesting.

That brings me to the more general point that we should not have any illusion that procedural mechanisms will enable us to deal with all the practical problems that arise and all the moral and ethical challenges that we face in these situations. In the case of Iraq, unlike all the previous controversies, we have had not one, not two, but three votes, which effectively decided that Parliament was in favour of going to war as necessary. *[Interruption.]* The hon. Member for

[Dr. Palmer]

Bournemouth, East (Mr. Ellwood), who says "No", was not here. My hon. Friend the Member for Hackney, North and Stoke Newington, who was against the war, confirmed that she saw all three of those votes as leading very clearly in that direction, as I did.

Mr. Ellwood: The hon. Lady may have said that that was the spirit of what was voted on, but if the hon. Gentleman read the text of the various motions he would see that they were not about going to war—they were about quibbling over resolution 1141 and then endorsing resolution 678, which is 12 years old. If we are to move forward and give powers to this Chamber, we must have a clear-cut motion put to us about going into conflict, rather than one that tweaks around with references to something that is more than 10 years old.

Dr. Palmer: I do not want to get too deeply into debate with the hon. Gentleman about the precise wording of previous motions. Frankly, if he had been here he would not have been in any doubt.

We must avoid the illusion that a parliamentary approval mechanism alone would drastically change the outcome of a vote: it would not. Those of us who were here at the time of the Iraq vote will recall that public opinion had swung substantially in favour of voting to go to war. That is always the case. In any example that I can recall, with the possible exception of Suez, public opinion at the time we are about to go to war has been in favour of doing so. We know why that is. The press and the public tend to rally around the Government of the day and say, "Right, if push comes to shove, we are ready to go to war." I cannot conceive of a situation whereby the Government of the day goes to Parliament and says, "We've got this desperate situation and it's necessary to have an armed conflict—do you agree?", and Parliament says no. In practice, that does not happen and will not happen. From that we conclude that it is not just a single vote, or even two votes, on deployment and use of force that is needed, but a well-defined process in the run-up to a potential conflict.

Let me turn to the issue of intelligence. Most of us agree that what happened in the case of Iraq was that the intelligence community was asked, in effect, "Are you able to confirm the suspicion held by many countries around the world that Saddam has weapons of mass destruction?" Intelligence is very much like looking into a fog with little glints of light, and we ask the intelligence community to piece them together and make a pattern. Asked that question, the intelligence community thought, "We are being asked whether we can confirm that Saddam probably has weapons of mass destruction." So it looked at the fog, picked out the elements that seemed to confirm that and delivered them, with the results that we know. That is where the weakness lies. Well before any parliamentary consultation takes place, there is that difficulty in assessing the evidence. I, and others, would suggest that the Intelligence and Security Committee, which generally meets in private and under Privy Council rules, should be given access to the full range of evidence for and against any hypothesis that may be being made as a basis for war and come to a conclusion, which it reports to Parliament, on whether it considers that that evidence was convincing.

Mr. Gerrard: Does my hon. Friend accept that Iraq is the example of a war where intelligence, or decisions about intelligence, mattered, but that over the past 10 years that has been the exception rather than the rule? Does he also agree that given the experience of Iraq, it will be incredibly difficult for anybody again to persuade people in this House to support a war purely on the basis of supposed intelligence?

Dr. Palmer: My hon. Friend makes a good point, which I had not altogether considered. He is right that the intelligence issue was very salient on Iraq in a way that it was not, say, on Afghanistan. His second point was also correct. Were we to propose another war on the basis of intelligence, it would require a greater conviction that that intelligence was correct. In that sense, my suggestion of an independent review of the evidence by the Intelligence and Security Committee could help. It is very important to have an element of independent all-party scrutiny at the intelligence stage.

Mr. Ellwood: The hon. Gentleman makes a relevant point. We can argue until the cows come home about whether we should go to war, but once we have made that commitment it is important that we continue the process of transition from war to peace. That is where I take issue with what is going on in Iraq and Afghanistan. Parking the question about going to war, in both cases, does he think that the management of the peace has been successful? Had we put up democratic regimes in a short space of time and then exited, I question whether we would be having this debate at all.

Dr. Palmer: Today's debate is healthy in itself, regardless of Iraq. As I have argued, Iraq is an example of a case that would not be solved by what we are trying to do today. If the hon. Gentleman will forgive me, I shall not go into detail about my view of the peacekeeping operations in Iraq and Afghanistan because other hon. Members want to speak, and it would go beyond the subject that we are discussing.

Dr. Liam Fox (Woodspring) (Con): I am interested in the hon. Gentleman's excellent speech. Before he finishes considering intelligence and his alternative arrangements, does he believe that the problem with the Iraq war lay with gathering and collating or interpreting the intelligence? How would his proposals deal with those three aspects?

Dr. Palmer: There was obviously a problem with gathering intelligence. There is a general problem of having sufficient agents on the ground and so on. My suggestions would not help with that. A problem lay with the intelligence community's interpretation of the available evidence. Like most people, my understanding of all the facts is incomplete, but my impression is that the intelligence community felt that it had been asked to give a yes or no answer to the specific question, "Does Saddam have weapons of mass destruction?" It then examined the available evidence for indications that that might be the case. I believe that an all-party

committee could legitimately be asked to scrutinise that element of judgment. Such a committee could get it wrong, too. It could examine the evidence and reach the same conclusion, but at least there would be no corrosive suggestion that one party had over-interpreted the data and the other party would have done things differently. If an all-party, trusted committee, which considered the evidence, said that it appeared convincing, I would feel that that was reasonably persuasive, even if the Government were of a different party from mine.

I conclude by reverting to my original reference to the opinion poll about reluctance to engage overseas. We need to envisage not only consulting Parliament in future conflicts, but making a commitment to consult internationally, on a multilateral basis. I believe that there will still be occasions when most countries in the western world agree that a specific situation is so horrific that collective action is necessary. I note that, in Afghanistan—as opposed to Iraq—there remains a broad consensus among western Governments and, indeed, some non-western Governments that our involvement there is necessary.

Multilateralism is also a test of the validity of the arguments that take us to war. If we conclude that war is justified and we find that several major countries have reached the same conclusion, the decision is more likely to stand the test of time than if we play our traditional role of claiming that we have an almost unique ability to judge the needs of the world.

Yes, let us consult Parliament and do it as a process rather than a one-off action, but let us also try to commit British forces as part of a multilateral effort rather than an heroic lone mission.

7.24 pm

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I am pleased to take a small part in the debate, which has been interesting. Consensus in the Chamber usually means that a debate is as dull as ditchwater, but today's discussion has been interesting and important.

The hon. Member for Broxtowe (Dr. Palmer), in correcting some hon. Members and advising others, said that the debate had nothing to do with Iraq. I do not believe that for a moment. Given that about 80 per cent. of his speech was about Iraq, I wonder why he bothered to make such a claim.

Let us consider the reason for the sudden U-turn and interesting timing of the debate. It is to do with the Chancellor, who is busily rowing away from the Blair mother ship. The only transparency is the politics behind that. Who was in the Cabinet when the decision was made to invade Iraq? Who paid the cheques? Who is as much an architect of Blairism as the man himself and, therefore, partly responsible for the conflict in Iraq? The answer is the Chancellor. He is now publicly advising that Parliament should play a pivotal role in war-making. Good. On the presumption that the assertion is not mere froth and spin, or part of his strategy to distance himself from the Blair Administration in which he was a central player, and that it can be taken seriously, it is most welcome.

The Leader of the House, in opening the debate, said that there would be consultation with all parties. Let us hope that that will happen. For the record, I believe that the convention route is preferable to a statutory route. Doubtless, that will be discussed in the weeks and months ahead. However, we must apply the lessons of Iraq and examine several matters that must be tackled.

Let us consider intelligence. First, it must be clear, tested and truthful. Unfortunately, that was not the case a couple of years ago. Secondly, it must be placed before Parliament unencumbered by spin or—worse—by being borrowed from a student's thesis. The hon. Member for Hackney, North and Stoke Newington (Ms Abbott) said that she saw through the various documents. As it happens, so did I. However, other aspects were in play during the votes and they contributed to the general ratcheting up to a position where war would happen. Regardless of wording, those of us who were present at that time knew what was happening. We knew that people were being hauled before the Prime Minister and the Whips and we also knew the real meaning of the motions. Let us not pretend otherwise. The hon. Member for Hackney, North and Stoke Newington is a redoubtable and tough character. She stood up to it, but others, sadly, did not. Still others were genuinely misled and took the evidence at its face value. I, for one, did not, and would be wary of doing so in future. Let us see whether we can improve the system.

Thirdly, Parliament's involvement at an early stage, not when it is convenient only to the Executive, is crucial. That point has already been made and I shall not dwell on it. However, we know that the decision to invade Iraq was casually agreed in Texas between the Prime Minister and President Bush many months before Parliament voted on the matter. Indeed, the Prime Minister answered questions from various Members of Parliament, including me, in the few weeks before the conflict in Iraq, saying that no decision had been made and that military action could easily be avoided. He said that when 130,000 American troops were massed on the borders of Iraq.

We were badly served by the current system. I could put it another way, but I shall not. Furthermore, we are aware of the misinformation about 45 minutes and the weapons of mass destruction. We also know that the nuclear experts were eager to continue searching and that Dr. Hans Blix, the chemical warfare expert, was keen to carry on for a couple of months. They were not allowed to complete their work, despite their pleas and despite being mandated by the United Nations to complete their respective tasks.

Clearly, in addressing the matter, we must consider prerogative powers. I believe that those powers will have to remain, but that they should be exercisable by this House under strict conditions, whereby full information is supplied and a full debate is possible. I shall quote from the report of the House of Lords Constitution Committee, which is referred to in the motion. It states:

> "The exercise of the royal prerogative by the Government to deploy armed forces overseas is outdated and should not be allowed to continue as the basis for legitimate war-making in our 21st century. Parliament's ability to challenge the executive must be protected and strengthened".

That is absolutely right and it is an essential question in this debate. That power is not one that the Executive would relinquish easily, but as I have already said, the

[Mr. Elfyn Llwyd]

Chancellor has indicated a willingness to bring Parliament into the equation. Earlier this year, on a Sunday political programme, the Chancellor made that quite clear to Mr. Andrew Marr. He said that he could not conceive of a situation

"other than an extreme emergency where Parliament would not wish to, and should not, have a role to play in this".

That is all well and good, but it may also be argued by the Government that Parliament did play a similar role in the build-up to the present conflict in Iraq. As I have already intimated, that role was entirely unsatisfactory in its timing and also highly unsatisfactory given the quality of the alleged evidence against Saddam on which Parliament was to rely in reaching its conclusions and voting accordingly. In case anyone has any misgivings or qualms about this—let me say that Saddam was an awful tyrant and that no one in his right mind could ever have said a good word about him. That, however, is beside the point; it is another matter—*[Interruption.]* Whether that justifies breaking international law is another question. That is my point.

In the debate on the subject in the other place, the noble Lord Lester said that

"the essential elements must be that Government should seek parliamentary approval for military action; provide Parliament with details of any proposed action, including its objectives, legal basis, likely duration, size and so on; be able, in circumstances of emergency, to take action before consulting Parliament, provided that they come back to Parliament to give an account as soon as possible".—*[Official Report, House of Lords,* 1 May 2007; Vol. 691, c. 997.]

I think that that is a very sensible proposition indeed and I hope that, ultimately, that kind of thinking can be adopted in the cross-party discussions that will ensue after today's debate.

On the legal basis for military action, I remind the House of the debate on 9 March 2004, which I opened on behalf of Plaid Cymru and the Scottish National party. I called in a motion for the full opinion of the Attorney-General to be disclosed. I still believe that that is right, even though I have heard knowledgeable Members on both sides of the House taking a contrary view. What we must have, at the very least, is more information on the legal opinion. It may be difficult in certain circumstances to supply the whole opinion—though I know not—but one page of A4 is hardly sufficient when there is a 17-page document. There are plenty of authorities in agreement with me. "Erskine May", for example, states:

"The opinions of the Law Officers of the Crown, being confidential, are not usually laid before Parliament or cited in debate... But if a Minister deems it expedient that such opinions should be made known for the information of the House, he is entitled to cite them in debate."

There have been examples of where that has been done, and in questions of war-making it is vital that—consistent with security and so forth—as much information as possible be imparted to this place.

It is crucial that we are told the legal basis for war. I say that because when I was in Iraq two and a half years ago, I spoke to several senior officers who were deeply worried about the legitimacy of the conflict and the role of the troops. They volunteered those opinions; I was not canvassing them. They were unsure and their morale was undoubtedly affected by that issue. Let us get this right: I am not trying to stir up the matter; it was volunteered to me. I am passing on, for what it is worth, the information that many senior officers in Iraq were concerned about the legitimacy of what they were doing. In my view, nothing is more damaging to military morale than a real doubt about the legitimacy of military actions. Indeed, days before the conflict began, Lord Boyce, then Chief of the Defence Staff, demanded what he called "unequivocal legal authority" for the invasion of Iraq. Similarly, I believe that Parliament should have such unequivocal legal authority in any debate on future conflicts; otherwise, such a decision will again be taken on flawed or seriously incomplete information, which cannot be the way forward in matters as serious as these.

There is widespread concern about the way in which the Government acted in the run-up to the Iraq conflict. I suspect that that concern may deepen further as casualties continue and when we see the heart-breaking spectacle of grieving parents asking why their son or daughter died and in what cause. I have nothing but the highest regard for the troops serving there—their bravery and professionalism is beyond doubt and beyond comparison. But it has surely reached the point where it is possible, or at least conceivable, that the presence of those brave men and women is actually contributing to the problem rather than helping to solve it. I put that not in a partisan way, but because I genuinely believe that it may be true.

As politicians, we like to say that lessons have been learned. If so, let us change the procedures to ensure that in future we do not again witness a disastrous and damaging debacle such as the Iraq conflict. Let Parliament assert itself and ensure that it is never again asked to vote on a flawed and discredited prospectus with such horrific and enduring consequences.

7.36 pm

Mr. Robert Walter (North Dorset) (Con): I congratulate my right hon. and hon. Friends on bringing this subject before the House today. I am sure that when they took that decision, they did not expect to see such a consensus across the Chamber, or a Government amendment very similar in its wording to the original motion.

I have a dilemma—very much on the same lines as that of my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind). In my capacity as chairman of the defence committee of the European Security and Defence Assembly of the Western European Union, I have seen the effect of parliamentary approval on the deployment of the forces of a number of our European partners. What concerns me is that in seeking democratic legitimacy for what our armed forces do, we should not allow ourselves to get into a situation where we reduce the flexibility and timely deployment of those forces, or introduce national caveats into our deployment within multinational force deployments.

Mention has been made—I am not going to make a great deal of it—of the Iraq vote in this House. I participated in the debates on Iraq and voted basically against the Iraq invasion, although—for reasons that

my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) put so succinctly—I abstained on the final vote because we were already effectively at war. Our troops were massed on the Kuwait border ready for the invasion and I felt that there was no reason to give comfort to Saddam Hussein by displaying a number of MPs who were not with our troops on that occasion. As I have pointed out several times previously, I also had a personal reason in that my daughter, a surgeon in the Royal Army Medical Corps, was one of the troops on the border, so she was part of the invasion force.

On occasions, the case for military conflict is clear and there is a consensus. A number of hon. Members have mentioned that this evening. I believe that there was a consensus in 1939, for example, or over the Falklands. On other occasions, however, there is not a consensus and the case is not clear. Suez would be the most obvious post-war example. There are also occasions involving threats to sovereign government on which, particularly in this post-colonial era, we have deployed troops in places such as Cyprus, Kenya and Rhodesia for just those reasons.

The world has changed in a number of ways, however. The world of state-on-state conflict is no longer with us. It might come back—who knows?—and we might have to invoke our various article 5 responses. I am referring to article 5 of the Washington treaty and article 5 of the modified Brussels treaty. It is more likely, however, that we shall be involved in military missions under the cover of a United Nations resolution, although such resolutions can be somewhat dubiously interpreted on occasions. I feel that that is what happened with Iraq.

It is also more likely that we shall be involved in the broader tasks that were defined in 1992 as the Petersberg tasks—humanitarian, rescue and peacekeeping tasks, and tasks involving combat forces in crisis management, including peacemaking. In Europe, those tasks are now vested in the EU Council, as well as in NATO. I mention them here because it is rare in modern times for us to deploy our troops outside the framework of an international organisation. We have been involved with NATO in Afghanistan and Kosovo, and with the EU in Bosnia and Macedonia. We are not involved in any major United Nations operations at the moment, but we could have been involved in the recent or ongoing ones in Lebanon and the Congo.

There are lessons to be learned from international comparisons, and I want to examine how some of our European neighbours approach the subject of parliamentary approval. In Belgium, article 167 of the constitution stipulates:

"The King manages international relations...commands the armed forces, and determines the state of war and the cessation of hostilities. He notifies the Chambers as soon as State interests and security permit and he adds those messages deemed appropriate."

As national defence is a matter for the Executive, parliamentary scrutiny is exercised retrospectively.

That contrasts with Denmark, where, according to paragraph 19(3) of the Danish Constitutional Act, the Danish Parliament appoints a foreign policy committee from among its Members, which the Government consult before making any decision of major importance to foreign policy. The Government are, moreover, subject to the same general and specific parliamentary control and possible sanctions as in all other areas.

In Spain, article 63 of the constitution states:

"It is incumbent on the King, after authorisation by the Parliament, to declare war and make peace."

Article 64 provides that all acts by the King shall be countersigned by the Prime Minister, so it can fairly be stated that this responsibility rests with the Head of Government, who

"directs domestic and foreign policy, civil and military administration, and the defence of the state",

as provided by article 97.

France is an interesting case. Article 35 of the constitution—the 1958 constitution; France has had quite a few in recent years—states:

"A declaration of war shall be authorised by Parliament".

There has not been a declaration of war since 1939, however. More appropriately—or at least, the late General de Gaulle thought it more appropriate—article 16 states:

"Where the institutions of the Republic, the independence of the Nation, the integrity of its territory or the fulfilment of its international commitments are under serious and immediate threat, and where the proper functioning of the constitutional public authorities is interrupted, the President of the Republic shall take the measures required by these circumstances, after formally consulting the Prime Minister, the Presidents of the assemblies and the Constitutional Council. He shall inform the Nation of these measures in a message."

There might be a lesson to be learned from Luxembourg. According to article 37 of the constitution of the Grand Duchy,

"the Grand Duke commands the armed force; he declares war and the cessation of hostilities after having been authorised by a vote in the Chamber taken under the conditions laid down in Article 114(5)".

The Netherlands changed their provisions in July 2000 with the inclusion of a new article in their constitution. Article 100 states:

"The Government shall provide Parliament with information in advance on the posting or making available of the armed forces for the maintenance or promotion of the international legal order, including information on the posting or making available of the armed forces for the provision of humanitarian assistance in the case of armed conflict."

The Dutch provisions are now the closest to the German provisions, which are considered within NATO to be something of a hindrance to the deployment of armed forces.

I shall come to Germany in a moment, but first I want to consider the case of Sweden, because there might be some lessons to be learned there. Sweden's Instrument of Government states that

"a state of war may not be declared without the consent of the Riksdag"—

that is the Swedish Parliament—

"other than in the event of an attack upon the Realm".

The basic provisions are as follows:

"The Government may commit the Realm's armed forces, or any part of them, to battle in order to repel an armed attack upon the Realm. Swedish armed forces may otherwise be committed to battle or despatched abroad only provided:

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1. the Riksdag consents thereto;

2. such commitment is permitted under an act of law which sets out the pre-requisites for such action;

3. a commitment to take such action follows from an international agreement or obligation which has been approved by the Riksdag."

I want to finish my comparison by considering the case of Germany, because it forms an essential part of the debate in terms of putting the matter into context and perhaps of trying not to go where Germany has gone. It is also essential to consider this issue in the context of Germany's history. It was not until 1969 that Germany had an army, following the reconstitution of the Bundeswehr. We should also remind ourselves that there are German forces in Afghanistan, Bosnia and Kosovo. Also, last year, the first German-led military mission was deployed to the Congo—it commanded the EUFOR mission that was deployed there for about four months—and, for the first six months of this year, one of the two EU battle groups on call is under German command and dominated by German forces.

The experience of Germany highlights the problems associated with the principle of parliamentary approval. Before each deployment, there is a lengthy debate in the Bundestag and the Bundesrat, and they will decide whether German forces will be deployed, in what operations they will be involved, and what the terms of engagement will be. They also lay down any caveats relating to their forces' operation in the context of a multinational force. They also lay down the conditions that their troops should enjoy. Having visited German troops in a number of theatres, I remember that one provision is that no German soldier should be deployed anywhere in the world unless he has access to exactly the same medical facilities that he would have if he were living at home in Germany. That means that they have some of the most fantastic military field hospitals of any armed forces in the world.

Consequently, in Afghanistan, the German armed forces operate outside the main areas of conflict. They have an excellent field hospital in Kabul and are involved in provincial reconstruction in the northern, peaceful areas of the country. In the Congo mission, although the operation commander was German, and the largest number of troops deployed were German, no German combat troops were involved—the only combat troops were Spanish and French—despite the Bundeswehr having excellent infantry forces, very good equipment and very good armoured vehicles. They did, however, have two marvellous field hospitals, one in Kinshasa and one in Libreville.

We must accept the reality of today. Within NATO, we have a number of rapid reaction commitments, beyond our article 5 commitments. In a year or so, we will command an EU battle group, which must respond within 15 days—five days to a decision and 10 days to a deployment. Recently, in Berlin, I asked both the chairman of the Bundestag's defence committee and the Defence Minister whether, given Germany's previous experience of taking three months to decide whether to deploy to the Congo, that was possible. The answer that I received was along the lines of, "We think it'll be all right on the night."

I agree wholeheartedly with the principle in the motion, but it must not impede or inhibit our ability to defend our country or meet our international obligations. We must have careful definitions of peacekeeping and peacemaking. Let us remember that the initial NATO deployment to Afghanistan was as the international security assistance force, whose mission was provincial reconstruction—a fairly innocent-sounding mission, and it was fairly innocent to start with. Our troops who are now committed in the southern part of that country, however, are in anything but an innocent deployment.

We cannot predict today what tomorrow's conflicts will be, but Parliament must set down our criteria for rapid deployment, which we must never frustrate. On national caveats, if different Parliaments lay down different criteria for their troops to be deployed in multinational missions, that can lead to enormous grievances and problems for military commanders. We must give our commanders in the field the tools to do the job. Parliament must be involved at all stages; its involvement must be essential and not an afterthought.

In international missions, scrutiny at an international level, at which parliamentarians from different countries come together to oversee our common security structures, is also important, within the NATO Parliamentary Assembly and the WEU European Security and Defence Assembly. We must remind the European Parliament that troops are committed by national Governments. There is no European army, and while troops are national, oversight must be provided by national parliamentarians, not MEPs.

That is the essential part of the motion. If we are to expect our young men and women to lay down their lives, we, as elected representatives of the people of this country, must be able to legitimise their deployment. There are those who still see themselves as subjects of the Crown; I believe that most of my electors see themselves as citizens of a democracy. The Crown prerogative is convenient when immediate actions are required. It should, however, be tempered and controlled. I have reservations about the effectiveness of our armed forces in such circumstances, but I would still support the motion.

7.54 pm

Mr. Peter Atkinson (Hexham) (Con): It is a pleasure to follow my hon. Friend the Member for North Dorset (Mr. Walter), whose knowledge of Europe and its defence forces is extensive. I have drawn two conclusions from his contribution. Although the Luxembourg system, which he mentioned, may be of value, I understand that Luxembourg has only 10 soldiers in Afghanistan; no doubt their presence is welcome. On a more serious point, his contribution shows how much work we have to do before a sensible European response to international crises is possible.

I support my right hon. Friends' motion, although I have serious reservations about it. My first reservation is a purely political one. I echo the comments of the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) that the reason for the sudden change in Government policy, given that the Lord Chancellor was, two or three weeks ago, pouring cold water over the change proposed in the Government's amendment, is that the Chancellor of the Exchequer is clearing out the stables before taking office. He knows perfectly well that what has happened over the Iraq war has driven

trust in the Government to the lowest point. Therefore urgent action is needed; hence the amendment, which I assume will be accepted tonight instead of our motion.

My reservation about the amendment is that it

"calls upon the Government, after consultation, to come forward with more detailed proposals for Parliament to consider."

Should we hold our breath? When the Chancellor takes over as Prime Minister, will his advisers come round saying, "Prime Minister, is it wise to give Parliament this important power?" We have to wait and see, with a degree of cynicism, whether anything will come of tonight. Certainly I hope that something does come of it, because that will enhance the reputation of Parliament enormously.

My other reservation, which has been reflected in many other Members' speeches, is whether the proposal will interfere with the ability of this country and its military to operate properly. Will it handicap our armed forces in action? Clearly, the military must have freedom of action, certainly when engaged in a conflict. Tonight, however, we have heard that changing circumstances could result in further votes. How will those further votes square with giving the military the proper discretion to operate in a conflict zone, if they know that such votes might take away the legitimacy of what they are doing? If, as was suggested in the House tonight, we had another vote on Iraq, and the House voted against continuing engagement there, would not our forces have to be pulled back with a degree of urgency, in an undignified retreat? To make the proposal work, a lot of hurdles need to be overcome.

Another hurdle is the intelligence. How will the House come to a properly informed decision unless it is privy to the intelligence? How will it get the intelligence without betraying its source? That seems to be a difficult circle to square, and it is a major problem. People have suggested different ways of dealing with that, such as intelligence committees, but the Opposition will not trust the Government on intelligence, nor will some Labour Members.

Another hurdle is deciding whether to implement the proposal through a convention, as the House of Lords Select Committee recommended, or, as others have suggested, through a statute. If we have a statute, there is again a problem, because if British forces are engaged in a conflict, and then Parliament votes that that engagement should cease, does that mean that whatever has happened up to that point becomes unlawful? That is an interesting question for international and other lawyers, of whom I am not one. Given a chance, I would probably prefer the House of Lords Select Committee's recommendation of a convention, rather than a statute.

Historians divide wars into two categories: wars of choice and wars of necessity. Most of the wars that we fight are wars of choice. World war one and world war two, and possibly the Falklands, would be described as wars of necessity, when we had no option but to fight. All the other wars in which we have been involved—we have been involved in more military action than any other country since the second world war—have been wars of choice. In theory that should give Parliament plenty of time in which to debate the issues in the run-up to its decision on whether to take action, but in reality the position is not nearly as clear-cut.

The war in Sierra Leone, for instance, was initially a war of necessity. We had to go into Sierra Leone to rescue some hostages, including a detachment of our own troops, and we went there with solely that function. Having succeeded in our aim—and we did very well—we stayed on, in order eventually to fight a conventional war with the rebel army and, to a great extent, to pacify Sierra Leone. Thus a war that had begun as a war of necessity ended up as a war of choice.

The hon. Member for Thurrock (Andrew Mackinlay) shakes his head. My understanding of history may be wrong.

Andrew Mackinlay (Thurrock) (Lab): The hon. Gentleman's recollection of the history is not quite sound. I hope to refer later to the pressure that was put on me by the late Member of Parliament for Livingston and by No. 10 Downing street when we tried to probe the reason for deploying our troops in Sierra Leone. If I catch the Speaker's eye, I shall clarify the history.

Mr. Atkinson: I shall wait to have my facts corrected, but I was trying to give an example of circumstances in which matters become deeply complicated.

Let us consider other areas of conflict in the world. I think that this was mentioned by the hon. Member for Broxtowe (Dr. Palmer). If we were ever to intervene in areas such as Darfur and Zimbabwe, the mission could creep and we might again be faced with a rapid escalation, which could mean a second vote in Parliament and a change.

I know that my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) has long opposed all aspects of the royal prerogative. It is a curious animal. When the Bill of Rights removed the royal prerogative from the King and gave it to the Prime Minister, it gave the Prime Minister more power than the monarch. The monarch depended on Parliament to give him the wherewithal to fight a war; once the removal of the royal prerogative had transferred that right to the Prime Minister, the Prime Minister could deliver not only commitment to the war, but the money and equipment that he needed in order to pursue it. It is curious that history has been slightly misinterpreted in that respect.

Several Members have said that too much power is centred on the Prime Minister—I see nods across the Chamber—but are we seriously talking about diminishing that power? The power of the Prime Minister has been built up for various reasons, but not the least, and one of the most crucial, is that the media always want to focus on individuals. They convey politics to a mass audience by personalising the individuals involved. They believe that the grey areas of Parliament such as Committees are of no interest, whereas personality, such as that of the Prime Minister, is important. I consider it most unlikely that we shall ever be able to row back from the presidential era in which we live.

Overshadowing the whole of our debate has been the issue of trust. That, I think, goes to the heart of the debate. Trust in Governments has been declining throughout the world for a long time. At the time of the second world war and the conflicts that followed it,

[Mr. Atkinson]

such as the war in Korea, the natural instinct of the British people was to rally around the political leaders and our troops. The Vietnam war changed that hugely, although it did not involve us. It changed the mood in America: people saw the media, and although they were being told that the war was a fight against communism and that the interests of the South Vietnamese Government must be defended, they did not consider that to be a cause worth fighting. They did not think that the South Vietnamese Government were a desirable Government in any case, and trust in what American Presidents were saying to them broke down. That influenced many people here. Over time, we have ceased to believe anything that our leaders tell us as a result of Iraq.

If the motion is passed tonight—if the Government genuinely want to introduce this change, and are able to overcome some of the serious handicaps and reservations that may have existed—I think that it may ultimately be of great benefit to Parliament, and do something to restore the very damaged trust that the electorate have in us.

8.5 pm

Mr. James Gray (North Wiltshire) (Con): My hon. Friend the Member for Hexham (Mr. Atkinson) always speaks an enormous amount of good sense on matters such as this. I suspect from his remarks that—rather like me, and very much like my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind)—he has real reservations about the implications of what we are debating.

Having said that, I find myself in an unenviable position in comparison with many of those who have spoken this evening. There has been a cosy agreement across the Chamber: more or less everyone who has spoken has broadly agreed with everyone else. Those who have advocated the abolition of the royal prerogative for many years—the hon. Member for Cannock Chase (Dr. Wright), the Chairman of the Public Administration Committee, who is present, has done so for many years, as has my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), who opened the debate with such passion—must be very satisfied by what has been happening in the Chamber today. They have witnessed a huge sea change in opinion in both parties: they have seen views, which as recently as a year or two ago were deeply unpopular with both the Government and the Conservative party, suddenly becoming the flavour of the month.

Indeed, we have heard that only 10 days ago no less a figure than the Lord Chancellor, the second most senior person in the nation, took the view that the abolition of the royal prerogative was a dreadful thing and poured cold water on it. All of a sudden, we read in no less a source than *The Observer* that the Chancellor of the Exchequer disagrees with his noble Friend the Lord Chancellor, and wants to do away with the royal prerogative and have war-making powers decided in this place.

I find myself in a difficult position. Those who favour abolition of the royal prerogative are very satisfied because the world has gone their way, but I have fought and spoken against abolition as it is proposed today for a long time. In a thesis that I wrote when I was a student at the Royal College of Defence Studies in 2003, at the time of the Iraq war, I went to great lengths to express my view that the royal prerogative was useful—I shall explain why in a moment—and that its abolition in favour of a parliamentary decision to go to war would be altogether retrograde. I advanced the same arguments during a debate about a year ago on the Armed Forces (Parliamentary Approval for Participation in Armed Conflict) Bill, promoted by the right hon. Member for Birmingham, Ladywood (Clare Short), and that has remained my view.

As recently as this morning, I contacted the Conservative Whips to tell them that I very much regretted that I would be speaking and voting against the Conservative motion. Rather curiously, had that been the case, I should have found myself speaking and voting also against the Labour amendment. I might have ended up in a minority of one—not a position that would give me any great discomfort, but it would have been difficult.

The difficulty that I have encountered is that, having listened carefully to superb speeches by, for instance, my right hon. and learned Friends the Members for Rushcliffe (Mr. Clarke) and for Kensington and Chelsea and my right hon. Friend the Member for Richmond, Yorks, I have increasingly been led by the two central arguments they have advanced to review my dyed-in-the-wool opposition to a parliamentary decision on going to war. The first of those arguments is that the powers of Parliament have been systematically reduced and sidelined by this Government, and that a convention that was introduced to control the over-mighty monarchs of the middle ages has swung so far to the other extreme that we now have an over-mighty Executive.

It has been said that Parliament has been sidelined to a significant degree in a variety of areas, of which that of war-making powers is, perhaps, the most significant. That is the case. I accept that the Chancellor says that he is determined to reinvent the powers of Parliament, but there is a powerful series of arguments about what has happened to the powers of Parliament to decide on a variety of matters and how Parliament has progressively become sidelined in recent years. I am also persuaded by the populist argument that of all the things that we do in this place—and of all the things that the nation does—going to war and committing our boys and girls to risking their lives is the most significant, and that it is increasingly an anomaly that this great House of Commons, which is the mother of Parliaments, has no say over whether that should occur.

Those two central arguments have been expressed by a variety of contributors to the debate. They are powerful arguments, and despite my previous opposition to abolishing the royal prerogative in this area, they are beginning to persuade me not to do what I warned my Whips I would do: vote against the motion.

I am also helped in changing my mind by our discussions on the means by which this step would be taken. I had previously imagined the new measure to be very like the Bill promoted by the right hon. Member for Birmingham, Ladywood, in that it would require a

decision on any form of military deployment whatever to come before the House. That would be bad for a variety of reasons which I shall explain shortly. However, in all our discussions this evening—whether they have been on some statutory obligation to discuss war-making in Parliament or on the parliamentary convention approach proposed by the House of Lords Constitution Committee—we have been talking about a gradual approach, so that there would be flexibility in the use of parliamentary authority for war-making powers rather than a dictatorial or small-minded approach.

That is a very important change. In all previous debates on this matter it had been suggested that there would be an absolute requirement that any deployment of troops anywhere in the world would require parliamentary authority. Presumably that would also apply to a significant increase in the number of troops—as has happened in Afghanistan—and to a change in the legitimisation or justification for a war resulting in our wanting to consider bringing troops home from that theatre. I would be wholly opposed to that, as it would hamper our generals and our nation, and it would prevent us from punching above our weight in the world. However, given that we have received assurances from both the Government and Opposition Benches that that would not be the case and that instead there would be a convention or a carefully worded statute that allowed some degree of latitude to the Government and the armed services, I begin to be more persuaded.

There are, however, several caveats which we ought to think about extremely carefully. The first is to do with intelligence. There has been considerable debate about the use of intelligence. It is worrying that in the run-up to the vote on the Iraq war significant use of intelligence was made. The Government produced the two dossiers. They were said to be highly secret and intelligent and very important. We now know that much of what was written in them was complete and utter nonsense. Lots of the spin in the newspapers at the time—which came, I understand, not from the Foreign Office or the Ministry of Defence, but from No. 10 Downing street—proved to be completely inaccurate.

Let us contemplate for a moment why the Government had to go to such lengths to spin the intelligence in the run-up to Iraq. It was not so that they could take part in the war. They had to spin and pervert the intelligence in that way because they knew that they had to win a vote in this House. In other words, the very fact that there was to be a vote meant that the intelligence was not straightforward and easy to understand; it was converted into a justification for the war. That is unhealthy. Some of the suggestions made this evening about possibly using the Intelligence and Security Committee to consider the intelligence, or of employing other means to examine it before committing to war such as by means of a committee of Privy Councillors, offer a way out of that difficulty.

However, it should be said that the intelligence that we act on when we go to war is, of course, secret and in most cases if it were revealed to this place or the public we would compromise our intelligence sources, which would be a retrograde step. There must be a way of considering the intelligence, and we must avoid the spinning of it.

Andrew Mackinlay: Why does the hon. Gentleman have such low ambitions for this place? We could have a committee appointed not by the Prime Minister but by this place that looks into intelligence on behalf of this House, reports to this House and gives a certificate as to the veracity of the intelligence that it has received and studied.

Mr. Gray: The hon. Gentleman's suggestion is sensible. It might be possible for us to set up some such structure—some form of truly secret committee in this place—to consider the secret intelligence and then to certify the approach to the war. That is a possible approach, although also a difficult one, as it is not easy to imagine how we could construct that. However, we must avoid the spinning and the perversion of intelligence of 2003.

The hon. Member for Broxtowe (Dr. Palmer) suggested that the public were at the time of the vote on Iraq very much in favour of the invasion. That is incorrect: 75 per cent of the people of this country were against an invasion of Iraq on the day on which we voted. That is in contrast to the situation in respect of Afghanistan; 70 per cent. of people were in favour of that deployment. The Government, faced by a difficult vote when they knew that the people were opposed, had to spin the intelligence in order to justify the deployment. In other words, an unpopular war requires greater spinning, particularly if there is to be a vote, but a popular war which is acceptable to the people, such as all the others, did not require that. Therefore, if we are to go down this route, there is an important question to be asked about the way that intelligence is used.

We must also think about the way in which the armed services react to this place. I did not agree with the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), who suggested that the armed services deployed in the field were significantly questioning the reasoning behind the Iraq war. That is not my experience from talking to the armed services. They say that they are ready to do their jobs and that people cleverer than them in this place have decided that we should carry out such operations. I have not come across generals or regular soldiers saying that they thought that the war was unpopular and that they wished they were not there. They are glad to be there, and to be doing a professional job. However, if every aspect of a deployment to a theatre of war were governed not by the Executive but by this place, and if there were detailed discussions in this place, that would encourage those deployed increasingly to question why they were in that theatre of war. There would be constant debates in this place about the rightness or wrongness of a particular war, which would encourage people to question it. I am concerned about the politicisation of warfare that might result.

Let us imagine that a Government had a majority of one, and that the war in question was unpopular but necessary. It is not right to think that all wars are popular; quite a few are unpopular but necessary. That Government, with a majority of one, would have to get involved in all kinds of political activities to achieve a majority in this place. Individual Back Benchers would demand the saving of particular accident and emergency departments, for example, if the Government were to

[Mr. Gray]

get their vote. The Whips would be hyperactive and all manner of activities would be going on to achieve approval for the war.

The Opposition in question, behind by only one vote, would surely be strongly tempted to oppose the war because they would believe that they might just embarrass, or even defeat, the Government. If that Government said that they wanted a war, presumably the Opposition would see an opportunity to pick off one or two Government Back Benchers—thereby defeating the Government on the central question of going to war, for goodness' sake—as a highly attractive proposition. In other words, an issue that ought to be dealt with through statesmanship would have been party politicised. That is another extremely difficult problem. We would need to find a way under the proposed procedure of establishing that where reasonable consensus exists on the question of going to war there should be a vote, while recognising that if there is a lack of consensus it might be much more difficult to do that. Reversion to some form of Executive prerogative, rather than royal prerogative, might be necessary.

We have touched briefly on emergencies and of course, if there is an incoming intercontinental ballistic missile, no one would suggest that there should be a vote in the House of Commons on whether we should shoot it down. That is fairly obvious, and the Executive would of course have the authority to shoot it down, but what about less dramatic but none the less important emergencies? There are a variety of situations, such as the no-fly zone in Iraq, on which an immediate decision by the Executive is important for the sake of the peace of the world. A decision by this place, especially if it involved intelligence committees and so forth, would take quite a long time to reach.

The sinking of the Belgrano springs to mind as an illustration of whether it was right for a Prime Minister to take such a decision. The Prime Minister of the day decided to sink the Belgrano and many people think that that was the wrong decision—I believe that it was the right one—but if this place had been asked whether to sink it, the ship would have been at the north pole before we had even begun to discuss the issue. There are many situations that need an urgent decision, and it would not be right to leave them to this place. What would happen, moreover, when we took part in United Nations or NATO operations or—heaven forfend, from my standpoint—if we took part in an EU operation? Might there be circumstances in which the UN or NATO sought to deploy British troops, but this place decided not to? Whom would the generals obey—their NATO commander or this place? That is a difficult issue that needs to be considered carefully.

So, although I am persuaded that the removal of parliamentary powers that we have witnessed in the past 10 years probably ought to lead us to seek to restore them by some reduction in royal prerogative, and although I am persuaded that the worry of committing our people to war is so huge that such a decision ought to be taken in this place, I none the less have very real reservations about the proposal and its operation in practice. I suspect that the risk is that, while we were satisfying ourselves on the democratic side, we would be undermining our capability as a force for good in the world. My hon. Friend the Member for North Dorset (Mr. Walter) made a powerful point in that regard when he explained how Germany is hampered by its constitution.

Contrary to what I thought this morning, although I am ready to support the Conservative party's motion and, indeed, Labour's amendment, as well—given that they seem to be more or less identical—I do so with significant reservations. The discussions that the Government have promised us in the months that lie ahead are vital. We must get this right if we are to continue to be the force for good in the world that our nation has always prided itself on being.

8.23 pm

Dr. Tony Wright (Cannock Chase) (Lab): I apologise again to the Chair, Mr. Deputy Speaker, for being unable to be here for the opening exchanges. I am interested in this issue, and there are two reasons why I was unable to be here, both of which are relevant. First, I had to go earlier today to the military funeral of a young man called Simon Davison, a constituent of mine who was killed in Afghanistan last week. As many Members know, such occasions bring home to us the responsibility that we feel for the circumstances that produce the tragic death of brave young men such as Simon. My feeling that I should share some direct responsibility for such occasions was reinforced by the fact that Simon's family and the local community would expect their political representative to be involved in some way in the decisions that produced the consequences. I felt that I should be involved and that I should be held to account for the things that I had done. That event simply brought home to me the importance of the general issue that we are discussing.

The second reason for an apology is that the Public Administration Committee, which I chair, was meeting this afternoon, so I could not be here earlier. As is stated in the motion and the amendment, it was a report from our Committee in 2004, "Taming the Prerogative", which first systematically drew Parliament's attention to the need to tackle prerogative powers. We identified the areas that we thought needed the most urgent attention, and war-making powers were at the top of our list. They were not the only item. We also talked about, for example, the approval of treaties.

History explains why Parliament has been omitted from the picture in various areas. The hon. Member for North Wiltshire (Mr. Gray) put it fairly in explaining his conversion, and it is the central argument for me. What history tells us, and what we tried to say in the report three years ago, is that it is among the peculiarities of our history—in some ways, the blessings of our history—that we have not, in some considerable time, had to sit down and work out what kind of political system we want or what kind of political people we want to be. We have never had to devise a new constitution, or indeed any kind of codified constitution, never having been successfully invaded or having had a successful revolution in modern times. We have never had to undertake the kind of political enterprise that other countries have had to do, so we have never had to confront what has happened in our history, which is—among all the

blessings of broad stability and gradual change—that powers that used to reside with monarchs have been transferred lock, stock and barrel to modern Executives. That is the running thread of our history. We come now, late in the day, to try to put Parliament back into the picture. We are doing that on several fronts, with some success.

It was only a little while ago that I made the case that it was a constitutional anomaly that the Prime Minister did not account to a Committee of this House in the way that other Ministers did. Through our Committee, and then through the Liaison Committee, I entered into correspondence with Downing street about that. I used to get letters back—we published them—that told me that it was constitutionally impossible and went against all the conventions for the Prime Minister to attend on a Committee of this House. When Robin Cook was Leader of the House, he memorably asked me to stop going on about the issue, because the Prime Minister would never agree to it. The following week came the announcement that the Prime Minister would attend twice a year to give evidence before the Liaison Committee.

We can see in that process a convention in the making. One day, it was constitutionally impossible and offended against all our traditions; then it happened; and now it is inconceivable that any future Prime Minister would not attend on the Liaison Committee. That is how we make constitutional change, but it is hard because we do not do it from first principles or a blank piece of paper. We come at the problem from this point in history, when we are trying to insert Parliament back into a war-making powers process. That is a process from which it has been excluded, inappropriately, for a long time.

I agree with everyone who has said that the matter requires very careful consideration. We need to get it right. There are arguments about whether it is better to use law or convention, but, in some ways, as long as we get a strong and proper mechanism, that does not matter greatly.

This debate is part of a process that has been going on for some time. We are embracing these matters for particular local and immediate reasons, but my right hon. Friend the Leader of the House was writing about the need to review prerogative powers 20 years ago. In those days, the Labour party was not routinely in government: as we have become so, of course, our interest in these matters has waned. When the PAC report appeared three years ago, neither the House nor the Government was terribly interested in what it said.

In the wake of the Iraq vote, my right hon. Friend the Leader of the House was asked, in the House, whether Parliament's vote on the war had created a precedent. I do not remember his exact words, but he said something to the effect that, yes, he agreed that a precedent had been created. My right hon. Friend is a former Foreign Secretary, so when he says that a precedent has been created, we are well on the way to getting either a convention or a law. That is how this place works.

As I was not here earlier, it is only fair that I should be brief, so I shall end by saying that the change that we are discussing is not in Parliament's interest alone. It is constitutionally proper that Parliament should be inserted into the process, and it is good to see support for that general principle, even though people have worries about how it might work.

I have always thought that it is essential for Governments that Parliament has a role. I spoke earlier about attending a funeral this morning, and I believe that it is no longer possible to send people to war without their representative institution having some say in the process. The argument is as fundamental as that: given how contentious the 2003 vote on Iraq was, can anyone imagine what it would have been like if the Government had decided to go to war without a vote in this place?

I voted against the Iraq invasion. People sometimes say to me that I must be very pleased about that, but I am not. What has happened gives me no pleasure: I wanted Iraq to be a stable democracy by now, and I regret hugely the fact that it has all gone so bitterly wrong. However, the vote in the House was crucial to giving that highly contentious war any democratic legitimacy in this country.

In future, Parliament must be involved in the process if any military conflict is to have legitimacy. A hundred or so years ago, Lord Salisbury of all people remarked that the French were always going on about what their chamber would or would not put up with, and that perhaps we should have one like it. In a sense, we are saying that we should have a Chamber like that. It will be good for Parliament, and for Government too.

8.34 pm

Sammy Wilson (East Antrim) (DUP): The right hon. and learned Member for Rushcliffe (Mr. Clarke) commented that he was happy to hear all the believers who were speaking in the debate, but that he was even happier that so many unbelievers had repented—presumably before the debate, although we have even heard Members confessing that they have seen the light during it.

I remain one of the doubters. That is not a natural position for me, because knowing that as a member of a minority party I shall always be confined to the Back Benches I obviously have an interest in an increased role for Parliament. Furthermore, my natural distrust of the Executive has been reinforced by some of their decisions and behaviour over the years, so I believe that there is a need to pull power back to Parliament, as the hon. Member for Cannock Chase (Dr. Wright) said.

There are two guiding principles. The first is to ensure that whatever decision is made this country always has the ability to defend itself and its security is not impaired. Secondly, when we go to war, the morale of the troops we send should not be undermined in any way. The course of the debate has given me some reason to doubt whether those principles will be upheld.

Members have admitted that it will not always be possible to vote on taking military action. In response to interventions from the Opposition Back Benches, even the proposer of the motion indicated that sometimes circumstances would be thrust upon us and immediate action would be needed, so only an Executive decision could be made. Sometimes, the option to vote will not be available to us.

There could be circumstances in which we would not want to have a vote, because it might escalate the situation. As we intervene in more countries, we realise that although troops may go in with one purpose

[Sammy Wilson]

sometimes things change. Initially, troops may have been sent as peacekeepers or to help in a disaster or a rescue mission, but the situation escalates. When troops are sucked into such situations, must they wait for Parliament's permission before they react, or should military action be taken without Parliament's approval?

It has been suggested that only a substantial deployment should need a vote in Parliament, but it was not clear whether the deployment should be substantial in terms of manpower or firepower. Initially, an intervention might require few troops, but events could escalate. At what stage is the vote to be taken? If such a vote is required by law and military action is taken without it, what will be the legal implications for the people who take part in the action? As Iraq has shown us, lawyers are always happy to intervene and put soldiers through the court system.

Even where it is possible to have a vote, there is still the question of when the vote should be taken and there has been considerable debate in the House about that today. If we take it too early, we are provoking a situation; if we take it too late, it is a fait accompli. It is quite clear that some of those who describe themselves as believers, or as sinners who have come to repentance, still have some doubts about the circumstances in which the vote should be taken, even if they agree on the principle of the vote.

Another doubt that I have is about the basis on which the decision would be made. The right hon. and learned Member for Rushcliffe quite rightly said that the decision must be taken in full knowledge of all the relevant information. The relevant pieces of information that he suggested included the legal opinion. But even he had to concede that, if the full legal opinion were to be made available, the Attorney-General might well be reticent about giving it. He might draw back when thinking about some of the information he could give. The right hon. and learned Gentleman came to the conclusion that perhaps only the conclusions of the legal opinion should be made available. So, although we started off by saying that we need full knowledge to make a decision, we reached a situation in which we would be given the conclusions of the legal opinion.

Another point that was made was that the decision should be made on the basis of the raw intelligence data. Other Members—even those who support the proposal—have said that at times it will not be possible to have the full intelligence, because it may compromise sources and the work that we are already doing on the ground. The hon. Member for North Wiltshire (Mr. Gray) said that the more important the decision, the less willing the Government may be to hand over the intelligence or the more likely it may be that the intelligence will be spun. If a decision is sought simply to get the view of Parliament, rather than to get approval for a war, perhaps there will be less reticence about giving the intelligence. But if we are talking about a crucial decision—a decision to approve a war—it becomes more important that the Government get the right decision and so the intelligence might be spun or curtailed in some way.

There have been a number of suggestions about how that situation might be overcome, but, again, even those who support the principle recognise the massive difficulties that a vote in the House is likely to create when it comes to having the full information. There were also some doubts among the believers about the motion that should be put before the House. Some said that the motion should be as short as possible; others said that the motion should be as long as possible. The longer the motion, the greater the justification that will be contained within it. If one of the reasons given for going to war is shown not to pertain any longer, does that call into question the decision and does it provide a chance for the debate to be rerun?

That brings me to the last point that I want to make. How often should the vote take place? Would it simply take place at the very start, whenever that start happened to be—and at the moment, that is not clear—or, as the right hon. and learned Member for Rushcliffe said, must there be ratification of the approval should circumstances change? What constitutes a change in circumstances could vary. For example, the circumstances might change in relation to the original reasons given in the motion that was put before the House. Of course, the longer the motion, the more justification there will be and the more opportunity there is to say that circumstances have changed. Alternatively, a change in circumstances could mean a change in the pace or the nature of the military intervention. If the change was to the pace or nature of the military intervention, would we be starting to intervene in operational and command decisions, and would that be good for the security of the troops or the execution of the war? Indeed, is the House qualified to make such an intervention?

Dr. Fox: The hon. Gentleman makes an important point that has been raised several times during the debate. We accept that we would not need to use the extra powers regularly because the House is able to pass judgment on operations without such a substantive motion. The Chamberlain Government were brought down by a motion that was non-substantive, yet none the less lethal.

Sammy Wilson: I accept the hon. Gentleman's interpretation. However, that is not the universal view of those who have spoken in the debate. This is an aspect of the proposals that will need to be cleared up before an honest doubter can take a firm decision on them.

It is clear that this exercise will go ahead. There is not a great deal of difference between the Opposition motion and the Government amendment, although perhaps the amendment spells out more clearly and fully the meaning of the phrase at the end of the motion that

> "calls on the Government to bring forward proposals to give effect to this principle, including mechanisms to ensure that the capability to react rapidly in emergencies is maintained."

While the exercise will be approved, I hope that whatever is decided will come before the House for approval because those of us who have doubts will need to see the exact shape of the proposals that will eventually be adopted. If we are to have only a cynical exercise to get round the unpopularity of the decision on our military involvement in Iraq and, to a lesser extent, Afghanistan, I suppose that it will be buried. However, there probably is a desire in the House to drive this forward.

I will judge the proposals, first, on whether they will affect this country's ability to defend itself; secondly, on whether they will impede the security of forces in the field and be detrimental to them; thirdly, on whether they will curtail the ability of commanders in the field to exercise their operational discretion; and, fourthly, on whether they will have an effect on the morale of our soldiers whom we send out to difficult theatres of war. I will make my judgment, but I remain a doubter. If we are going to have such proposals, all the points that have been made today must be fully investigated and addressed so that we do not finish up with a situation in which simply exercising parliamentary freedom affects the people whom we send out to do our fighting overseas.

8.48 pm

Mr. Tobias Ellwood (Bournemouth, East) (Con): It is a pleasure to participate in this historic occasion. We are seeing the genesis of a major change to the decision-making process through which the UK mobilises its armed forces. Hon. Members on both sides of the House have made passionate and powerful speeches, which have generally supported the proposal before us.

I am slightly saddened that the Government tabled an amendment and did not feel that they could support the motion, although I understand the reasons why. I pay tribute to the hon. Member for East Antrim (Sammy Wilson), who spoke with passion about the importance of the changes in circumstances that can affect our military forces when they get the go-ahead to represent the United Kingdom abroad. I will touch on that later in my speech.

I fully endorse the proposal. In this day and age, it seems inconceivable that we should have a royal prerogative that is so out of date. Democratic accountability seems to be missing from the Government, so I am pleased that Parliament is being invited to participate in the decision-making process. As we have heard, the issues that we are discussing stem from the Bill of Rights, which was written way back in 1688, and which transferred a number of powers directly from the monarch to Ministers. I am pleased that we are witnessing the beginning of a change that will result in Parliament scrutinising the decision to go to war. While debating the motion, we should consider the detail of the issue. There is now a blur between war-fighting and peacekeeping. Interventions are rarely bilateral; they are multilateral, so we have to ask ourselves detailed questions about the decisions that Parliament might need to take.

The principle that we are discussing has support from all corners of the House. As we have heard, some right hon. and hon. Members introduced private Members' Bills on the subject. I pay tribute to the hon. Member for Cannock Chase (Dr. Wright), who sits on the Labour Benches, and who has, in his own way, promoted the issue through his constant letter writing and by barracking of Members of his own party. He has led us to where we are today. We have heard the Chancellor of the Exchequer endorse the proposal in principle, and the House of Lords Constitution Committee is obviously in favour. The Lord Chancellor has done a U-turn on the issue—perhaps the Prime Minister's grip on him is slowly loosening, and another hand is now grabbing him and turning him a different way.

It is worth reminding ourselves that the term "war", as defined by the Geneva conventions of 1949, is no longer used. The last time that Britain actually went to war was in 1942, against Siam. We no longer use that term simply because of the legalities. War is a state that the nation is in, and it is too complicated for us to go down that route. It involves dealing with diplomats and embassies and that treaties have to be reconsidered. It also raises the issue of enemy aliens and what to do with citizens of an enemy country who are in the UK.

The UK has been involved in a number of operations over the past 10 years. We have made 60 deployments and been involved in five major conflicts. It is worth considering some of those conflicts as they show us that the prevailing tendency has been to seek Parliament's support when deciding whether to commit troops. We heard how, in the case of world war two, a motion was put before the House by Neville Chamberlain, and it was carried. Before the Korean war in 1950, a statement was made in which UK troops were offered to support US troops. That was actually a retrospective debate, but Parliament was nevertheless able to voice its views.

On the Falklands, as has been said, the House was recalled for an Adjournment debate in April 1982. There was no vote, although there were plenty of statements, but it is worth reminding the House that there was no call for a vote. If there had been a call for a vote from any corner of the House, I am sure that the usual channels of the day would have allowed one, but clearly the view of the House was so unified that a vote was not seen as necessary. Hostilities in the Gulf war began on 17 January 1991, but a motion was put to the House four days later. We may be a bit late in getting motions agreed to, but there is certainly a precedent for Parliament commenting on our involvement in armed conflict. Kosovo has also been mentioned today. Hostilities began on 24 March 1999, but again there was no vote, and no vote was requested.

It is when we come to Iraq that things get a little more confusing. There was a plethora of votes on Iraq, including in September 2002 and in February 2003. There was also the main vote of 18 March 2003, which committed the United Kingdom to war with Iraq, and which has been mentioned time and again. I have scrutinised the motion, and what it actually did was endorse the findings of UN resolution 1441. It also mentioned resolution 678. That resolution was written 12 years before the March 2003 motion, so the justification for war went back an awfully long way.

At the time, we had 45,000 troops on the border ready to move across when the green light was given. If we are to scrutinise the decision to go to war, there should be a clearer motion endorsing what we intend to do, rather than some ambiguous call leaning on a series of UN resolutions, some of which are more than a decade old. The motion on 18 March 2003 leaned heavily on out-of-date material. That needs to be rectified. Better crafted motions should be tabled, which look forward rather than back, and state that if conditions do not change within a set period Britain will go into conflict with another nation.

[Mr. Tobias Ellwood]

My concern about the decision on Iraq was the limited amount of information. I pointed out to the Leader of the House in an intervention that not only the House but the country was misled by the limited amount of information made available. There was too much spin involved. The Alastair Campbells of this world should have no place in changing the advice given by our intelligence and security community. They were not happy with certain documents, which were slid back across the table with the instruction to emphasise other aspects of the reports. That is out of order and should never happen again.

One of the key factors that persuaded many hon. Members to vote in favour was the 45-minute claim and that somehow Cyprus, one of our sovereign bases, may possibly have come under attack. We know that that is not the case. As we move forward with the proposals, I should like to see proposals to ensure that we are never led down that road again. The information that is available to the Cabinet should be made available to other bodies as well.

Mr. Jim Devine (Livingston) (Lab): Napoleon once said that soldiers can do a great deal with bayonets by setting them. Does the hon. Gentleman agree that the resolution should deal with not only the practicalities of going to war, but the aftermath?

Mr. Ellwood: The hon. Gentleman makes a valid point, which is the main thrust of my speech. If he waits a moment, I shall come to that.

There was some shameful spinning of the facts in order to justify war. Many will say that we would have gone to war anyway, because it had been decided that there was justification. Either way, we did it in a manner that alienated many of our allies. Again, that is an experience that we should never repeat.

Let us suppose that the vote has taken place and the decision to go to war has been made—I now come to the hon. Gentleman's point. The actual war with Iraq is only half the story. I was frustrated by some of the comments today that the vote on 18 March 2003 is the cause of the mayhem today. That is absolutely wrong. Our boys, the Americans and all the allies did their job in the fortnight after battle commenced and the country liberated. What followed was four years of a mess being created in a country that is now on the brink of civil war. If we are to make a decision to go to war, may we also have some form of scrutiny of the peacekeeping that follows?

I repeat what I said in an earlier intervention—had we had a suitable plan after the war to lift Iraq off its knees , sorted out the Ba'ath army, dealt with the infrastructure, looked after the oil wells and got them working to provide income for the country, it is possible that we would not be having this debate today. I would even go so far as to say that the Prime Minister would not be forced out of office, as he is. It is not the fault of the military. My regiment, the Royal Green Jackets, now The Rifles, is currently based in Basra and working extremely hard. We should pay tribute to the hard work that all our forces are doing. However, if we ask them what frustrates them, they say that it is their belief that the blueprint for Iraq is questionable. They did their job at the beginning by liberating the country, and then we had a blank canvas to do something with. That has been a wasted opportunity. I recommend Bob Woodward's book, "State of Denial", which goes through the details of some of the decision making that took place on both sides of the Atlantic and perhaps brought us to the questionable position that we are in today.

We must first be able to scrutinise the decision to go to war, but then, even if we disagree with it, we must accept it, put it behind us, and look at what we are doing to manage the peace. We have alienated our friends and lost hearts and minds because of the manner in which we have gone about our business. Britain is very good at winning over hearts and minds; we have a fantastic reputation around the world for making friends in a peacekeeping role. I cannot say the same for the Americans, who have lots to learn about befriending a nation that they are going into and being seen as liberators, not occupiers. I would like further scrutiny of that issue. Four years after the invasion, we are still debating it endlessly and there are concerns about the direction in which we are going. Most importantly, we are now looking at an exit strategy. Members on both sides of the House have said that we should withdraw. I would be uncomfortable with that because it would deny people the help that we promised them, but we need to look back at the blueprint and ask what we can do to improve the situation. The policy is failing and Parliament needs more scrutiny over why that is so. I am less angry about the decision to go to war than about the failure to keep the peace.

Part of this debate must concern our capacity to help. My hon. Friend the Member for Woodspring (Dr. Fox) has spoken time and again about the problems of overstretch that British forces face. We need to be careful about committing ourselves across the world, sometimes without the support of our NATO or Commonwealth allies, when we simply do not have the troops or the military support. If, as the Prime Minister suggested on 17 January on HMS Albion, we are to stand up and be counted when other nations are reticent in defending democracy, we also need to protect our soldiers, sailors and airmen and invest in the services and support that they need. We are failing to do that, and the consequence is the overstretch and effect on morale in our armed forces. In Iraq, that attitude of going it alone was one of the reasons for the loss of faith among many of our friends in Europe. Had we had a decent resolution in the UN, we would have gone into Iraq with more support, and therefore more help would have been available in the peacekeeping operation afterwards.

On the proposal to change the royal prerogative, there are lessons to be learned from what other countries have been doing. Canada has a very similar system to ours, but the Government have promised to offer a vote whenever troops are committed. In Holland, as we heard from my hon Friend the Member for North Dorset (Mr. Walter), there is a new requirement to keep Parliament informed, but that has caused huge delays in the commitment of troops to Afghanistan.

There is a debate in the United States arising from the War Powers Act, which followed the engagements in Vietnam and Korea and which has created friction

between Congress and the President, who is commander-in-chief, over who has the ultimate power to wage war and who holds the purse strings governing the length of time the country can be committed to a particular war. It is not doing the morale of the forces in Iraq any good to see that tension in the Capitol.

France, under its constitution of 1958, can declare war only if authorised by Parliament, but circumnavigates that by getting involved in international operations that have a different label. Germany is a great example that we must consider because there the authority is very much bestowed on the Bundestag—the German Parliament. However, anyone who has visited Afghanistan will realise that the caveats that are imposed on German troops hinder them to the point that we question the reason for their presence from a military perspective. They do some work in provincial reconstruction teams, but they refuse to go out at night because their Parliament has told them that they cannot. How can troops who are part of an international security assistance force have such limitations, which do not apply to the rest of the force, imposed on them? It means that they guard the various bases but never wander out and get involved in operations. On paper, it appears as though there are 36,000 troops in Afghanistan, but only 15,000 are actually committed, with another 20,000 or so bound by so many caveats that their value is questionable.

Parliament must consider the sort of peacekeeping roles on which we would want to vote. Do we want to vote on peace enforcement, conflict resolution or multinational humanitarian relief? Bearing mission creep in mind, we need to be aware of how often we must recall the issues to Parliament to measure our success or ascertain whether things are getting out of control.

Let us consider the example of Afghanistan. In October 2001, the US and Britain began their air strikes. By 7 December, the last Taliban stronghold in Kandahar fell. On 5 December, the Afghan groups agreed a deal in Bonn on an interim Government and all seemed well. By January 2002, the first contingent of foreign peacekeepers—not war-fighters—were in place. At what stage might Parliament vote? Should there be two votes—one on the initial onslaught and another on the peacekeeping? Of course, the story was incomplete because four years later, in 2005, we moved into Helmand province. Should that have required a vote? The Defence Secretary at the time said—words he probably now regrets—that we would probably not fire a shot. Subsequent deployments on the scale of a division have gone to Afghanistan. I fully support that, but the question for Parliament is the stage at which we vote. The mission has expanded comprehensively from the peacekeeping operation that began in January 2002. The same question that we ask about Iraq applies to Afghanistan: have we got it right? Is the blueprint for success in Afghanistan working? There are some serious questions that are beyond the scope of the debate. Parliament should be able to debate such matters. Currently, we do not have the ability to scrutinise what happens.

What parameters might Parliament set? Should we be able to vote yes or no on whether to deploy? Should we vote on the size of the force, budget constraints, length of stay or time frame? Indeed, should we vote on the rules of engagement? I was astonished to learn from Defence questions yesterday that the British have different rules of engagement from the US in the Shatt al-Arab waterway. That needs to be rectified. There are legal questions, which could result in soldiers being unsure of where they stand in international law.

We need proper information. There is a concern that we could end up being armchair generals. We like discussing such issues but we rely heavily on the information that the Government provide, what we find out for ourselves or what the media tell us. That is all very well if we are considering hospitals or schools because I can visit my local school or hospital and glean the information for myself. However, it is difficult for Back Benchers to visit the sort of places that we are discussing and fully comprehend what is happening. The information from the Government, especially the intelligence and security services, must be correct, accurate, up to date and unspun. Should the Defence Committee and the Intelligence and Security Committee be allowed to read more detailed reports? A key issue is sharing information so that Parliament can make informed decisions.

I am worried about retrospective decision making. In the case of escalation of conflict and mission creep, how far back do we go to confirm what has happened? Should there be UN approval? There can also be ambiguities about the type of conflict being entered into. How prisoners should be dealt with is another issue. The question can also be put the other way round: if Governments can come to Parliament to confirm that they can go to war, can Parliament go to the Government to request war? If I tabled an early-day motion that called for Mugabe to be taken out with a single bullet, I would doubtless get quite a few signatures. Would the Government then be expected to react to that or would such powers not exist? I think I know the answer to that one, but it is an issue that we need to raise.

In conclusion, life has moved on from the days when wars were reported in *The Times* or *The Daily Telegraph* two months after they actually happened. Conflicts are now very much under the microscope and are followed in minute detail. We have 24-hour coverage and the country's citizens are far more informed and opinionated than ever before. It is important that Governments are held to account. I very much support the motion and I look forward to seeing the detailed proposals that will now follow—whether they be in the form of a convention or a statute. British involvement in international conflicts will, of course, continue—but, I hope, only after better scrutiny by this House.

9.11 pm

Andrew Mackinlay (Thurrock) (Lab): I very much welcome the debate. I have had a similar experience to that of my hon. Friend the Member for Cannock Chase (Dr. Wright). When I argued for greater scrutiny and suggested that the Prime Minister should appear before a Select Committee, I got precisely the same reaction as he did. I was told, "You must be off your trolley, Mackinlay, to suggest that the Prime Minister should appear before a Select Committee." Yet that came about. Over 10 years of the Blair Government, a number of my suggestions have been dismissed by colleagues, only to come about later. This question of

[Andrew Mackinlay]

gaining parliamentary approval and oversight for the deployment of our armed forces is one of them.

I very much welcome the conversion of Government and Opposition Front Benchers. I say that because committing our armed forces, in my view, justifies the full-hearted consent of both Parliament and people. Indeed, the people's will is expressed through this Parliament. When we take a decision about deployment, we need to do it with full knowledge and full consent because it is such a grave matter. I certainly support the idea of a statute that lays down the ground rules for this House of Commons to approve deployment. Implicit in that is the fact that provision must be made for the continued deployment to be scrutinised and reviewed.

One of the flaws in existing arrangements is that there has been no reaffirming vote for the deployment of our troops in Iraq. I am quite sure that the House would reaffirm it, because, irrespective of our views on the original decision, we all understand the constraints. It seems to me healthy for democracy that that should happen. If, in extreme circumstances, there were a need to withdraw or retreat—heaven forbid, to cut our losses—that too should be done through Parliament.

The hon. Member for Woodspring (Dr. Fox) made a passing reference from a sedentary position to the Narvik debate of 7 May 1940. That is pertinent, but I would like to draw the House's attention to the fact that 67 years ago yesterday, there was a vote in this House on the prosecution of a war. We had been at war for a year, but the principle of reaffirming our resolve was upheld here and, indeed, there was a Division of the House. I checked the *Official Report* and found that the motion was carried by 381 votes to nil—but there was a Division nevertheless. The motion before the House was to confirm the new coalition Government, but it went on to say that this House

"welcomes the formation of a Government representing the united and inflexible resolve of the nation to prosecute the war with Germany to a victorious conclusion."

It set out the House's view, demonstrating the will of the country, on what should happen, giving a mandate to Winston Churchill and his coalition Government to prosecute the war with Germany to that victorious conclusion.

I always think that one of the modern-day miracles happened in those critical hours in May 1940 when George VI appointed Churchill rather than Halifax, because Halifax could have used the royal prerogative to come to terms with Germany. It is a matter of fact that he, and many other good people, thought that they might have to cut their losses, and they would have used the royal prerogative to do so. They would not have come to the House of Commons to review the matter. What eventually happened would not have taken place but for Churchill's initiative of bringing that motion to the House of Commons and getting it ratified by a Division.

Churchill's speech spelled out the issue. He said:

"You ask, what is our policy? I will say: It is to wage war, by sea, land and air, with all our might and with all the strength that God can give us; to wage war against a monstrous tyranny, never surpassed in the dark, lamentable catalogue of human crime. That is our policy. You ask, what is our aim? I can answer in one word: It is victory, victory at all costs, victory in spite of all terror, victory, however long and hard the road may be; for without victory, there is no survival. Let that be realised; no survival for the British Empire, no survival for all that the British Empire has stood for, no survival for the urge and impulse of the ages, that mankind will move forward towards its goal. But I take up my task with buoyancy and hope. I feel sure that our cause will not be suffered to fail among men. At this time I feel entitled to claim the aid of all, and I say, 'Come then, let us go forward together with our united strength.'"—[*Official Report*, 13 May 1940; Vol. 360, c. 1502.]

Churchill was speaking in the House of Commons, and the House supported him in a Division; it gave him a mandate. We should not lose sight of the fact that that was an important occasion, not only giving him legitimacy but helping things on. In contrast, let us consider how King Leopold used the royal prerogative to capitulate without going to the Belgian Parliament. The hon. Member for North Dorset (Mr. Walter) mentioned the Belgian constitution in his speech earlier. There are good reasons why we should learn from history, because the idea that we are debating tonight has proved a worthwhile tool in promoting our national interests at the most critical times.

I remember, soon after the Labour Government came to office 10 years ago, the deployment of British troops to Sierra Leone. As a member of the Foreign Affairs Committee, I thought that it was incumbent on the Committee to ask questions about the ground rules of the deployment, the rules of engagement and the relationship with Sandline and other private military companies—I call them mercenaries. That inquiry was most unwelcome. It is a matter of fact that enormous pressure was put on the Foreign Affairs Committee—including my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) and me—not to inquire into the matter. The Government assumed that if we were making such inquiries, we must be opposed to their policy. It worried me deeply that because we were inquiring about the ground rules and the reasons for the deployment, we were thought to be opposed to them. I just wanted to know what was going on.

I remember that the then Member for Livingston, the late Robin Cook, for whom I had very high regard, was extraordinarily angry. He called me at midnight one Sunday evening and asked, "What the heck"—he actually used a stronger word than that—"are you doing?" I told him that I intended to pursue the matter with vigour. I also remember being away with two colleagues whom I like and respect very much, but when I went on television to say that the matter should go before the House of Commons, they told me that I was completely mad. I shall be interested to see which Division Lobby they go through tonight. Things have now moved on, and it seemed to me that we needed transparency on that occasion.

To the credit of the late Member for Livingston, when the history of the Iraq conflict comes to be written there will be no doubt that it was he who persuaded the Prime Minister that he had to come before the House of Commons and seek a mandate. The flaw in that experience, however, was that the House did not have independent intelligence verification or independent legal advice. In the unlikely event of that happening again while I am in the House of Commons, I shall certainly want to know that the intelligence has been verified by a Committee of

Parliament—not a committee of parliamentarians, and not the so-called Intelligence and Security Committee, which is not a Committee of Parliament but is appointed by the Prime Minister to judge his own stewardship of such matters, which is wholly unsatisfactory.

As part and parcel of the proposals tonight, we need to ensure that we have a parliamentary Committee, which would be highly responsible, which we will choose, and which realises that its knowledge could be critical to the lives of our service personnel. We should have that high ambition for Parliament: we should judge the verification of intelligence. Equally, we need to know about the legality of any deployment of our armed forces from an authority separate from a Law Officer who is a Minister of the Crown.

Colleagues will recall the great irritation over the Sierra Leone situation, and the phrase—coined by Alastair Campbell, I understand, but attributed to the Prime Minister —"What's the problem? The good guys won." I like the good guys to win, too, but we needed to know what the mischief was in the first place, and what the relationship was between our armed forces and Sandline—an unhealthy situation. That was never disclosed, however, to the House of Commons.

I hope that we shall embrace the proposals tonight. As many other Members have said, when we look at the differences between the amendment and the motion we see that we are dancing on the head of a pin. I rejoice in the conversion both of those on the Conservative Front Bench and, more importantly, of the people currently in government, who have stewardship of the principle. I do not, however, want to be deceived. I want to be sure that this is not a way of getting over a particular difficulty. I want written down in tablets of stone the ground rules by which we deploy and protect our armed forces, and by which Parliament reviews their deployment.

Our armed forces can take strength from that, as the House of Commons is a responsible place, which would never put our armed forces in jeopardy. In times of great crisis our Government and our diplomats would have greater strength, and a greater mandate, if they knew that they had the wholehearted consent of Parliament and people. I support the amendment, although it is a little silly—this is occasionally a silly place—that we do not have an agreed motion.

9.23 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I can think of no greater and more important decision for the national interest than to go to war. It affects the lives of those whom we represent, the young people of this country. It affects the standing of the country in the international arena. It bears on the world's judgment on us. As the hon. Member for Cannock Chase (Dr. Wright) and his report pointed out, however, it is a prerogative power.

The struggle of the House has been to capture the Crown. We have never succeeded in that; the Crown just moved from the end of the Mall to reside in Downing street. I do not believe, however, that a decision so fundamental to the well-being of our national life and the unity of a country can be left to the Crown in Downing street. It must be embraced by every one of us who represent those who will provide the men and treasure that take us to war.

I have been in the House a little while, during which time, I suggest, there have been three great conflicts. The first was the Falklands. I remember collecting money from pubs across my constituency and sending cheques to the Ministry of Defence. We knew that that conflict had the assent of the people. The first Gulf war also had the assent of the people. The second Gulf war—the one that has brought us here to discuss this motion today—has been more equivocal.

By and large, Governments in the modern age do not launch wars without being satisfied at the back of their minds that that the nation understands and will support those wars—but who can express that?

Jim Dowd (Lewisham, West) (Lab): Will the hon. Gentleman give way?

Mr. Shepherd: I do not have time. Will the hon. Gentleman forgive me, please?

Who gives assent in such circumstances? It can, in truth, only be the representatives of those who sent us here: ourselves, the House of Commons. We must say that we are prepared to go to war, that taxation shall be raised if necessary, and young people shall lose their lives if necessary. Therefore the principle must be a very great one, and the clarity with which we commit the resources of this nation must be affirmed. That is what the motion and the amendment are about.

I commend the speech of my right hon. Friend the Member for Richmond, Yorks (Mr. Hague). It covered the ground in relation to the difficulties of capturing the prerogative power. The War Powers Act in the United States and the Canadian approach are relevant instances. We seem somehow to be trapped in an imperial past when the very notion of the imperium was itself sufficient to justify any and every war—but we are no longer in that age. As my hon. Friend the Member for Bournemouth, East (Mr. Ellwood) said, this is a world of instant communication. We know the details now.

We have been reminded of Churchill in the last war. It was inconceivable that Parliament could not debate the conduct of the war—and it did, in closed session. Those were often very bitter and anxious debates, because we knew that we were committing the lives and well-being of the nation. Such action hangs on judgment, and that judgment should not reside in the hands of one person, who knows only what he or she believes. We must reach out and affirm what the House believes is right for our country.

9.27 pm

Dr. Liam Fox (Woodspring) (Con): This has been an extremely good debate, throughout which the House has been seen at its most thoughtful. It has involved a number of clear principles. It has been about making Government more accountable, about improving the standard of Parliament, about providing security along with accountability but without tying the hands of the Executive in operational matters, and about ensuring that the armed forces are strengthened by the knowledge that the public, through Parliament, are behind them.

[Dr. Liam Fox]

Why did we table the motion? It was for a number of reasons. My right hon. Friend the Member for Richmond, Yorks (Mr. Hague), the shadow Foreign Secretary, said that in recent history a wide range of parliamentary mechanisms had been used to confer legitimacy on military action, but that what was generally used was the mechanism that was least inconvenient to the Government of the day.

It is merely stating the obvious to say that the process in which we are involved today has been given impetus by the disquiet surrounding the current Government's handling of the run-up to the war in Iraq—a subject mentioned by many Members today—but there have also been positive drivers of that process. Both my right hon. Friend and the Leader of the House spoke of their long-standing personal commitment to improving the standing of Parliament. For my own part, I have long believed that the power to conclude treaties should be exercised ultimately through Parliament, and also that we should find better ways of holding our judges to account.

As was pointed out by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), the debate has given us an opportunity to make a significant constitutional change. What we have witnessed in recent decades is nothing less than the asset-stripping of Parliament. We have seen powers systematically taken to the Executive. We have seen powers taken to Europe. We have seen powers given away under human rights and devolution legislation. Today's debate has been a small, but none the less significant, attempt to start to take powers back to the House of Commons.

That brings me to the motion and the Government's approach. In essence, the Government have already accepted the case presented in the Opposition motion. It is a shame that the Government felt that they needed to table an amendment, in what was a Pavlovian party political step.

Dr. Julian Lewis (New Forest, East) (Con): What a surprise!

Dr. Fox: I am in a kind and gentle mood, so my hon. Friend should not tempt me to go further. It was amazing, however, to hear the Leader of the House admitting that the Government had written their amendment before they saw the Opposition motion, and saying that the excuse for that was that the Opposition were late tabling the motion. Such creative interpretation of the facts was wonderful, even coming from the Leader of the House whose current job is to unveil the Chancellor's previously unknown waterfall of charm, warmth and humanity.

It is also interesting that the Government have seemingly changed their position so rapidly. Merely two weeks ago the Lord Chancellor said that there was no need to change the Government's position and that it would, in fact, be dangerous to do so. With his usual deftness, the Leader of the House remarked that the Lord works in mysterious ways. Presumably the Lord he was referring to was the Lord Chancellor whose political career under the current Prime Minister has defied gravity, but for whom intimations of mortality beckon under his successor. However, we are witnessing a welcome move towards a new parliamentary consensus on what is a very important issue.

A number of legitimate questions have been raised about the general approach put forward today. Will it weaken or strengthen the country at a time of threat? May we have adequate definitions of terms such as "substantial" in relation to deployments? Will it interfere with the freedom of commanders and the conduct of war? Will it conflict with other treaty obligations? Should there be legislation or convention, and in either case how should it be done? Finally, is the change necessary at all? Let me deal with those questions in turn.

Once Parliament makes a decision, what should happen subsequently? Many Members raised that issue. Should there be a requirement for a compulsory later endorsement of the position? That point was raised by my hon. Friend the Member for Gainsborough (Mr. Leigh) in his powerful and passionate speech. He argued that Parliament needs to be able to revisit our troop deployment in Iraq. Several other Members agreed with that. The question was also dealt with particularly well and in detail by the hon. Member for Broxtowe (Dr. Palmer) in a thoughtful speech. Ultimately, Parliament cannot be stopped from voting on anything that Parliament wants to vote on. We have numerous mechanisms for achieving that. The question is whether Parliament should be able to interfere with operations under way—which would, of course, be very destabilising. The answer to the question was well put in another question asked by my hon. Friend the Member for North Essex (Mr. Jenkin). He pointed out that Chamberlain's Government fell as a result of a non-substantive, but ultimately lethal, motion.

Once a Government have begun to prosecute a military campaign, they require to continue to command a majority in the House of Commons to govern. That is the ultimate safeguard that we have. Any substantive motion suddenly to pull out of Iraq would not command a majority of the House even at this time, and that in itself gives the Government credibility and legitimacy.

Some question whether the changes proposed in the debate would weaken the hand of the Government and the armed forces. My right hon. and learned Friend the Member for Rushcliffe dealt with that issue. Division is undoubtedly a boost for our enemies, so it can only add strength if it is clear that military action has the support of Parliament and, by inference, of the British people. Moreover, I believe that that would provide our troops with the morale boost of legitimacy that comes with constitutional approval.

Several Members were concerned about specific definitions in relation to deployments, notably of the word "substantial". That is a legitimate and understandable concern. I believe that the strict legal definition of the term is both difficult and unwise. The House of Commons will be able to know what it means by such terms in the particular circumstances at any one time. The term "substantial" will be to do not only with the numbers that it might apply to, but with the nature of any conflict and the intent—whether peacekeeping, policing or defensive. It will also be relevant whether any action is unilateral or multilateral

or involves a coalition or a treaty obligation. Any elected House at any time is better able to interpret whether the nature or size of a force deployed in any particular circumstance requires reference to Parliament than is the extremely stark codification of law. That brings me to the next, related question.

Is any change that we decide to make better undertaken by convention or by legislation? I believe, as many Members do, that convention is preferable because it is more flexible and better able to accommodate complex or unforeseen circumstances of the sort mentioned by my right hon. Friend the Member for Wokingham (Mr. Redwood). It has been often repeated in this debate that the primacy of the House of Commons and Parliament must be upheld, which in itself leads to the conclusion that we should go down the route of convention, not legislation. Legislation is potentially subject to judicial interpretation, and under our current arrangements such interpretation could well occur outside our borders. The ability of foreign courts to have a say in what was or was not legitimate for the United Kingdom to do in deploying its armed forces would be utterly unacceptable to this House.

My hon. Friend the Member for Grantham and Stamford (Mr. Davies) asked whether these arrangements could conflict with treaty obligations already in force, such as the NATO treaty. Article 5 of that treaty states that an attack against "one or more" countries

"shall be considered an attack against them all",

and that each country will take

"such action as it deems necessary, including the use of armed force".

So a range of options are available to us, and there is absolutely no reason why that should in any way clash with the decision that we are taking in the House today.

The balance between the Executive and Parliament after the commencement of operations was also discussed. It is clear from the contributions of many Members that the consensus in the House is that it should be Parliament's role to grant approval for military action; it is up to the Government of the day to determine how to carry out that action. That issue was raised by my hon. Friend the Member for Louth and Horncastle (Sir Peter Tapsell), and the broad consensus in favour of that position has been reflected throughout today's debate. There can be no role for the House in detailed operational matters. We should certainly question the wisdom of what the Government of the day have been doing, as we have done throughout history, but the House has to have appropriate mechanisms for doing so that do not interfere in such operations.

Some powerful speeches were made and I shall refer to just two or three; I hope that Members in all parts of the House will forgive me for not having time to mention them all. My right hon. and learned Friend the Member for Rushcliffe, in a passionate and extremely well-informed speech that he seemed to have been saving up for this House for a long time, made a number of very valid points. He raised an issue that was echoed throughout the day's debate: the need for information to be placed before the House before it takes a decision on a substantive deployment. He spoke of the need to have the conclusions of legal advice made available to the House, if not the legal advice itself, to give us an indication of the intelligence basis.

The hon. Member for Broxtowe talked about the gathering, collation, interpretation and use of intelligence—issues that were again echoed in all parts of the House. My right hon. and learned Friend the Member for Rushcliffe also said that we must have clear objectives and an obvious starting-point for any military activities. Such issues reveal the stark contrast between what happens in this country and in other countries. We witnessed the problems that the Netherlands had to deal with in the run-up to the conflict in Afghanistan; no one in this House would like the British Government to be saddled with such problems.

The hon. Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore) said that the Liberal Democrats will support our motion, for which we are very grateful. I disagreed with him about the need for a legislative framework, for reasons that I have already set out. It would be inflexible and apply to the House a codification that might not suit some of the varied circumstances that we might face. The right hon. Member for Oldham, West and Royton (Mr. Meacher), who is probably helping his colleague with his campaigning, mentioned his private Member's Bill, for which I am happy to give him a little advertisement. He talked about the importance of the timing of any vote, saying that it should not be taken at a point where action had already become inevitable. That is an important lesson that the Secretary of State might want to return to in his winding-up speech.

The hon. Member for Rhondda (Chris Bryant) discussed the House of Commons basing such a decision on the granting of supply, for which there is of course an historical precedent. In effect, that would mirror the lock that Congress has on the US Government.

My right hon. and learned Friend the Member for Rushcliffe spoke about the role of the House of Lords. What would its role be in the process, depending on any reform? Were we to have an elected House of Lords—as the House of Commons has already decided should be put in place—what would its role be? The Government will need to consider that when making the proposals they will make after this evening.

My hon. Friend the Member for North Dorset (Mr. Walter) talked about the problems that other Governments face, notably with the caveats and flexibility that their systems apply. My hon. Friend the Member for Hexham (Mr. Atkinson) had some reservations, especially on the questions of revision or permission, and my hon. Friend the Member for North Wiltshire (Mr. Gray) said that he had changed his mind on the basis of the arguments that he heard in the House of Commons today. Well, I have heard it all now. It was worth waiting the 15 years that I have been a Member of Parliament. My hon. Friend the Member for Bournemouth, East (Mr. Ellwood) covered so many of the areas that I have already mentioned that I thought that he was practising for a wind-up speech with one eye on the future—as long as it is not my job!

There has been a creeping consensus in the House on this issue today. It is now difficult to imagine any Government in the future attempting to prosecute any

[Dr. Fox]

military campaign without the support of Parliament, but it must be done with flexibility and by convention, not legislation. Decisions must be made by Parliament, not by courts domestic or foreign. The process must not interfere with operations and it must deal with substantial force deployments—a concept that is better recognised than described.

This is a good day for Parliament. It begins, but only begins, to undo the asset-stripping of the powers of the House of Commons that has been going on for far too long. It is a good day for the strength and standing of our country. It is good for our armed forces to have the guarantee of the support of Parliament and by inference our people. I commend the motion to the House, in the clear understanding that whatever the result of the votes tonight, Parliament is the winner.

9.42 pm

The Secretary of State for Defence (Des Browne): I agree with the hon. Member for Woodspring (Dr. Fox) that this has been an exceptionally good debate. I welcome all the contributions made by right hon. and hon. Members to this important debate. I apply the same caveat to my remarks as the hon. Gentleman did. My only concern is that in the time available I will not be able to do justice to all the speeches that have been made, but I shall do my best. The contributions reflected the fundamental place that Parliament has in the democratic decision-making process of this country and the priority we all on both sides of the House attach to the men and women of our armed forces, particularly when we ask them to act on our behalf and put their lives at risk, often in harsh and dangerous environments thousands of miles away from their families and their loved ones.

I am grateful to all those who have contributed to the House's understanding of the issues involved. That includes the work of the Public Administration Committee, under the leadership of my hon. Friend the Member for Cannock Chase (Dr. Wright). When I was first elected to this House, I served for some time under his leadership on that Committee and I am grateful for the learning process. It also includes the House of Lords Constitution Committee's report and, indeed, the learned debate in the other place on 1 May. All those were of considerable value and drawn on liberally as we debated the issue today.

At the heart of this debate is the relationship between Parliament and Government. The decision to go to war must always rest with the Prime Minister and his or her Cabinet. But the Government should be accountable to Parliament for their decisions. One of the striking things about this debate, which began with nothing in principle between the Govt and the Opposition, is that it has revealed the complexity of the challenge we have set ourselves in determining a mechanism that gives practical effect to that principle. That mechanism must give a clear mandate for our armed forces that allows them to go into conflict and take on its risks confident that they have the durable support of the country as expressed through its Parliament.

In summing up this debate, I intend to identify some of the complications involved and to explore the nature of the challenge that we have set ourselves. The right hon. Member for Richmond, Yorks (Mr. Hague) opened the debate and suggested that there was no difference between his motion and the Government's amendment. He suggested that we sought a distinction without a difference—or, as my hon. Friend the Member for Thurrock (Andrew Mackinlay) put it, that we were dancing on the head of a pin. My right hon. Friend the Leader of the House pointed out a difference that he said was crucial—the imperative to take full account of the paramount need not to compromise the security of UK forces or the operational discretion of those in command.

The right hon. Member for Richmond, Yorks sought to dismiss that, asserting that no party in the House would seek to undermine our troops in that way and that it was an unnecessary qualification. I do not want to contradict his assertion that no party in the House would wish to undermine our troops in that way, but I just want to say to him and his colleagues that the terms of the motion that this House passes tonight will be pored over by the military—and quite rightly so.

For many reasons, some of which I shall come to later in my speech, we must act in a way that gives the troops whom we deploy into conflicts confidence in our decision making. As we are expressing the nature of the principle that we all now espouse, it is important that the House sends the right message of confidence to our troops.

Those who contributed to this debate included the shadow Foreign Secretary—the right hon. Member for Richmond, Yorks—the right hon. and learned Member for Rushcliffe (Mr. Clarke) and my right hon. Friend the Member for Oldham, West and Royton (Mr. Meacher), to name but a few. They all welcomed what they described as the Government's damascene conversion—or volte-face—on this issue. I am grateful to the hon. Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore) for reminding the House that the evolutionary process that has brought the Government to this point has had the same effect on Her Majesty's loyal Opposition. No doubt the Opposition can explain why their Leader, who opposed the principle in 2005, now supports it. In contrast, my right hon. Friend the Leader of the House reminded the House that the Government undertook to keep our position under review, and that we have been doing so.

For my part, as Secretary of State for Defence, it was the apparently insurmountable challenge of working through the complexities that hon. Members today have identified—in spades, I think—that caused me to maintain and support the position adopted by the Lord Chancellor in the House of Lords on 1 May. That position was entirely consistent with the position that my right hon. Friend the Prime Minister held and which he explained to the Liaison Committee. It was contained in both the reports that we have been considering, and has been quoted liberally in the House today.

The position adopted by my right hon. Friend the Prime Minister was reinforced by this House's history of scrutiny, retrospective review and debate of deployments over the past 10 years. I now accept, however, that the weight of the obvious all-party support for the argument had to be recognised. Government and Parliament must now get down to the

difficult task of working through the challenges, which should not be underestimated. The record of today's debate will be a significant quarry of the extent of those challenges.

At the heart of this complexity is a debate about the appropriate mechanism to adopt. With the honourable and consistent exception of the right hon. and learned Member for Rushcliffe—and perhaps of the hon. Member for Berwickshire, Roxburgh and Selkirk—almost all the contributors to the debate favoured the approach of developing a convention that requires resolutions of both Houses prior to the deployment of forces, or to homologate that deployment. Such a convention, however, must preserve the supremacy of the House of Commons.

Quite rightly, my right hon. Friend the Leader of the House did not express a preference at this stage, as the consultation that we have announced has yet to take place. However, the short debate between the right hon. and learned Members for Rushcliffe and for Kensington and Chelsea (Sir Malcolm Rifkind) highlighted some of the very obvious disadvantages inherent in a statutory framework, particularly the risk of a later legal challenge and all the detrimental effect that that would have on the morale of deployed troops. However, the right hon. and learned Member for Rushcliffe countered that point with an impressive argument about the need for a degree of certainty and clarity, based on the fact that he has no confidence in the power of convention. I suspect that that debate will continue, and perhaps over time the right hon. and learned Gentleman will attract a few more supporters to his position than he was able to do today.

Several contributions drew on the words of Lord Bramall, Lord Garden and others who contributed to the Lords debate, pointing out that in exploring the options to formalise Parliament's involvement, we need to be conscious of the need not to undermine the effectiveness or security of our military personnel. It would be remiss of me not to highlight some of the issues we need to bear in mind in trying to achieve that objective; they include not only operational effectiveness but the wider diplomatic and development activity that often accompanies the deployment of our forces.

The right hon. and learned Member for Rushcliffe and my hon. Friend the Member for Walthamstow (Mr. Gerrard) devoted a considerable amount of time to timing. I am grateful, too, for the contributions of my hon. Friend the Member for Broxtowe (Dr. Palmer) and of the hon. Member for East Antrim (Sammy Wilson), who set out the comparative advantages of earlier and later decision making. The hon. Member for Newark (Patrick Mercer) raised an aspect of that issue in an early intervention when he explored the characteristics of major or substantial deployment.

I agree that, as has been said, although the major deployments in respect of the Falklands, Kosovo, Sierra Leone, Iraq and Afghanistan clearly lent themselves to a process of parliamentary decision making, we have to recognise the nature of modern warfare. There are practical considerations such as the long lead times needed for military advantage, not to mention military engagements such as aerial bombing and the use of missiles, which in the words of the military are designed to shape the battle space. If we get the timing wrong, there is a danger, in the words of the report of the Lords Constitution Committee, of

> "removing the ability of United Kingdom forces to have 'strategic poise' by giving the opponent early notice of intent".

The hon. Member for Bournemouth, East (Mr. Ellwood) brought to the attention of the House the fact that modern military operations are very different from those we engaged in only 20 years ago. In that respect, we try to adopt what has become known as the "comprehensive approach", integrating all the levers of Government to maximise the effect on the ground—a point to which I shall return later if I have time.

I know that I speak for the House when I say that my first priority is the effectiveness and safety of our armed forces. It is crucial that they remain capable of performing the tasks we ask of them, agile enough to respond quickly to an ever more dynamic operational environment and robust in the face of real threats to our, and their, security. Their morale and safety must remain paramount.

If Parliament is to take an informed view of military deployments, it is only natural that Members should want to satisfy themselves about the nature of the operation and the threat our forces will face and that they will have the equipment, tactics and procedures they need to help them to succeed. Indeed, Members set out a list of the requirements for any such debate, drawing on the report of the Lords Committee. I know of the necessity to satisfy oneself about all those things; as Defence Secretary I ask myself such questions every day in relation to the deployment of our troops in theatre.

The Lords Committee considered those points in its report, which noted the need to restrict some information but acknowledged that it could compromise the ability of Parliament to make informed decisions about a given situation. That is why in that decision-making process I shall resist the sharing of any information that compromises the priority of operational security. This is not a hypothetical debate, or one in which the Government hide behind the smokescreen of security concerns; it is not even about what information the Government proactively put before Parliament. In today's globalised world, where our potential adversaries watch the same television programmes and read the same newspapers and internet sites as we do, operational security can easily be undermined not just by the Government's answers but even by the questions posed; managing that in a way that allows Parliament to take an informed view will be a significant challenge.

We would certainly not release any information that could compromise sensitive intelligence or reveal elements of our operational planning. Indeed, I can conceive of some military operations that the House would not want to debate in public, either because it would risk escalating the conflict or because the mission itself is so sensitive that even acknowledging its existence would risk undermining the effectiveness of deployed forces and the UK's wider interests.

Mr. Gerald Howarth (Aldershot) (Con): Why did the Secretary of State change his mind and come round to this view?

Des Browne: Perhaps the hon. Gentleman was not paying attention to the earlier part of my speech. I explained what he asks. Given the few minutes that I have left, I think that it would be inappropriate to repeat it. I am afraid that he will have to read it in the official record.

I have already referred to the need for our forces to be agile in the face of a developing situation and to be quick to deploy when needed. Developments in technology, travel, communications and military capabilities mean that events around the world that challenge our security or international stability often require fast and decisive action. It is vital that we are able to deploy our forces quickly, especially when lives are at stake: for example, as we have debated, in hostage situations or following a dramatic deterioration in the security situation that required us to help evacuate UK citizens. We will have to take account of that as we take our work forward.

That might require an arrangement for some kind of retrospective consideration—as some of the speeches made today suggested. As the right hon. and learned Member for Kensington and Chelsea pointed out, we should recognise that our armed forces deserve the full support of the House, and deploying them into a potentially dangerous situation and asking them to put their lives at risk while holding open the possibility that they may well be recalled some time later would be untenable. Again, that will require careful work, as will the question of what would happen in the event of a change of Government.

Once deployed, our armed forces must also retain the flexibility to adapt to the threats that they face without the constraint of returning to the House at every twist and turn. We must beware of the "long screwdriver" and strike a balance between strategic consideration of the issues and trusting the judgment of our people on the ground, because their lives may depend on it.

We must also consider how a new mechanism might affect the reliability of the UK as an ally. Some hon. Members, including the hon. Member for Bournemouth, East, pointed out effectively the different systems of parliamentary decision making among many of our allies and the consequences for the effectiveness of their military as allies when they are deployed in theatres. In the modern world, our forces will almost always be deployed alongside troops from other nations, and timetables imposed by the parliamentary activities of those other nations are not necessarily under our control. Our experience of operating in a multinational environment is that often the overall speed of decision making and deployment is driven by the time scale of the different troop contributors. The UK is valued as a coalition partner by our partners in NATO and the EU because we are reliable and because we deliver what we say we will. That involves not only the eventual deployment of troops, but the campaign planning that is vital to any successful mission. We would not want to inhibit such contingency planning.

Several right hon. and hon. Members drew attention to the need carefully to consider what should fall within the scope of any such arrangement. The right hon. and learned Member for Kensington and Chelsea—*[Interruption.]*

Mr. Speaker: Order. Perhaps there is too much conversation in the Chamber.

Des Browne: The right hon. and learned Member for Kensington and Chelsea used the example of the Iraqi no-fly zones. Our armed forces are engaged on a range of operations and activities as we speak. Training teams, liaison officers, attachés and advisers are deployed across the world; ships and submarines—particularly submarines bearing nuclear weapons—are continuously patrolling the oceans; British peacekeepers are supporting UN operations around the globe; and of course the lion's share of our deployed service personnel are currently serving in Iraq and Afghanistan. It would be unduly burdensome, both for Parliament and the management of the armed forces, to consult—

Mr. Patrick McLoughlin (West Derbyshire) (Con) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put accordingly, That the original words stand part of the Question:—

The House proceeded to a Division.

Mr. Speaker: I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

The House having divided: Ayes 217, Noes 318.

Division No. 111] **[9.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Ancram, rh Mr. Michael
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul

Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
McGrady, Mr. Eddie
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Teather, Sarah
Thurso, John
Tredinnick, David
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. David Evennett and Mr. Mark Lancaster

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Bayley, Hugh
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Gregory
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Dodds, Mr. Nigel
Donaldson, Mr. Jeffrey M.
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug

Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mann, John
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Robinson, Mrs. Iris
Robinson, Mr. Peter
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, David
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Dr. Richard
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Sammy
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Noes:
Tony Cunningham and Huw Irranca-Davies

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House welcomes the precedents set by the Government in 2002 and 2003 in seeking and obtaining the approval of the House for its decisions in respect of military action against Iraq; is of the view that it is inconceivable that any Government would in practice depart from this precedent; taking note of the reports of the Public Administration Select Committee, HC 422 of Session 2003-04, and of the Lords Committee on the Constitution, HL 236 of Session 2005-06, believes that the time has come for Parliament's role to be made more explicit in approving, or otherwise, decisions of the Government relating to the major, or substantial, deployment of British forces overseas into actual, or potential, armed conflict; recognises the imperative to take full account of the paramount need not to compromise the security of British forces nor the operational discretion of those in command, including in respect of emergencies and regrets that insufficient weight has been given to this in some quarters; and calls upon the Government, after consultation, to come forward with more detailed proposals for Parliament to consider.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118 (Delegated Legislation Committees),

ACQUISITION OF LAND

That the draft Planning and Compulsory Purchase Act 2004 (Corresponding Amendments) Order 2007, which was laid before this House on 28th March, be approved.—*[Mr. Heppell.]*

Question agreed to.

Mr. Speaker: I call Derek Wyatt to present a petition. Where is he? He is talking outside the precincts of the Chamber. If he comes in, he can present a petition.

Derek Wyatt (Sittingbourne and Sheppey) (Lab): Mr. Speaker, I am rather embarrassed. I have rushed back here but left the petition in my office. I do not therefore think it appropriate to try to present it. I apologise to the House. I am so sorry.

Mr. Speaker: One requirement of presenting a petition is that hon. Members must have the petition with them. If we make arrangements for tomorrow, the hon. Gentleman's good people can get their petition presented.

Centenary of Scouting

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Heppell.]*

10.21 pm

Mr. David Amess (Southend, West) (Con): I am delighted to join others in taking the opportunity to celebrate the centenary of scouting and in encouraging people to volunteer. Before doing that, on behalf of the all-party group on the Scout Association, I should like to express our sadness at the death of Lord Weatherill. He was the president of our group and a wonderful advocate of the scout movement. Indeed, he established the excellent Speaker's tea party, which you, Mr. Speaker, continue today. He was, in every respect, a fine man. We will miss him greatly.

The year 2007 marks the centenary of the scout movement. Scouting started in the United Kingdom and can now be found in all but a handful of countries. It is the largest co-educational youth movement in the United Kingdom, offering challenge and adventure to 400,000 young people aged between six and 25. There are also 100,000 adult volunteers. United Kingdom membership has increased in the past two years by 1.6 per cent. More girls are also joining the organisation. There are 28 million members worldwide.

Adventure is at the core of scouting. The association passionately believes in helping young people to fulfil their physical, intellectual, social and spiritual potential by working in teams, and learning by doing and thinking for themselves. Scouting encourages young people to try something new, feel the buzz of the challenge and reflect on what that means. Scouting offers more than 200 activities throughout the United Kingdom through a structured youth development programme. Crucially, all those activities are made possible by the efforts of more than 100,000 voluntary adult leaders.

The Scout Association is committed to including even more of the diverse mix of young people in the United Kingdom. In the past three years, it has supported the Muslim community in opening 15 local scout groups, and others are planned. The association currently deals with inquiries from leaders and schools about the way in which scouting can engage with the extended schools agenda. I am delighted that my two fellow officers of the all-party group are present and I hope that they catch your eye, Mr. Speaker, to make short contributions.

The year 2007 marks 100 years of scouting. The more than 400,000 young people and 100,000 adult volunteers in the United Kingdom will join in the centenary celebrations. The hon. Member for Colchester (Bob Russell) tabled an early-day motion and I am delighted to say that almost every hon. Member who can sign has signed it. However, one or two others may now feel inspired to sign it and then their names will be included in the illuminated address, which will be presented at the Speaker's tea party and subsequently displayed at Gilwell.

Across the world in 2007, the centenary of scouting is likely to be the largest ever example of youth co-operation and one of the biggest global celebrations since the turn of the millennium. For 100 years, scouting has been changing the world for the better,

[Mr. David Amess]

with projects occurring all over the globe. They tackle local issues and make a difference in local communities. Examples include communicating with children about the dangers of HIV, re-educating child soldiers in Africa and raising money for homeless children around the world. Scouts in the UK have been active in supporting the projects of their fellow scouts around the world. Following the Asian tsunami, UK scouts raised more than £250,000 for scout-led development projects in affected countries.

The climax of this year's centenary celebrations will be the world scout jamboree at Highland park in the county of Essex. I know that the Minister will be there, as will many other hon. Members. It is a private matter as to whether or not we shall stay under canvas for a night. There will be 40,000 scouts from more than 200 countries coming together in a celebration of worldwide youth co-operation and peace under the theme of "one world, one promise". More than 8,000 volunteers will make the jamboree possible; it is supported by fewer than 30 paid staff. The jamboree will be the largest gathering of people before the Olympic games and the support of those 8,000 people helping to make it happen is an unprecedented illustration of the power and value of the volunteer. Besides raising money to attend the jamboree themselves, scouts in the UK have raised more than £400,000 to assist fellow scouts from less well-off countries to attend the great event.

Let me turn to the subject of volunteering, which is a challenge for us all. Adult volunteers within the scouting movement contribute more than 364 million hours of voluntary work each year to their local communities—and that is before the jamboree. The undertaking of the jamboree is awe inspiring in respect of how many volunteers will be required. The number of volunteers working for scouting is bigger than the combined work forces of the BBC, which is 24,000, and of McDonald's, which is 67,000. Next bank holiday at the end of May, 200,000 scouts from the UK will simultaneously sleep under canvas during a series of adventure-packed centenary camps to celebrate 100 years of scouting. It is estimated that adult volunteers will have given up more than 5 million hours of their free time to enable the camps for this weekend alone to go ahead.

Even with all those volunteers and hours being put in, there is a waiting list of 30,000 young people who want to join the scouts, but cannot because of the lack of volunteers. We need to find ways to encourage more adults to volunteer. I understand that the Guide Association—I am co-vice-chairman of the parliamentary group—has similar numbers of young people also wanting to join. There are so many benefits to volunteering, not just for the scouts but for any youth organisation. Volunteering can help young adults to develop skills such as leadership, which will help their careers. It introduces people to a whole range of activities that they would not necessarily have considered doing before.

Mr. Andy Reed (Loughborough) (Lab/Co-op): I congratulate the hon. Gentleman on securing this evening's debate. As he knows, until Easter I was a Beaver helper at my local 2nd Quorn scouts group and was proud to help. We recognise the problems that he mentioned in that many of the leaders, like myself, have had to move on because they find it so difficult to find the time. Does he think that there are any ways in which the scouting movement could be more flexible, allowing leaders to volunteer on a more flexible basis—in and out, as it were—so that they do not have to give an overall commitment? As he knows, many people in society really struggle to make the regular weekly commitments required to make scouting such a success.

Mr. Amess: I congratulate the hon. Gentleman on leading his Beaver group, which is a big undertaking. The issue of flexibility is crucial, and I am sure that the national organisation will take that into account when encouraging more people to volunteer.

That leads me to ask why more people do not volunteer. Many are afraid of making a time commitment, as the hon. Gentleman has just pointed out, but scout groups can be flexible. They will allow volunteers to give as little or as much time as they feel that they can. Other people feel that they do not have the right skills, but anyone can help. A person does not have to be a qualified rock climber to help to run a community-based scout group. Office skills are just as important, for example, and everyone can contribute something. There are concerns about risk, and a perception that leaders might be open to law suits. However, the Scout Association provides award-winning training and one-to-one support to help people to make the best use of their skills and talents and to guide them through a range of potential situations.

As the House would expect, I particularly want to praise the good work and achievements of the Southend West district scouts, led by Pete Murray—not the former disc jockey, but the district commissioner. Southend West district scouts are an amalgamation of Leigh-on-Sea district scouts and Westcliff district scouts. The amalgamation took place in September 2004, and I am informed that it is going well. Southend West district scouts are able to boast nearly 1,000 members this year—an increase of nearly 100 over the past year. It is a tribute to the organisation that it continues to be so popular a century after it was founded.

To mark the centenary, 650 scouts were recently present at the centenary renewal promise in Southend. The hon. Member for Colchester (Bob Russell) and I were present at Windsor to see Her Majesty the Queen inspect the Queen's scouts. That was indeed a wonderful occasion. Southend West district scouts are also holding a centenary camp weekend in June and a mini-jamboree at Belchamps campsite to coincide with the world jamboree. Of the 17 scout groups in Southend, West, there are three sea scout units, two of which are Admiralty recognised. All three have excellent waterfront facilities and are fully equipped for the training of all young people. They also do a wonderful job in organising the Leigh regatta. Two of the groups also have full disabled facilities.

Despite the huge popularity of the Southend West district scout group, it lacks volunteers. So what about volunteering generally? Adult volunteering is an issue that extends beyond the scout movement. For instance,

the Samaritans reported earlier this month that 65.4 per cent. of 16 to 24-year-olds said that they had thought about helping their community in their spare time, yet only 2 per cent. said that they would actually turn out and volunteer. That is a very low rate of return. A Samaritans volunteer survey showed that 95 per cent. of people had between one and eight hours free time every day, which adds up to between seven and 56 hours spare time each week. According to Volunteering England, the reason that many employers encourage volunteering is that it makes a big difference not only to the organisations that people volunteer for, but to those that employ the volunteers.

I want to say a word about volunteering in Southend, West. The motivations for volunteering vary enormously. Some people might want to help various organisations that have helped them in the past. We all know from our constituency contacts that that is often the inspiration behind a volunteer group. Volunteering enables people to learn new skills and to experience different areas of life. I am interested in the scouts because I was a member of the 47th West Ham group. I did more than 100 nights rough camping and got a great deal out of the organisation and, in my humble way, I want to give something back to scouting.

There are endless opportunities for volunteering that will appeal to many different people. For example, there are opportunities to help on environmental projects and others relating to animal welfare, working alongside the RSPCA. In particular, I extend my thanks to the 300 people who regularly help out at Southend university hospital. I also thank those who do a magnificent job helping Essex Air Ambulance. I pay tribute to the recent event organised at No. 11 Downing street, which was a splendid occasion, and which all those who attended thoroughly enjoyed.

There is no point having an Adjournment debate, however, if one does not ask the Government to do something. May I therefore gently ask the Minister to tell the House what plans he has to assist the voluntary sector in encouraging more people to volunteer? Do the Government have any plans to work with employers to make it easier for employees to volunteer, to which the hon. Member for Loughborough (Mr. Reed) referred with regard to flexible hours? How will the Government encourage young people to become more involved in volunteering, capitalise on the will to volunteer reported by the Samaritans, and turn that will into action?

I recognise the support provided by the Government to the Scout Association in its centenary year, and I welcome the Chancellor's recent Budget commitment to increase the quality and quantity of opportunities for volunteering and awareness of the benefits of volunteering. I would like to hear more from the Minister, however, about how that commitment will be implemented and how its success will be measured.

Let us celebrate the centenary of scouting and do all that we can to encourage volunteering, so that this wonderful movement, which has done so much for so many people, prospers for at least another 100 years.

10.36 pm

Stephen Pound (Ealing, North) (Lab): I congratulate the hon. Member for Southend, West (Mr. Amess), not just on securing the debate, but on all his work. If ever there was an example of how scouting rises above all tribal divisions and unites all people, it is in the fact that we three disparate souls—the hon. Member for Southend, West, the hon. Member for Colchester (Bob Russell) and me, a slightly less honourable Member—are united, despite our political differences, in our respect and affection for scouting and in our determination to see scouting succeed. One of the most amazing things about scouting is that wherever one goes in the world, if one makes the scout sign and gives the scout handshake, one has made a friend.

The hon. Member for Southend, West mentioned his scout group, but it would be wrong for me to mention Greenford and district scout group, so ably led by Andy Norman, or even Ealing and Hanwell district scout group, equally ably led by Alan Rayner—so I will not do that. If those people who do not know about scouting, and who still hear an echo of that past when there was a feeling that uniformed groups could not be supported by certain councils, spent time with their district scout groups, as many right hon. and hon. Members have done, they would see that scouting unites everybody, regardless of age, class, colour, creed, sex or any other difference.

I also thank you, Mr. Speaker, for so ably hosting the scout tea. I think that the Maryhill group were welcomed. They certainly enjoyed their tea and, as I recall, ate most of it, as well as other people's.

I also draw attention to the fact that the House now has a ministerial champion of scouting. I pay tribute to the hon. Member for Doncaster, North (Edward Miliband), who, on several occasions, has addressed groups of scouts and admitted to never having been a scout. He may never have been a scout, but by heaven, he is a good friend of scouting. He has done the reputation of the House much good in the world of scouting.

I congratulate the hon. Member for Southend, West not just on what he has done tonight, but on what he does all the time for that great unifying force of scouting. I add my voice to his in the call for more volunteers. What could be sadder than the thought of a waiting list for people who want to get involved as beavers, cubs or scouts? Let the cry go out from tonight—scouting needs adults. The world would be a better place for more scouting.

10.39 pm

Bob Russell (Colchester) (LD): As secretary of the all-party parliamentary scout group, I thank the two-co-chairs, the hon. Members for Southend, West (Mr. Amess) and for Ealing, North (Stephen Pound), for their contributions. I endorse all that has been said, and congratulate the hon. Member for Southend, West on the way in which he set out the case.

I will be brief, because we want to hear from the Minister. As a founder member of the 1st Myland (35th Colchester) scout group, I owe a lot to the scout movement. Hundreds of thousands of people around the world owe a lot to it, and many right hon. and hon. Members have served as scouts over many years.

Let me add an historical footnote. Before he founded the scout movement, Robert Baden-Powell was a serving officer in Her Majesty's armed forces. We can

[Bob Russell]

understand why he had such strong roots in Colchester, because he spent much of that time stationed at the Colchester garrison.

Finally, let me record my appreciation of all the volunteers over the past 100 years, and of today's volunteers. The message that goes out to the Government—to all of us—is that we desperately need to recruit more volunteers for tomorrow, so that the great scout movement that we have enjoyed in this country, and which the world has enjoyed, can look forward to its second centenary.

10.41 pm

The Parliamentary Secretary, Cabinet Office (Edward Miliband): Let me begin by associating myself with what the hon. Member for Southend, West (Mr. Amess) said about Lord Weatherill, the former Speaker of the House of Commons. I had the privilege of meeting him at an event arranged by the Rainer charity for young people. I know how passionate he was about these issues, and I know that he will be widely missed.

I congratulate the hon. Gentleman on securing the debate and giving us an opportunity to discuss the scout movement. His speech showed what an eloquent spokesman he is for the movement, along with the other members of that extraordinary trio—my hon. Friend the Member for Ealing, North (Stephen Pound) and the hon. Member for Colchester (Bob Russell). They are a formidable combination, and they have done a great deal to promote the interests of the scouts in Parliament.

I should add a confession, previewed by my hon. Friend the Member for Ealing, North. I was never in the scouts, or indeed in the cubs, or even the Woodcraft Folk. As with all childhood neglect, I think I blame my parents, but I have tried to make up for it in the 100th anniversary year.

Like you, Mr. Speaker, I have been privileged to meet some inspiring representatives of the scouts and the adult volunteers who work with them, both at the reception organised by the all-party group and at a reception that I hosted on behalf of the Government. I was struck by the extent to which the scouts and volunteers whom I met defied many of the stereotypes that exist in Britain today. The young people in the scouts want the best not just for themselves but for society. They are not the selfish individualists that the media, and, I am afraid, politics, sometimes portray.

One of the scouts whom I met, Conor Michaels from Huddersfield, told me, "Yes, the scouts are about adventure; yes, you get the chance to meet new people and make great friends." But he also said, "The great thing about scouting is that it tries to make the world a better place"—a point also made by the hon. Member for Southend, West. That young person mentioned the scouts who volunteered after hurricane Katrina, and those who raised money for the tsunami appeal. In its anniversary year, the scouting movement is also taking a lead in countering some of the negative stereotypes about young people. It now has 450 young spokespeople from almost every county in the country, and I was lucky enough to meet some of them.

I also pay tribute to the extraordinary dedication and commitment of the adult volunteers, to whom the hon. Gentleman also referred. As one of them pointed out to me, the official number of uniformed volunteers is 100,000, but that is a significant underestimate of the number who play their part to make the movement what it is. Behind the people in uniform are the parents on committees, those who help with expeditions and camping, those who help out by raising money, those who help out with jumble sales, and so on. They should make us optimistic about Britain. They are unsung heroes who do extraordinary things, and I am very pleased that we have the chance to honour them in the House tonight. Those are some of the great things that the scouting movement does for our society.

It is particularly impressive that the movement is not resting on its laurels on its 100th anniversary. It is led dynamically by Derek Twine, the chief executive, and Peter Duncan, the chief scout. Their leadership is dynamic and they are organising some extraordinary events this year, including Mr. Speaker's tea. Their leadership is also visionary in that they realise that the scouting movement cannot stand still. As Peter Duncan explains, there are two myths about the scouts: one is that they are declining and the other is that they are old-fashioned. He says that they are neither.

Scouting is no longer a single-sex organisation; it admits girls, and 14 per cent. of scouts are now female. Nor is it a single-faith organisation. There are now Muslim and Sikh groups, and The Scout Association is committed to increasing its diversity. The scouts also consider themselves to be a social movement, taking up important issues of our time. Their 100th anniversary promise is "One world, one promise", and they are using the anniversary to campaign on climate change and other key issues.

The key moment of this year—the jamboree—has at its heart this commitment to making a better world. This year's Jamboree is at Hylands park from 27 July to 8 August. I am adopting a wait-and-see policy on the question of whether to camp at Hylands park. There will be 40,000 young people from 218 countries, and I am pleased that the Government have been able to make resources available to make it a success.

What is so exciting about the jamboree is not only that it will bring young people together from across the world, which is important, but that there will be volunteering to help the local community in Hylands park; 4,000 young people a day will be going out to help members of the local community. It will also raise awareness of some of the key issues facing today's world, in particular those facing the younger generation, such as climate change, global development and the need to bring together different faiths. Above all, it will be a great advert for Britain, and I look forward to attending.

In this 100th year of the scouts, I agree that we need to see scouting in the wider context of volunteering. Some of the best activities of the scouts involve volunteering for the wider community, but we need to bring out the best in the many young people who want to volunteer, and not just in those in the scouts.

We have set up the independent youth volunteering organisation V, funded by up to £100 million from Government. It is designed to create more youth volunteering opportunities. It has created more than

100,000 so far, in partnership with the third sector and the private sector. As in the scouts, young people are empowered to lead the organisation's activities. The office of the third sector in the Cabinet Office also funds the British Youth Council as well as the Muslim Youth Helpline, both of which are young people-led.

Questions were asked about wider encouragement to the voluntary sector and how we can encourage more people to volunteer. Already more than 20 million people volunteer, according to the citizenship survey. However, we need to break down barriers to volunteering. Issues around Criminal Records Bureau checks are often raised and we are seeking to address them. There are also barriers in the benefit system, to do with lunch expenses. We have been able to take action on that.

We also need to find ways of funding good volunteering programmes—we do that in various ways—and also of recognising volunteers for the work that they do. I am keen to promote the Queen's award for voluntary service—an award which recognises groups of volunteers. Next month we will announce some of the winners of that award.

Questions were asked about how the Chancellor's commitment to increase the quality and quantity of opportunities to volunteer will be implemented and measured. That will be measured through the citizenship survey. The latest figures have shown an increase.

The important issue of how we work with employers to make it easier for employees to volunteer was also raised. That is particularly an issue in the current era where people often face pressured work lives. It is important that before Government lecture the private sector they also need to take the lead in encouraging volunteering. We are looking into that as part of the third sector review; we are examining ways to encourage public sector employers to promote volunteering and then to work with the private sector to promote it. I want to return to the main reason for tonight's debate, which is to celebrate—

Miss Ann Widdecombe (Maidstone and The Weald) (Con): I sense that the Minister is about to perorate. Can he find an excuse to mention—albeit sidelong—the Brownies and Guides?

Edward Miliband: I thank the right hon. Lady for her intervention and I do indeed pay tribute to the Brownies and Guides for the extraordinary work that they do.

In 1907, Robert Baden-Powell went to Brownsea island with the first 20 scouts. Ten were from the east end of London and had already left school and were at work, and 10 were from private schools. Today, there are 28 million scouts across the world. Few movements can boast a roll-call of alumni that includes not just current Members of this House but 26 of the first 29 astronauts, Sir John Major, the current Prime Minister and President of the United States, and a number of other extraordinary people.

I am proud to be the Minister responding to the debate and I salute everyone in the scouting movement for their work. I am inspired by what they do and I wish them a happy centenary.

Question put and agreed to.

Adjourned accordingly at nine minutes to Eleven o'clock.

House of Commons

Wednesday 16 May 2007

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *IN THE CHAIR*]

Oral Answers to Questions

DUCHY OF LANCASTER

The Chancellor of the Duchy of Lancaster was asked—

Social Exclusion

1. **Simon Hughes** (North Southwark and Bermondsey) (LD): What assessment she has made of the trends relating to social exclusion identified in the Households Below Average Income 2005-06 report. [137262]

The Parliamentary Secretary, Cabinet Office (Mr. Pat McFadden): Since 1997, the Government have lifted 600,000 children out of relative poverty. That is a major achievement and represents significant progress towards our child poverty target. We are responding to the Households Below Average Income report in part through recent announcements in the Budget, which are expected to lift a further 200,000 children out of poverty.

Simon Hughes: I am grateful for the Minister's answer, but I could not tell from that whether he accepts that the number of children in severe poverty has risen, and that therefore the target looks unlikely to be met. Can he share with us what role his Department has in banging heads together across other Departments, so that the Government can get back on target and youngsters in boroughs such as mine, and also all over the country, can have the prospect of opportunities in the future, and not be held back by the poverty of the past?

Mr. McFadden: We have always accepted that the target is challenging. That is why the Chancellor announced measures in the Budget to help lift more children out of poverty. Those include, for example, lifting the child element of the child tax credit by £150 above indexation from April 2008. Child benefit for the eldest child will become £20 per week by April 2010. Together with other measures, that will mean that households with children will be, on average, £200 per year better off, and households with children in the poorest fifth of the population will be £350 per year better off. In addition, the Department for Work and Pensions has announced specific measures for London, also aimed at lifting more children out of poverty.

Jessica Morden (Newport, East) (Lab): Does my hon. Friend agree that there is a stark contrast between the measures announced in the Budget to lift 200,000 children out of poverty and the record of the Conservatives, under whom child benefit was frozen for three years running and we had one of the highest child poverty rates in Europe?

Mr. McFadden: My hon. Friend is right. Had we continued with the package of measures in place in 1997 and simply uprated them in line with inflation, child poverty would have risen by 800,000. At that time we were around the bottom of the European league, but because of the measures we have taken we have lifted 600,000 children out of poverty and, as I said, it is hoped that the measures announced in the Budget will lift a further 200,000 children out of poverty.

Greg Clark (Tunbridge Wells) (Con): The same figures show that there are 400,000 more people in severe poverty than when Labour came to office, and it has become more difficult to escape from poverty. When I went to university, someone from a poorer background was three times less likely to go to university than someone from a wealthy background. Today, such a person is five times less likely to go, so social mobility is declining. Does the Minister believe in social mobility? If so, why does he think it is falling under Labour?

Mr. McFadden: I certainly believe in social mobility. A child born in this country today has far less chance of living in poverty than if the hon. Gentleman's party had continued in power. There are 440,000 fewer children in workless households today. Absolute poverty for children has fallen by 1.8 million. The risk of absolute poverty has halved. By any measure that one cares to use, the life chances of children born under the present Government are a lot greater than they would have been if the hon. Gentleman's party had stayed in power.

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): The figures show both rises in child poverty and rises in income inequality. The Minister is responsible for joined-up government in these matters, so how does he explain the fact that the joint ministerial committee on child poverty, bringing together the devolved Governments and the UK Government under the chairmanship of the Chancellor of the Exchequer, has not met since 2002? Does he think that the next Prime Minister will do any better?

Mr. McFadden: I believe that the next Prime Minister will continue the battle to ease relative poverty. The Chancellor has shown in his time in office that he has a deep commitment to combating child poverty. Families with children are on average £1,500 a year better off since 1997, taking all changes into account, and the poorest fifth of families with children are, on average, £3,400 a year better off. What matters is the outcome for families in those circumstances, rather than whether or not a committee has met.

Social Exclusion

2. **Mr. Siôn Simon** (Birmingham, Erdington) (Lab): What estimate she has made of the cost of intervening in the early years of a child's life to prevent social exclusion. [137263]

4. **Anne Snelgrove** (South Swindon) (Lab): What assessment she has made of the balance of costs and benefits of intervening in the early years of a child's life to prevent social exclusion. [137265]

The Minister for the Cabinet Office (Hilary Armstrong): Early intervention is a guiding principle of the social exclusion action plan. The report highlighted the relative costs and benefits of the rigorously tested nurse-family partnership programme from the United States that provides intensive home visiting services by health visitors to disadvantaged mothers from pregnancy until a child is two years old. The evaluation showed that for every $1 invested in the US, $5 was saved down the line. The Government are considering what can be learned from that early intervention approach, with pilots of the programme being launched in 10 sites across England.

Mr. Simon: As the nurse-family partnerships have been tremendously successful in America and are acclaimed by midwives and nurses in this country in working-class communities such as mine, does my right hon. Friend agree with the right hon. Member for Witney (Mr. Cameron), who has dismissed them as foetal ASBOs, or does she think that he should stick to what he knows: well-paid nannies, interior-designed home nurseries and silver spoon—

Mr. Speaker: Order.

Hilary Armstrong: The Tory party knows that the right hon. Member for Witney (Mr. Cameron) made a mistake and it is looking at the matter again, and I hope that today it will give us its commitment to work with us on this. I met some mothers and nurses yesterday in Slough and I met David Olds with the Prime Minister this morning. It is an incredibly successful programme that is being embraced with real enthusiasm by health visitors and midwives here, and I hope that we can demonstrate that by working with the most disadvantaged we can help them to turn round their lives and the lives of their children.

Anne Snelgrove: As antisocial behaviour is a product of social exclusion, which is causing many problems in my constituency and throughout the country, what examples of good practice could my right hon. Friend give my local council in Swindon to help it to learn from that and so tackle antisocial behaviour through social exclusion?

Hilary Armstrong: The nurse-family partnership has been used in America for almost 30 years and has demonstrated that by the time children who have participated in the scheme are 15, they are between 50 and 60 per cent. less likely to be involved with the criminal justice system in any way. The programme has been well evaluated and we are working hard on the pilot schemes to see what we can learn. I hope that my hon. Friend's constituents, local authority and primary care trust will look at what we will be able to achieve and help us to mainstream the programme so that towns such as Swindon can benefit.

Tony Baldry (Banbury) (Con): One way in which the Government are intervening in early years to help social exclusion is through children's tax credits and the working family tax credit. The right hon. Lady must recognise that Members of Parliament are still receiving significant numbers of parents at their surgeries who have problems with those tax credits. May we copy those cases to the right hon. Lady, not because we expect her to solve them, but in the hope that, being a fair-minded Minister, she might start to recognise that there are some generic issues that she might take up with those of her Cabinet colleagues who are responsible for such tax credits?

Hilary Armstrong: I frequently have conversations with colleagues in the Treasury and I know that there is the occasional problem, but that overall the scheme massively benefits those parents who are obtaining work, many of them for the first time, and can now earn sufficient money to make work pay so that they can do the best by their children. Those programmes will help parents to obtain the confidence and skills to get back into work so that they, too, can do the best by their children.

Lyn Brown (West Ham) (Lab): My right hon. Friend has spoken well about the impact of the nurse-family partnership scheme, but given that Tower Hamlets, my neighbouring borough, has been lucky enough to have one of the 10 pilot schemes, when might we see an equal amount of assistance and help for my constituency?

Hilary Armstrong: Many hon. Members, and certainly their constituents, are asking that question. We have overwhelming interest in this pilot programme, with more than 40 per cent. of the country applying for it. We are determined that we will learn the lessons as quickly as we can about what changes are needed within our systems. The Department of Health, which is leading on the implementation of the programme, is considering health visiting and midwifery services to see how they can mainstream the important aspect of ensuring that we pick up, at the earliest stage, those parents who are vulnerable and give them the support they need.

Local Government/Third Sector

3. **Ann Coffey** (Stockport) (Lab): What recent discussions she has had with ministerial colleagues in the Department for Communities and Local Government about the local government White Paper and its impact on the voluntary sector. [137264]

The Parliamentary Secretary, Cabinet Office (Edward Miliband): We have worked closely with the DCLG to prepare and implement the White Paper. It contains important commitments to help the voluntary sector: making key parts of the compact such as multi-year funding part of local government inspection and financial codes; encouraging the transfer of community buildings

to the voluntary sector; and ensuring that local authorities involve community organisations in decision making.

Ann Coffey: I thank my hon. Friend for that answer. In my constituency, voluntary organisations and volunteers make a huge contribution to the community life of the town, but one of the problems that they face is that they have yearly funding, which makes it difficult for them to plan. Does he agree that in order to have a real partnership between voluntary organisations and the statutory sector, those organisations need to get three-yearly grant programmes from primary care trusts and councils to provide some stability for the voluntary sector?

Edward Miliband: I agree with my hon. Friend. I am looking forward to my visit to Stockport next month to see at first hand the excellent work that the voluntary sector does there. The key thing about the local government White Paper is that, for the first time, councils will be assessed on their commitment to multi-year funding under the local government inspection framework and the financial codes. That progress has been warmly welcomed in the voluntary sector, and I hope that it will make a difference not only in Stockport, but around the country.

DEPUTY PRIME MINISTER

The Deputy Prime Minister was asked—

Climate Change

11. **Natascha Engel** (North-East Derbyshire) (Lab): What recent discussions he has had with his counterparts in other European states on climate change. [137237]

The Deputy Prime Minister (Mr. John Prescott): In April, I launched the British Council climate change campaign, "Opportunity through Action", in Prague, with keynote speeches at a dinner debate and a youth conference. I engaged the Czech Prime Minister and two Deputy Prime Ministers on the subject of climate change during separate bilateral meetings. Later that week, I discussed similar issues with the Maltese Prime Minister and President.

Natascha Engel: I thank my right hon. Friend for that answer. As he will know, not only is the UK one of the only countries to meet its Kyoto targets, but we are set to double our commitments. Unfortunately, greenhouse gas emissions and carbon dioxide do not respect national borders, so what is he doing to ensure that our European colleagues meet their Kyoto targets?

The Deputy Prime Minister: That is a good question. I am pleased to confirm that Britain is one of only two countries in the European Union to have achieved their Kyoto targets. Indeed, as my hon. Friend says, we will achieve about 23.6 per cent. below the base level—almost twice the level set for Kyoto. As she knows, the Prime Minister is talking to the EU President today about the G8 proposals for improving the situation. Indeed, the European Union will meet in the autumn to discuss further proposals so that it is on target to reach the Kyoto target by 2010-2012. The point is that the United Kingdom has already achieved it and has shown that we can have economic growth and achieve environmental targets at the same time.

Dr. Vincent Cable (Twickenham) (LD): As the Deputy Prime Minister has announced his retirement, perhaps I should start by genuinely thanking him for his contribution to British public life, especially on behalf of those groups who owe him a special debt of gratitude—I am thinking of the parliamentary sketchwriters, British amateur boxing, and the makers of Jaguar cars. On the contribution that cars have made to global warming and climate change, he once famously said that he would have failed if car use failed to decline. What, in retrospect, does he now feel that he could have done differently?

The Deputy Prime Minister: Our policies on climate change show that we can achieve the Kyoto targets and lead the world. I thank the hon. Gentleman for his kind remarks about me. He was a member of my party for a while—indeed, he has gone through more parties than Paris Hilton. Nevertheless, I am grateful for his remarks and proud to have been in a Government who, for 10 years, have realised major achievements on the environment and the Kyoto targets.

Office Budget

12. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet the Treasury to discuss the budget for his office. [137238] *[Interruption.]*

The Deputy Prime Minister (Mr. John Prescott): I hope that the hon. Members understand that the only way I can get through is by delay.

I meet my right hon. Friend the Chancellor of the Exchequer and other ministerial colleagues on a regular basis to discuss a wide range of issues.

My Department is participating in the current comprehensive spending review in the same way as all other Departments, and my Department's annual report, which I will publish shortly, sets out the important contribution that it has made in the past 12 months.

The Government are committed to improving delivery of public services and ensuring maximum value for money for the taxpayer.

Mr. Bellingham: I am grateful to the Deputy Prime Minister for that response. Will he give the House four specific achievements or successes that he attributes to his occupancy of his present office?

The Deputy Prime Minister: I am happy to say that I contributed to achieving some of the best general election results—three times. In those 10 years, I am pleased to have been in a Government who have not only produced 2.5 million jobs, but proved that there can be economic prosperity and social justice. I am pleased to have played a key part in the Kyoto negotiations, which are a major achievement. I am especially delighted to have rescued the channel tunnel rail link, which collapsed under the Tories, and will

now be open in November on budget and on time. It is the first modern rail system in Britain. Those are only a few achievements, but if the hon. Gentleman has more questions, I shall answer them later.

Mr. Oliver Heald (North-East Hertfordshire) (Con): On the subject of delay, I wonder whether we have been too hasty in assuming that the right hon. Gentleman will move on. There was a briefing in the Sunday newspapers about a new official post for him as an international diplomat, probably based on all those years of conflict resolution between No. 10 and No. 11. Has he had discussions with the Treasury about continuing to be bankrolled by £3 million a year?

The Deputy Prime Minister: I am proud of what I have done in government and of what the Department has achieved. Conservative Members will see that the annual report, which will be published shortly, justifies the work in which I have been involved in the past 12 months. It is more justified than that of Tory Deputy Prime Ministers if the records are compared. We get value for money.

As for the diplomatic point, the achievement of Kyoto—bringing 100-odd nations together to agree something—is a measure of our success. I doubt whether the hon. Gentleman could have done it.

Planning Policy

13. **Mr. Shahid Malik** (Dewsbury) (Lab): What recent progress he has made in the co-ordination of housing and planning policy across Government. [137239]

The Deputy Prime Minister (Mr. John Prescott): I have chaired a Cabinet Committee that takes forward the development of planning policy for an interdepartmental planning reform White Paper, which will be published soon.

The White Paper examines planning as a whole, including for nationally significant infrastructure projects, responsibility for which is spread across various Departments. It will build on our planning reforms since 1997 in the light of recent reports by Kate Barker and Rod Eddington and deliver a planning system ready to meet the growing challenges that we face in the 21st century.

Mr. Malik: My right hon. Friend knows that carbon emissions per dwelling in the United Kingdom are six times greater than those in, for example, Sweden. What actions are the Government taking to ensure that we improve our record on that crucial matter?

The Deputy Prime Minister: We must accept that Sweden has done well. Indeed, it is one of two countries that is on target to meet its Kyoto targets. However, we will achieve double the Kyoto targets, which is not the position in Sweden. Between 1990 and now, Sweden has reduced carbon emissions by 4 per cent, while we have reduced them by 14 per cent. If the rest of the European countries copied the example of the UK and Sweden, we would be well on target to doing something serious about climate change.

Sir John Butterfill (Bournemouth, West) (Con): Is the right hon. Gentleman aware that hon. Members representing the south-west are virtually unanimous in opposing the proposals of the regional unelected government to concentrate all the new houses that the Deputy Prime Minister wants to see built in existing urban areas, putting additional strain on the infrastructure of schools, hospitals, roads, public transport and sewage? On the other hand, is he aware that they would be in favour of distributing some of that housing in more rural areas where market towns and villages are under-using the infrastructure because they have been losing population?

The Deputy Prime Minister: I would certainly like to hear what the Tory party says in those rural areas about the hon. Gentleman's wish to transfer all the urban to them. Looking across the faces on the Tory Benches, I see them shaking their heads—I suspect that they are in a bit of a difficulty with that proposal. In reality, people want to live in houses and they want to live in cities. We have designed them in order to achieve that. Even in the south-east, sons and daughters who want to live near their parents want their demands for houses to be met, rather than being told to go north, which would be unacceptable. We can organise matters in a way that will provide houses for all.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): What progress has been made in linking housing development to improved public transport? Does my right hon. Friend support a revival of the plans for light rail in Liverpool?

The Deputy Prime Minister: The light transport developments of the past few years have been highly successful in encouraging people to use public transport, not their private cars. Manchester is a particular example. I know that there is a desire to see a light railway system in Liverpool, too. We have to recognise that they are expensive and different forms of financing have to be found. There have been some difficulties with one or two of the local authorities. That is why I am particularly pleased that in the Transport Act 2000, which I brought through the House, I included the principle of congestion charges and made it clear that the money gained from it should be hypothecated to improve public transport. I was particularly pleased to hear the mayor of New York say last week that he intended to bring in an environment charter for that city that included congestion charging and hypothecation of money to the public transport system. That is a way forward, which we have shown can be successful, and other countries are following us.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Home information packs originated in the right hon. Gentleman's office, but they have been slammed by the Consumers Association as "useless". The Government's Better Regulation Commission has warned that their gold plating will lead to extra red tape. The Royal Institution of Chartered Surveyors speaks of a detrimental effect on first-time buyers with rising prices, shortage of supply and abortive cuts. Will the right hon. Gentleman end this poisoned chalice and, in his co-ordination role, slap down this stupid proposal and agree to our motion on the Order Paper later today?

The Deputy Prime Minister: No, I will not, and I think that the House will vote against that motion this evening, too. This proposal is an effective way of bringing better justice to house purchasing. People can be cheated out of housing simply because someone broke the agreement. That cannot happen in Scotland, but unfortunately it can happen here. The consumer groups have made it clear that they want this package—indeed, the hon. Gentleman well knows that they welcome it—but they feel that the agreement for the certification of the house has been taken out.

On carbon, let me just say to the hon. Gentleman that it is about getting a reduction of carbon in this country as part of our efforts to deal with climate change. We see the Tories telling us constantly that they believe in taking action against climate change on the one hand, but they then vote against any measure to improve the situation on the other.

Animal Rights Activists

14. **Dr. Evan Harris** (Oxford, West and Abingdon) (LD): What steps he is taking to co-ordinate Government policy on animal rights activists and schools. [137240]

The Deputy Prime Minister (Mr. John Prescott): I chair the Cabinet Committee that co-ordinates the Government's strategy to tackle animal rights extremism. The Government are committed to tackling extremists who harass or threaten those involved in vital, life-saving scientific research. Our strategy is making a difference, as 25 individuals have received custodial sentences and the number of visits by extremists to private homes is down to fewer than five a month. I wrote recently to the police national co-ordinator for domestic extremism to congratulate him.

Dr. Harris: I thank the right hon. Gentleman for that answer. Given that it is both Government and Opposition policy to support well regulated animal research, does he agree that it is vital to win the battle for the hearts and minds of young people, who should be exposed to arguments that are at least balanced? Given that there is underfunding of some of the non-governmental organisations working in this area in comparison with the anti-vivisection organisations, could he look further into the co-ordination and funding of efforts in schools to put balanced arguments about animal research?

The Deputy Prime Minister: The hon. Gentleman makes a sound point and I congratulate him on the courage that he has shown in tackling animal rights extremism. His views on that issue are well known in the House. In the Cabinet Committee, we have been discussing how we can do more to continue the education in schools about such extremism. We are working to provide materials for teachers to help them to approach these topical issues in the classroom. My right hon. Friend the Secretary of State for Education and Skills is leading work to provide training for teachers through a national network of science learning centres and the Government are also funding the production of a DVD of the play "Every Breath", which addresses animal rights issues, for distribution to teachers. The forces involved in apprehending the extremists have done an excellent job and that is why I wrote to express that view on behalf of the Committee, although I am sure that I was writing on behalf of the whole House.

China

15. **Laura Moffatt** (Crawley) (Lab): What steps are being taken by the UK Government to support sustainable development in China. [137241]

The Deputy Prime Minister (Mr. John Prescott): Last month I met State Councillor Tang and Premier Wen in Beijing. I put to them a proposal to strengthen co-operation between the United Kingdom and China on sustainability, which has been an important focus of the China taskforce which I have chaired since 2003. In China, Premier Wen has highlighted the need for a new model of sustainability, including greater efforts to save energy, reduce consumption and protect the environment. The 11th five-year plan contained ambitious targets on energy and promoting sustainable development, including energy efficiency improvements of 20 per cent. by 2010. The Chinese are keen to step up exchanges with the UK to help them to develop sustainable communities, and they see both the Thames Gateway and the UK-designed eco-city at Dongtan as key examples.

Laura Moffatt: I thank my right hon. Friend for his efforts to share information about making our cities sustainable and to use that work as an example to other cities. I hope that he will continue with that work during his remaining time as Deputy Prime Minister. He will be sadly missed.

The Deputy Prime Minister: It is a lovely day—I thank my hon. Friend for her kind remarks. The work that we are doing with China to develop new principles for sustainable cities is among the important developments that I hope we can all support. China will transfer about 15 million people from rural areas to urban areas every year, and that will require about 1,000 more cities, which will create a tremendous demand for energy. Britain's skilled architects and planners can demonstrate the sustainable new model necessary to reduce the impact on the environment and improve the quality of our cities for the benefit of all.

PRIME MINISTER

Engagements

Q1. [137247] **Mr. Richard Spring** (West Suffolk) (Con): If he will list his official engagements for Wednesday 16 May.

The Deputy Prime Minister (Mr. John Prescott): I have been asked to reply. As the House will be aware, my right hon. Friend the Prime Minister is in Washington today for discussions with President Bush ahead of the G8 summit in June. Later today, the right hon. Member for Charnwood (Mr. Dorrell), my hon. Friend the Member for Glasgow, Central (Mr. Sarwar) and I will meet members of the family of Madeleine

McCann, at their request. I am sure that the thoughts of the whole House will be with them at this terrible time.

Mr. Spring: I endorse the sentiments about the tragic situation in Portugal that the Deputy Prime Minister has just expressed.

May I quote two statements to the right hon. Gentleman? The first is from the Chancellor of the Exchequer and future Prime Minister, who said:

"I think if you look back over the last 10 years, what happened over the dome was a mistake."

The second is from the Deputy Prime Minister himself:

"If we can't make this work, we're not much of a Government."

Who was right?

The Deputy Prime Minister: It was another terrible Tory mess that we inherited. I was supportive of the strategic necessity of building the Jubilee line under the previous Administration, as that was the right decision. It was also absolutely right to pay £350 million to bring back into use that poisonous bit of land in the middle of London. The target of 12 million people attending the dome was set before we came into office. I disputed that at the time, but 7 million did attend, and 98 per cent. thought it was a good exhibition. I think that they were right, and I am not apologising for that.

Paul Farrelly (Newcastle-under-Lyme) (Lab): Does my right hon. Friend recall that on Friday 2 March more than 100 Labour Members were in the House to make sure that the Temporary and Agency Workers (Prevention of Less Favourable Treatment) Bill was heard? As of today, 120 colleagues have signed early-day motion 1299 to urge progress on measures to end unfair discrimination against agency workers. In his remaining weeks in office, will my right hon. Friend look at that, try to get some progress on what was a promise at Warwick before the last election, and continue his decades-long fight for ordinary working people and hard-working families?

The Deputy Prime Minister: Yes.

Mr. William Hague (Richmond, Yorks) (Con): May I begin by echoing what the Deputy Prime Minister said about Madeleine McCann, her family and their terrible worries at this time? In all parts of the House, and throughout the nation, people will be praying for the safe return of that little girl.

The Deputy Prime Minister has just been told, following the announcement of his resignation, that he will be missed on his side. He can be sure that he will be even more missed on our side. Seriously, although we have disagreed with many of his policies and exchanged many harsh words, he has so far served 37 years in the House and 10 years as Deputy Prime Minister, and by any standards that counts as an achievement. We wish him well in his retirement,

However, he is still the Deputy Prime Minister, and the Chancellor of the Exchequer says that the Government should admit mistakes—although the Deputy Prime Minister has just disagreed with the one that the Chancellor put at the top of the list. In the spirit of admitting mistakes, does he agree that the junior doctor recruitment process has been, by the standards of any Government, a truly shocking piece of incompetence?

The Deputy Prime Minister: It is so nice, after 37 years, to know that I will be missed—but I am not leaving the House yet, and I will still play my part. I will not be whingeing on the Back Benches, as I hear some of my colleagues do from time to time. I will support this Government, who have done a wonderful job over the past 10 years. I notice that the right hon. Gentleman did not attend the first session. Was his fee for the first session too expensive, or, given his rates for speaking, is the overtime that would be charged too much money for the Tory party?

On the question asked by the right hon. Gentleman, let us make no mistake: the Secretary of State for Health has apologised for the difficulties with the technology and the system's delivery. I understand that she will also be making a statement after Prime Minister's questions, so the matter is best left for then.

While the right hon. Gentleman is on mistakes, let me point out what this Government have done in office, compared with what his Government did. You gave us boom and bust, and we gave an economy of economic growth. You put 3 million—[HON. MEMBERS: "He."] I will do it again. He gave the country boom and bust, and we delivered sustained economic growth, which we had not seen for decades. He put 3 million on the dole; we put 2.5 million people back to work. Most scandalously, he doubled the number of pensioners in poverty; we lifted 1 million out of poverty. I will swap mistakes and records with him—the House will hear more and more of that, whether I am Deputy Prime Minister or not. May I say that I am the longest-serving Deputy Prime Minister? I have seen off five Tory shadow spokesmen and four Liberal ones, and I am still here.

Mr. Hague: We are very sorry to hear that the right hon. Gentleman will not be whingeing from the Back Benches, because we hoped that he would—and indeed he may be tempted to in the coming years. However, the question was about junior doctors.

A year and a half ago, the Government knew that unprecedented numbers of doctors would require training posts on 1 August. Now, with 11 weeks to go, thousands of junior doctors either have no training posts or have no idea where in the country their jobs will be, or even in which country they will be. If the Government are going to start admitting to mistakes, should they not also start holding Ministers to account? Given the right hon. Gentleman's long experience of sitting at the Cabinet table, which we have all just celebrated, who does he think is to be held responsible for the junior doctors fiasco? *[Interruption.]*

The Deputy Prime Minister: Yes, the Tories. [AN HON. MEMBER: "Wicked Tories!"] Yes, even the wicked Tories, when we look at the record.

I have told the right hon. Gentleman that the Secretary of State will come to the House to deal with the matter later, and that will be the appropriate time for it to be dealt with. Indeed, I understand that she will be answering an urgent question that has

been tabled. I do not know whether the right hon. Gentleman tabled it, but it has been tabled and we will answer it.

I will tell the right hon. Gentleman where the fault lies. We had to increase the number of medical students when we came to office: this Government brought in 72 per cent.—13,300—more student doctors. The Opposition health spokesman, the hon. Member for South Cambridgeshire (Mr. Lansley), knows that to be true. We doubled investment in junior doctor training, and doctors' pay increased by 17 per cent. That is not a bad record. It is the difference between us in government and the Tories in government.

Mr. Hague: It is a bad record, given that large amounts of the money are being spent on junior doctors who must then find jobs in Australia and Canada because training posts are not available in this country. It is no good blaming everyone else. Two thirds of GPs now think that general practice has become worse in the last decade, and 95 per cent. of consultants say that the Government's performance in this regard has been miserable.

The Chancellor is keen for the Government to admit to mistakes. Is not another of those mistakes the looming fiasco over home information packs? Given that the Chancellor wants to strengthen Parliament and strengthen home ownership, will he be here in Parliament this afternoon to vote with us against home information packs, which will damage home ownership?

The Deputy Prime Minister: The issue of home information packs is a typical example of the hypocrisy of the Opposition. They say "Vote blue, get green"—I think that that was their slogan—but as soon as an opportunity comes to vote for an energy conservation measure, whether it is home information packs or the climate change levy, they always vote against it. That is the difference. It is rhetoric versus substance.

While I am on the subject of rhetoric versus substance, let me deal with the point about doctors. It is interesting to note that a Healthcare Commission survey published today shows that 90 per cent. of patients said national health service care was "excellent", "very good" or "good". There are 115,000 more nurses in the NHS, waiting lists are down, there are more operations, and there is massive investment in the health service. Under the Tories, waiting lists went up, beds were cut and the hospital building programme ground to a halt. Don't tell me about your record!

Mr. Hague: The survey also shows that mixed-sex wards are still prevalent in a large number of hospitals and trusts, so don't tell us about your record! I mean that the right hon. Gentleman should not tell us about his record, Mr. Speaker.

Let me return to the subject with which we are now dealing. Is it not the Chancellor who has cut grants for low-carbon building programmes and the use of solar power? I know that he always likes to disappear when there is trouble, but where is he today, when home information packs are to be debated? He is never around when there is bad news, although making himself invisible when he launched his leadership campaign was taking things to extremes.

The Chancellor says that he wants to see more humility in Government. Given that home information packs are opposed by almost everyone with an interest in the stability of the housing market, why does he not listen to those people?

The Deputy Prime Minister: If the right hon. Gentleman looks back at the record on home information packs he will find that consumer groups fully supported them when I introduced them after we came to office. They made the point that they wanted the costs to be switched from buyers to sellers. Buyers already have to pay those costs, and many of them bitterly complain. They enter into arrangements to purchase a house before a contract has been produced and then find that they lose thousands of pounds in paying for things that they cannot claim for. The situation I have described does not arise in Scotland because Scotland had the courage to make the change. We have faced vested interest groups that have constantly opposed improving the lot of people moving house. However, in the end there will be a debate. There is no doubt that the energy part of the process has been improved, which is welcome, although the Conservatives will vote against it. That is another classic example of the difference between their rhetoric on the environment and what they actually do in this House.

Mr. Hague: Home information packs will not deal with the point that the right hon. Gentleman has just raised. He mentioned Scotland; he will need the votes of Scottish MPs to force this measure through here in England. The Chancellor talks about admitting to mistakes, but no one is held to account on junior doctors. He talks about boosting home ownership, yet home information packs go through. He talks about humility, but refuses to listen even to the Consumers Association. Does not that show that the Chancellor cannot be the change that this country needs, and if a new Cabinet will have the same attitude as the old, collapsing Cabinet, should we not have a general election and let the people decide?

The Deputy Prime Minister: I would have thought that the right hon. Gentleman would be a bit careful about calling for a general election. I remember him doing that and getting horribly beaten—it was one of the worst results of any Tory party. Given those circumstances, he should not ask for that. This Chancellor has been responsible for an awful lot of Government policy. That has resulted in a record period in office, with us winning three elections despite all the calls for general elections that we have had.

The right hon. Gentleman points to difficulties to do with differences in view. May I ask him, as I have seen this today—[HON. MEMBERS: "Oh."] I just wish to make a point. I notice that the leader of his party is away today and that there has been a change of policy on grammar schools. When the right hon. Member for Richmond, Yorks (Mr. Hague) was leader, he promised that there would be one in every town. I do not know how popular this U-turn is within his party—*[Interruption.]*

Mr. Speaker: Order. Some leeway is always given, especially in the current circumstances.

The Deputy Prime Minister: Thank you, Mr. Speaker. I do not know how popular this new policy is in the right hon. Gentleman's party. Will all the Opposition Members who support it put their hands up?

Mr. Speaker: Order. Even the Deputy Prime Minister has now gone a bit too far.

Natascha Engel (North-East Derbyshire) (Lab): We recently celebrated the 1 millionth child being helped by Sure Start. Will my right hon. Friend reassure the many parents and children in North-East Derbyshire who have been helped by this fantastic service that it will be safeguarded for the future?

The Deputy Prime Minister: Everybody agrees that Sure Start has been a very successful service. So far, about 1 million children have benefited from it and we are on course to achieve 3,000 Sure Starts within the next few years. There has been a real improvement, and we are proud of it. The next stage in the finances involves the comprehensive spending review, which is under way. We have given assurances that we are committed to this programme and they will be followed through in that future spending commitment.

Dr. Vincent Cable (Twickenham) (LD): May I express my colleagues' support for the McCann family?

At the Labour party conference last year, the Chancellor said:

"David Miliband, John Prescott and I will publish proposals this autumn"—

that was last year—for the creation of 100,000 new environmental jobs. Where are they?

The Deputy Prime Minister: There are considerable advantages in such jobs and plans are under way to achieve that aim. The development of new low-carbon houses and the investment in the environment that is being made will constitute a major investment in creating jobs and will change the whole economy. The commitment to the 60 per cent. of emissions target that we have set ourselves requires many of our regions to make considerable changes to their economies and development. Such changes will bring that new type of investment and a tremendous number of jobs, and we are on the way to achieving that aim. The primary purpose of my speech at last night's John Smith lecture was to make precisely that point. Major changes are happening, and they are coming about because of climate change. Along with any kind of industrial revolution comes jobs.

Dr. Cable: The answer to my specific question is that this was an attempt to imitate the Conservative leader's undoubted talent for coming up with environmentally friendly but empty soundbites. Another soundbite that we heard this week was the proposal for eco new towns. Why does it make sense to provide tax breaks for developers to build on greenbelt land, when 25 million householders who want to improve energy efficiency and the quality and quantity of housing have to pay full value added tax rates?

The Deputy Prime Minister: There is no doubt that the hon. Gentleman makes an important point, but it is not a question of building on the green belt. The record of this Government since 1997 shows that we have transferred a lot of house building on to brownfield sites. The figure for such building was about 50 per cent. under the Tories when they left office; it is now 72 per cent., which is a considerable change. We are looking at the example of China and working with the Sustainable Development Commission on how to move away from the motorway cities into which Birmingham and Leeds have developed, for example, and to develop instead new types of cities and sustainable growth. That is the challenge and we are working hard on it. I will send the hon. Gentleman a copy of the lecture that I gave last night, which, as I said, was about precisely this issue.

I take this move on the environment as perhaps being a leadership bid. According to today's edition of *The Times*, half of Lib Dem voters want a new leader. Perhaps the time has come to pass the heavy mantle of leadership on to a younger man. The hon. Gentleman might bring true youth and vitality to the role—by the way, I congratulate him on reaching 64 last week.

Mr. Stephen Dorrell (Charnwood) (Con): I thank the Deputy Prime Minister for his expressions of sympathy and support for my constituents Kate and Gerry McCann, who are in Portugal, and their family. Does the Deputy Prime Minister agree that what has happened to the McCann family is every parent's worst nightmare? Will he join me in expressing the thanks of the House and of this country for the support of the authorities and people of Portugal in their efforts to find Madeleine, and will he express the hope that their efforts will be rewarded by success as quickly as possible?

The Deputy Prime Minister: The whole House will agree with everything that the right hon. Gentleman has said. It is indeed every parent's nightmare, and like everyone in the country, we hope and pray for the safe return of Madeleine. We are doing everything that we can to support the McCanns in Portugal. The Foreign Office has been actively involved, the Leicester police are involved and we are doing everything that we possibly can to assist Madeleine's parents in this most difficult situation. The investigation is of course the responsibility of the Portuguese police, but our people are assisting where they feel that that is necessary. The right hon. Gentleman, my hon. Friend the Member for Glasgow, Central (Mr. Sarwar) and I will meet Madeleine's relatives at about 1.15 pm, and I will express what I know is the full feeling of this House in these difficult circumstances.

Andrew Miller (Ellesmere Port and Neston) (Lab): When my right hon. Friend visited Ellesmere Port last year, he saw some wonderful new school developments built under this Government. He also visited West Cheshire college, which is on the site of his old secondary school. He will be interested to know that the college is going to expand in order to increase the opportunities for young people in my constituency. During the last few weeks of his time in office, will he ensure that he does all that he can to promote the development of the college's next phase, and to ensure that the architecture is of the standard that we have come to expect?

Hon. Members: Yes.

The Deputy Prime Minister: Thank you. Anybody else want to give the answer?

We have had a huge investment in our education system which nobody doubts. There are arguments sometimes about value for money, but an announcement was made in the last two days about the new schools that have been built in every one of our constituencies. No hon. Member can say that they have not had a new school. We have built more new schools in the last five years than were built in the previous 25 years. That is another example. I will be delighted to see extra investment going to the Grange, as I used to know it, for adult education in Ellesmere Port. It was a secondary modern school when I went to it—some hon. Members may think that that is evident. At the time, many people were dependent on free school meals. Given the recent announcement about grammar schools and the concern about free school meals, I wonder whether having a low proportion of school meals will be a threat to the Eton establishment.

Q2. [137248] **Mr. Mark Francois** (Rayleigh) (Con): On the topic of rhetoric versus reality, the Chancellor recently reannounced plans to build up to 200,000 zero carbon homes in Britain by 2016. But in yesterday's Committee on the Finance Bill, his great guru the Economic Secretary, when pressed on exactly how many such homes had been built under Labour to date, replied, "None." Is that admission correct or was it a load of old, well—Ed?

The Deputy Prime Minister: A number of houses have been built to a low carbon specification and we changed the rules governing building regulations. There were nine millennium sites, starting with Greenwich and the dome, where we built houses to low carbon standards and new environmental standards. We have built a number of thousands of them already. The Chancellor was referring to the importance of building many more to meet the need for affordable homes, and I fully support that.

Mr. David Kidney (Stafford) (Lab): This morning UNICEF ambassador Jemima Khan joins me in Westminster Hall to launch the breastfeeding manifesto. Will my right hon. Friend acknowledge that breastfeeding brings tremendous health benefits for mothers and babies, helps tackle health inequalities and can even save the NHS money? However, breastfeeding rates in the UK are lower than in many other countries. Will he give his personal support to the manifesto, which seeks to make our society more tolerant and supportive of breastfeeding?

The Deputy Prime Minister: Absolutely.

Q3. [137249] **Simon Hughes** (North Southwark and Bermondsey) (LD): Given that official figures show that between 1997 and 2006 completions of council homes across the UK dropped from over 1,500 to under 250, and completions of other social housing dropped from over 28,000 to under 25,000, will the Deputy Prime Minister apologise for the appalling record of 10 years of lack of provision of social housing and promise that under his successors things can only get better?

The Deputy Prime Minister: I must tell the hon. Gentleman, as I have done from time to time, that in 1997 we made a decision that, as there had been £20 billion disinvestment in our public housing because the Tories had sold houses but done nothing about those lived in by millions of tenants, we would have a programme of £40 billion to bring 2 million homes up to standard in kitchens and central heating. A little old lady in central London told me that she was delighted with her central heating because, she said, "I can now invite my kids without worrying that they will be cold." That is the difference that has been made for millions of people.

The hon. Gentleman is not taking full account of the social housing provision in the Housing Association programme—[HON. MEMBERS: "We are."] Well, the difficulty is that at the same time more and more demands have come from single parents. There is no doubt that there is a need to give the matter greater priority, as Ministers have said. That is what my right hon. Friend the Chancellor has been saying in his speeches, and I have no doubt that he will carry it out.

Q4. [137250] **Ian Lucas** (Wrexham) (Lab): Schools without books, let alone computers—that is the reality for children in Lesotho in southern Africa. Those schools are linking with schools in Wrexham in north Wales so that children in Wales can get a real perspective on how lucky they are. Will my right hon. Friend commend the Global Schools Partnership, in which the Government invested heavily last year, and say how many schools are involved in that excellent project? Will he encourage all hon. Members to advance the cause of the partnership in their constituencies?

The Deputy Prime Minister: I very much agree with everything that my hon. Friend has said. I am sorry that I cannot tell him how many schools are involved in the programme, but I shall write to him with the information. The British Council has been conducting a similar programme called "Connecting Classrooms". I was in Ghana and Sierra Leone only a few weeks ago, and I saw the importance of twinning schools there with schools in the UK and the benefit that it brings to the children. It is our intention to use the programme—and I know that you, Mr. Speaker, are aware of this—to bring children from Ghana, Sierra Leone and the West Indies here to join children from UK schools for a debate in the Westminster Hall Chamber on slavery and modern-day trafficking. That is an example of the beneficial connection between schools that the programmes makes possible. I am delighted to say that I have been involved in a programme that unites schools from various countries with schools in my constituency, and I am sure that other hon. Members have been similarly involved.

Q6. [137252] **Mr. Crispin Blunt** (Reigate) (Con): Two weeks ago, the Minister for Europe explained in an article in *The Guardian* that one of the failures of the Government in 2003, when he was Defence Secretary, was that it did not influence the American Administration sufficiently, especially with regard to the disbandment of the Iraqi army and Administration. He said that the Government had failed to notice the influence of Vice-President Dick Cheney. Since the Deputy Prime Minister marks Dick Cheney in the

American Administration, what explanation does he have for that failure, and its catastrophic consequences?

The Deputy Prime Minister: I did not mark Dick Cheney particularly, although I met him once or twice. I recall that we met for the first time via video screen because, after the terrible 9/11 business, he was in a cave somewhere under security control. [*Interruption.*] I remarked that I did not think that bin Laden would be living under the same conditions, but perhaps we should leave that aside. My right hon. Friend the Minister of Europe is entitled to his point of view. I do not know how correct it is, and I shall not make any comment as to whether I heard similar thoughts expressed in Cabinet but, as I have already made clear to the House, I am not joining that brigade.

Medical Training Application Service

12.33 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con) *(Urgent Question)*: To ask the Secretary of State for Health to make a statement about the medical training application scheme. *[Interruption.]*

Mr. Speaker: Order. Before I call the Secretary of State, hon. Members must leave the Chamber quietly.

The Secretary of State for Health (Ms Patricia Hewitt): Following the recommendations of the review group chaired by Professor Neil Douglas, the extended round one of recruitment to postgraduate medical training is now taking place. As the House knows, every eligible applicant for postgraduate medical training has now been guaranteed at least one interview for their first-preference post, regardless of the outcome of the earlier shortlisting process, although many, of course, will have more than one interview.

An additional 15,500 interviews have therefore been arranged for the extended round one, and they are now taking place. I am extremely grateful to the consultants who have made themselves available for those additional interviews, and to their hospitals for making the time available.

The review group agreed that offers of training places for the current round will be managed locally by individual postgraduate deaneries on the basis of published Modernising Medical Careers guidance. Subject to the outcome of the current judicial review, the first offers for hospital specialties in England will be made on or after next Monday, 21 May, with all initial offers made by early June and round one completed by late June.

Given the continuing concerns of junior doctors about MTAS, the system will not be used for matching candidates to training posts, but will continue to be used by the deaneries. As we have stressed before, not all training posts will be filled in round one, so there will be further substantial opportunities for those who are not successful initially, including the new training posts that are being agreed by the NHS, the Department of Health and the Postgraduate Medical Education and Training Board.

The review group has recommended, and we have of course accepted, that the further recruitment will be locally planned and managed by the postgraduate deaneries. Because most trainee doctors' contracts are due to end before the further recruitment has been completed, we will be agreeing with the review group, deaneries and hospitals the necessary measures to ensure that all those trainees are properly supported and patients continue to be properly cared for.

Finally, as I told the House yesterday in relation to the recent security breaches of the online application service, a full security review of the MTAS system has now been completed and validated, and appropriate action taken to deal with the problems. The site was, therefore, reopened last week for the use of postgraduate deaneries only, to support the next steps in the recruitment process, including continued monitoring in line with MMC principles. Because the investigation has made it clear that criminal offences may have been committed, the full security analysis and report have been given to the police.

Mr. Lansley: I am sorry that the Secretary of State did not volunteer a statement and I am also sorry that today, in responding to my question, she said nothing more than she said in her written ministerial statement yesterday, yet many questions require answers.

The Secretary of State has effectively abandoned MTAS. It will not be used to make offers in round one and it will not be used at all for round two. In her statement, she said that there would be "further substantial opportunities" in round two, but junior doctors need to know what that means. She has not told us—although she must know—how many training posts have become available through round one. In early April, the British Medical Association said that 18,500 training posts had been advertised and the Secretary of State must know how many eligible applicants there are. Originally, there were more than 34,000. How many are there now? That figure will give us a basis for establishing how many junior doctors are likely not to have training posts after round one.

We need to know how many additional training posts there will be. The Secretary of State has still not told us how many will be created. The House will recall that on 19 March, when she responded to our first urgent question, I called for the creation of additional training posts. The Department asked NHS trusts to bid for such posts by 27 April and we are now approaching the point where those posts need to be put into the application process, yet we do not how many there are or where they are.

It is vital that junior doctors know how many of the available posts are run-through training posts that will take them all the way to specialty status and how many are fixed-term or temporary training posts. The balance between the two matters tremendously, not least because if thousands of junior doctors do not obtain training posts this year, they need to know that there will be scope for additional run-through posts for complete specialty training starting next year. If they do not know whether those posts are available, they may choose to leave the profession or the country—a decision they may be making in weeks, not months.

Will the Secretary of State tell the House why it has proved possible for the Scottish deanery to supply all the applicants with the four interviews they were originally promised, yet a guarantee of only one interview is possible in England? Will the Secretary of State understand and acknowledge that although we talk about junior doctors, they are actually people who have gone through five years of undergraduate medical education, a year of pre-registration as house officers and, in many cases, several years of academic and clinical experience? These are the people who are quite likely to be the doctors we remember—those who treat us when we go to hospital. They are senior professionals and the way in which they are being treated is appalling.

Even at this late stage, these people do not know where they will be working on 1 August. It may be anywhere from Cromer to St. Albans in the eastern region. *[Interruption.]* Perhaps they would prefer to be in Cromer—I do not know. That issue is absolutely

[Mr. Lansley]

essential. These people have families to look after and careers to pursue. They have husbands, wives, or partners who have their own careers that cannot simply be picked up and dropped somewhere else in the country at five weeks' notice. That is what the Secretary of State and the system are requiring of them. When will the Secretary of State acknowledge that these people cannot be treated as numbers on a computer system, especially when the computer system crashes? They have to be treated as individuals.

Will the Secretary of State now take responsibility for all this? In a survey published in *The Lancet* yesterday, 95 per cent. of doctors said that they regarded the performance of the Department of Health on this issue as miserable. As she did on Channel 4 last night, the Secretary of State takes refuge in saying that the principles of MMC were agreed with the profession, but those principles included fair and effective recruitment, flexibility, and a wider career choice. Those principles have not been delivered; they have been undermined by the implementation of the MTAS process. No wonder that Sir John Tooke in his review is having to go back to ground zero to review the principles as well as the implementation of medical education and training.

Does the Secretary of State recall the document that I have in my hand? It was an internal document from her Department last July and it looked at the communications needs of MMC-MTAS. It referred to having to communicate with chief medical officers and Ministers. How did the document describe Ministers' status last July? It referred to:

"High awareness, low understanding of details and complexity".

That is the position that Ministers were in when they were in the midst of preparing for this shambles. The Secretary of State cannot chuck away the responsibility for this matter. She has to take responsibility for it. Will she now understand that the only way to do that is to resign?

Ms Hewitt: The hon. Gentleman has raised a number of points, some of which we have covered in the House before. I have already explained the position with MTAS. The online application system has not been abandoned. In the light of the security review and the improvements that were made last week, it was reopened to the postgraduate deaneries, which will continue to use it for the recruitment process.

The hon. Gentleman talked about the need for junior doctors to know how many training places will be available after round one. Of course they need to know, but we will not know how many training places have been filled in round one until round one is completed later in June. We know and have already discussed in the House how many posts there are. The overall total for the UK as a whole is about 23,500. That includes the general practitioner posts, which have been dealt with under a separate system. The remaining posts have been made available via MTAS. Of those posts, just under 12,000 are run-through training posts, 3,488 are fixed-term posts and 182 are academic posts. Those figures are for England. For the UK as a whole, the figures are just over 14,500 run-through training posts, 4,392 fixed-term posts and 185 academic posts.

Those figures are all in the public domain and have been for some time, but the number of training posts that will be filled in round one and therefore the number that will be available for the next recruitment round will depend entirely on the decisions of interviewing panels. Those decisions will be taken only as the interviews are completed for each group of posts. The interviews are still taking place this week, although we expect them to finish early next week. The interviewing panels will then decide how many job offers to make to the candidates they have rated as appointable, and the candidates will then decide which of those job offers to accept. That process for round one will be completed towards the end of June. The expectation of the postgraduate deaneries is that the majority of posts will be filled in round one, before the end of June, but that there will remain a substantial number of training posts available to enable further recruitment to take place, including the extra training posts that we will announce shortly.

The reason why we have not yet been able to announce the number of additional training posts is that it was not possible to begin to decide where those additional posts should be placed until we knew exactly how many candidates there were for different specialties. We did not know that until the candidates had exercised their right, as a result of the review group's excellent deliberations, to change their first preference. I realise that this is complicated and that Opposition Members might not be interested in the detail, but understanding and sorting out the detail is essential, so that is precisely what we are doing.

As the candidates have now all reprioritised their applications, we know how many candidates there are for each specialty, and that information has been published. The Department, the review group, the royal colleges, the deaneries and the hospitals are now deciding where the additional training posts should be made available in such a way as to meet the needs of the service and patients. I am afraid that there is no point in creating large numbers of additional training posts if the service itself has decided that it does not need that number of jobs.

The hon. Gentleman said that Scotland has offered all candidates four interviews. It has indeed done so, and the review group examined whether that would be possible in England, where, of course, the numbers are a great deal larger. There were certainly junior doctors who were pressing for that to happen. The review group—in other words the royal colleges and the British Medical Association—decided, quite rightly, that it would be impossible to give every applicant four interviews for the simple reason that consultants would have to abandon patients completely to carry out four interviews for every candidate, regardless of whether those candidates were initially shortlisted. Every candidate is getting at least one interview, while many—probably most—will get more than that.

It is a great pity that the hon. Gentleman has made no recognition at all of the admirable work and dedication of people such as Carol Black, the chairman of the Academy of Medical Royal Colleges, Jim Johnson, the chairman of the BMA, and their junior doctor colleagues who, through the review group, have helped us to put in place the necessary arrangements for this year—a difficult year in which problems have

arisen—to ensure that this year's system will be as fair as possible to junior doctors and will continue to meet the needs of patients. Those are our priorities, and I will continue to deliver on them.

Barbara Keeley (Worsley) (Lab): When I wrote to my right hon. Friend a few months ago to outline the comments and concerns of the daughter of one of my constituents, who is training in the Leicester area, she gave me a helpful response. Does my right hon. Friend agree that to support my constituent's daughter to move through the process, it is right that we persist and work through any difficulties, rather than heeding any calls to abandon the recruitment process? My constituent's daughter and the consultant with whom she was working have put in thousands of hours on this across the piece, and it would be wrong to change and abandon the process at this point.

Ms Hewitt: My hon. Friend is absolutely right. The BMA and the royal colleges made precisely that point at the end of last week and again yesterday. If the process was abandoned, as is being sought through the judicial review, it would mean simply throwing away the enormous amount of work that has been done by consultants in the current interview round and junior doctors themselves. That would be the wrong thing to do, which is why we are not going to do it.

Norman Lamb (North Norfolk) (LD): Is not the real scandal that the Secretary of State has ploughed on regardless with a fatally flawed system that has caused massive strain to junior doctors and potentially compromised patient care? Does she not concede that it would have been better if she had listened to clinicians and junior doctors right at the start—when the chaos first emerged—and suspended MTAS at that point, rather than having everyone go through such a costly exercise over the past few weeks?

I have asked previously about cost. What is the cost of the MTAS system, and what is the cost of remedying and handling the crisis that has occurred? The Secretary of State previously referred to a breach of contract that she believes has taken place. Is legal action being taken, and is she considering terminating the contract with Methods, the supplier? Despite her announcement, the selection system for interviews remains unfair. Is she considering the proposal that we make the posts temporary training posts until a fairer system can be introduced? Also, the 1 August problem remains. Is she listening to the concerns raised by senior consultants, who think that there will be chaos on 1 August, as everyone will start their new job on that date?

Will the Secretary of State clarify what progress is being made on the 15,500 extra interviews? How on earth can there be sufficient time, after those interviews, for families and individuals to relocate for their new job before 1 August? She mentioned that criminal offences are alleged to have been committed. Will she give more details on what criminal offences are being investigated? Finally, is not the truth of the matter that the capitulation was simply the result of the legal action being taken by Remedy UK, or is it just a coincidence that the statement was made yesterday—just one day before the judicial review application was due to be heard in the High Court? Is it any wonder that a survey published yesterday shows that 90 per cent. of consultants have lost confidence in the Secretary of State?

Ms Hewitt: The hon. Gentleman says, once again, that we should have just abandoned the whole system at the outset. That was the first possibility that we and the review group considered. Far from ignoring the views of doctors and consultants, we listened to them by working directly with the royal colleges and the British Medical Association, including its junior doctor representatives, through the review group. I remind him that on 4 April the review group said that it had looked seriously at

"all of the options available, including a full and detailed analysis of pulling out of the current selection process completely. In the end"—

I remind the hon. Gentleman that these are the words of the review group on 4 April—

"it was simply not a credible option. It would be impossible to place the best candidates in posts and fulfil the service needs in time for August using the old system of recruitment. We believe we have come up with the best available solution for England."

The group believed that at the time. I endorsed its view and I continue to do so, and that is why we will certainly not abandon the present system. I am surprised that the hon. Gentleman is continuing on that track. As I just said to him, if we did abandon it, we would be throwing away the thousands of hours of work and effort that junior doctors and consultants have put into the tens of thousands of interviews that have taken place, and that are still taking place. Those interviews will lead to job offers being made from next week, and to posts being filled.

The hon. Gentleman asked about the cost. The cost in 2006-07 of the online MTAS system, including set-up costs, is £1.9 million. That is for the UK as a whole, and it was therefore funded by all four UK Health Departments in proportion. In each subsequent financial year of the contract, the costs will be less than that, although we will, of course, want to take account of any recommendations made by the review led by Sir John Tooke on the use of MTAS for future recruitment rounds. As for the costs of the changes that had to be made this year, it is not yet possible to estimate them; we will do so in due course.

The hon. Gentleman asked about temporary posts and the changeover date of 1 August. As I have said before, that changeover date of 1 August has always applied to most junior and trainee doctor rotations, so it is not a new challenge for NHS hospitals to ensure that they have the necessary staff in place, and that the care of patients is properly maintained. Perhaps I could draw his attention to what Dame Carol Black has said on the subject:

"It isn't true to say that patient care will be put at risk. Delivering patient care is a team effort and all consultants who conduct interviews will have ensured that their services are covered."

That was said in relation to the current additional interviews. She continued:

"A much greater risk to patient safety would be not to have doctors in place on the 1st August."

We are now working with the service, as I have said, to ensure that the doctors are in place to care for patients,

[Ms Hewitt]

and that trainees who have not accepted or been made a job offer in round one are properly supported and are not left high and dry; of course, we will not allow that. Finally, the hon. Gentleman asked about details of potential criminal offences. Of course, I am not in a position to say anything more on that subject, and I am surprised that he asked.

Dr. Alasdair McDonnell (Belfast, South) (SDLP): Would the Secretary of State care to expand on her comments on proper support? That is the crux of how we take the issue forward. It is fine for the people who get a job in round one—hopefully, they will know whether they have got a job sooner, rather than later—but my concern is about the other people involved. Often, a couple of trainee doctors will live together. They may be married, or they may not, and they might have children. They may get jobs at different ends of the country, and the children would have to be uprooted from their schools. That is the human dimension of the problem. It is important that proper support measures are put in place, and that all the junior doctors who are not successful in round one know that those measures are in place, so that we can ensure that people continue to have the talent and skills to provide for the health service. Will the Secretary of State expand on the subject of proper support, and tell us how the people affected will be properly supported and provided with jobs?

Ms Hewitt: My hon. Friend raises an extremely important point, and it is precisely on those issues that the review group, the Department of Health and Ministers are currently concentrating. First, the important point to stress is that junior doctors, in making their applications and choosing their first preference, will have taken account of where they, their families and sometimes their partners will want to be, and that of course will guide not only the offers that may be made, but also the acceptance of those offers. As I have already indicated, we anticipate that those offers will start being made next week, and the round one process, in which offers are made and junior doctors accept them, should be completed before the end of June.

Of course, as I have said before, we need, value and want the skills and dedication of junior doctors in the NHS, and we want them to continue to care for patients in the way that they already do. That is why we will ensure that they get proper support, are not left high and dry, and can continue in appropriate employment while they apply for further training opportunities, which, as I have said, will be available beyond round one. We will also ensure that the service continues to have all the doctors available to it that it needs if it is to continue to care for patients in the excellent way that has led, as my right hon. Friend the Deputy Prime Minister just said, to more than nine out of 10 patients rating their care in hospital as good, very good or excellent in an independent survey. That is a tribute to all the doctors and other professionals in the health service, including our junior doctors.

Peter Bottomley (Worthing, West) (Con): How many of the 33,000 applicants have been judged "eligible"? Mr. Speaker, the House is grateful to you and to my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) for ensuring that the question was asked today, and to the Secretary of State for giving some answers, but the matter goes deeper than that; she and her colleagues are responsible for making the best of the situation that we are now in.

When the Prime Minister returns, will he and the Secretary of State get together with Dr. Richard Marks, the London anaesthetist who thinks that a changeover for everybody on 1 August is not sensible, and Dr. Gordon Caldwell of Worthing, who since the autumn has been offering suggestions on how to make things better? Will she discuss with that group—and perhaps even with the Liberal and Tory spokesmen, too—whether it is sensible for the run-through grades to start on 1 August, given the current unfairness and lack of equality of opportunity?

Will the Secretary of State also discuss the problem in the present system—I do not mean the computer system—which means that a PhD, the result of three years of relevant work, is judged to be no more important than a 150-word essay on leadership on the application forms?

Ms Hewitt: As I have previously told the House, there are 34,415 applicants UK-wide in the MTAS system, and 32,649 of them are eligible. Of that total, about 30,000 are already working in the NHS, whether in training posts or in non-training posts. That is why, as I stressed to the hon. Gentleman and the House on previous occasions, the NHS will continue to need those jobs and those doctors, even though not all, by definition, will be able to be in training posts.

On the issue of 1 August, I have already referred to Dame Carol Black, the work of the review group and the reasons why it has been generally agreed through the review group's leadership that we need to fill as many posts as we properly can for 1 August. That is what will happen through round one, although not all the jobs will be filled.

The hon. Gentleman referred specifically to two doctors who had particular proposals to make in relation to 1 August. If he could pass those proposals or the doctors' details to me, we could follow up directly with them and seek their advice on it. I will ensure that it is brought to the attention of my colleagues and the review group.

Jeremy Corbyn (Islington, North) (Lab): The Secretary of State will be aware of the tremendous stress caused by the process to young doctors, who have been through a long period of training at great public expense and want to contribute to the health care of the entire community. I have met groups in my constituency who are very stressed by it and worried about the future. Can she offer any assurance as to how many of those junior doctors, who have completed a long period of training and worked very hard, will be unemployed at the end of the process? To me, the idea of unemployed doctors, when there is such enormous health need, is unthinkable.

Ms Hewitt: My hon. Friend is right to speak about the stress that has been caused to junior doctors and their families. I have talked to and corresponded with a large number of them, so I have seen that directly,

although it is worth bearing it in mind that the old system which Modernising Medical Careers is replacing was thoroughly unsatisfactory, hugely stressful to junior doctors, and on top of that required them to go through multiple applications in different formats, with no national principles guidance and no consistency or transparency at all. We need to bear in mind the enormous problems that led people to believe that we needed a completely different approach to medical training. Of course the stress exists. That is why we are doing everything possible to ensure that round one is successfully completed and that further training opportunities are then made available and people recruited to those jobs, but supported through the recruitment process.

My hon. Friend mentioned unemployment. I come back to the point that of the 32,000 or so eligible applicants across the UK, over 30,000 are already working in the NHS in training places or, in around 8,000 or so cases, non-training jobs. All those jobs will continue to be needed. What we have to do and are doing is ensuring that applicants and other doctors are matched to the available training posts and the other jobs in a way that is fair to all those applicants, but also right for patients.

Mike Penning (Hemel Hempstead) (Con): Many of us in the House as Members of Parliament and as members of the Health Committee, on which I have the honour of serving, have been contacted by doctors who are desperate for progression in their training programme. Although the Secretary of State says that the previous system was not perfect, it was not a disaster and a crisis like the one that she has brought on the NHS. I reiterate what 99.9 per cent. of those who contacted us said—actually, I have not found a single doctor who has not said—resign, resign now, take responsibility for the disaster and go.

Ms Hewitt: The substantive points have all been discussed at length in the House on this and other occasions.

Mike Penning: Resign.

Ms Hewitt: On responsibility, when something like this goes wrong and when there are real problems in the implementation of an agreed policy, I think there are two things that a Minister should do: apologise and take responsibility for sorting it out, and I am doing both.

David Taylor (North-West Leicestershire) (Lab/Co-op): It is to be hoped that the MTAS affair will cool the passionate relationship that has existed between the Department of Health and the private sector IT industry. Can the Secretary of State respond to a point that is being made by the Opposition? They say that a substantial number of doctors will disappear overseas. What proportion of the 33,000 eligible applicants are of overseas origin?

Ms Hewitt: A significant number of the applicants are of overseas origin, many from the Indian sub-continent, including many in my own city, Leicester. Many of them have been working in the NHS for many, many years in non-training posts. What the new system has provided is an opportunity for those who wish to do so to apply for training posts where they will be considered, like every other applicant, on their merit. We should recognise that because the NHS in the past never trained enough doctors to meet the need of the service and of patients, something for which Conservative Members might care to take responsibility, the NHS has always depended on large numbers of doctors, nurses and other professionals from overseas to help care for patients. We should pay tribute to their dedication, along with the dedication of all the other junior doctors and professionals in the NHS.

Sir Nicholas Winterton (Macclesfield) (Con): I am sure the Secretary of State is aware that there have been more statements and urgent questions on this subject than virtually anything else in recent times. That indicates the seriousness with which the House views the subject, as do many of our constituents, many of whom are junior doctors and are writing to us expressing their concern about their future and their families, and whether they can make a positive contribution to the national health service. I am not after resignations and I do not seek to make vast political points across the House. Can the Secretary of State tell us today that the difficulties that have been encountered by junior doctors in respect of their future career have now been overcome and that the problem is solved?

Ms Hewitt: We are solving the problems, but precisely because this is a matter of great concern to junior doctors and many other people, I have undertaken to keep the House up to date. That is the right thing to do and I do not think the hon. Gentleman is complaining about the number of statements that that requires. The matter has to be sorted out step by step, and the first priority was to sort out round one and ensure that every applicant gets at least one interview and is fairly considered for a post. That is drawing towards completion as the job offers start to be made, probably next week. Then we will move into further recruitment opportunities, as I explained, with proper support for junior doctors through that. Stage by stage the problems are being solved and the system will, I believe, allow junior doctors, who have made such an enormous contribution already and done so much work, to continue making that positive contribution to the NHS that they want and we want.

Rosie Cooper (West Lancashire) (Lab): As the ex-chair of a hospital under both a Tory and a Labour Administration, I can honestly say that the time of junior doctor rotation is always difficult and, yes, this year it is more difficult than ever. Will my right hon. Friend please comment on the BMA's view that to abandon the process now would be disastrous for everybody concerned? Will she also say what role the BMA and the royal colleges will play in the resolution of the problem? The hon. Member for Macclesfield (Sir Nicholas Winterton) said that he wants resolution, not resignation. Most people out there want to know that junior doctors will be treated properly, that the professionals are involved and are backing the process, that we are dealing with it and that patients' care is paramount. With that assurance, they want resolution, and that would be the end of it for most people.

Ms Hewitt: I entirely agree with my hon. Friend. She makes an important point. The BMA and its junior doctors committee have said that the BMA does not support the judicial review that has been brought by Remedy UK, and that writing off all the tens of thousands of interviews that have already taken place would be disastrous for doctors, for patients and for the NHS. The care and safety of patients, as well as the need to ensure that junior doctors are treated fairly, must be paramount in the process. My hon. Friend also referred to the professional leadership, particularly the leadership that is being shown by the medical royal colleges and by the BMA. They must and will be closely involved in the independent review that will be led by Sir John Tooke, which will enable us to learn lessons, to review Modernising Medical Careers, and to ensure that the principles of MMC, for which there remains widespread support, are properly implemented in future, so that junior doctors and patients are looked after.

Mr. John Redwood (Wokingham) (Con): Out of the 13,000-plus applicants who will not get training posts, how many will carry on in NHS doctor jobs, and therefore, by deduction, how many will either go abroad, be unemployed or have to seek other kinds of work? That is the figure that people are interested in if they do not want to see that talent wasted for the NHS.

Ms Hewitt: As I have said before, over 30,000—the overwhelming majority—of eligible applicants are already working within the NHS, some in training posts, some in non-training posts. All of those jobs will continue to be needed. Therefore, there is no reason at all why junior doctors need to abandon the NHS and their hopes and aspirations within it, because the jobs are there and the doctors are needed. Over the last 12 months the NHS has employed 3,500 more doctors than it was doing even 12 months ago, and there are about 35,000 more than we inherited from the right hon. Gentleman's Government. So there are more doctors and there is better care for patients, and as we work through the process and the problems we will match the doctors and the trainees to the posts and the needs of the service and the patients.

Anne Milton (Guildford) (Con): The Secretary of State has said that she is keen to take responsibility for sorting out the fiasco, and I know that the junior doctors in my constituency will be relieved to hear that because without a doubt they want resolution, but they and my constituents want to know who was responsible for it. If it was not the Secretary of State, who was it?

Ms Hewitt: We have talked on previous occasions about the many years of consultation and engagement that led up to the introduction of Modernising Medical Careers, the successful introduction of the foundation programme starting in 2005, to which the hon. Lady did not refer, and the real problems of implementation in what was always going to be a difficult transition year. We need to learn the lessons from that and we will do so through the Sir John Tooke review. In the meantime, I take full responsibility for sorting out the problem, and that is what we are doing.

Mr. Crispin Blunt (Reigate) (Con): On the issue of the availability of care in hospitals on 1, 2 and 3 August when the junior doctors begin their induction training, the right hon. Lady during a previous urgent question said that she had commissioned advice in response to questions from me. Has she had that advice, and if so, will she place it in the Library of the House?

However, I have to say to the right hon. Lady and to the Minister of State, her right hon. Friend the Member for Doncaster, Central (Ms Winterton), that there are no excuses here. If I as a constituency Member of Parliament was being invited into my local hospital by the junior doctors to hear a presentation by the doctor on the BMA's junior doctors committee about the state of this matter in October, and I then tabled parliamentary questions that were answered by Ministers in October and November, Ministers have nowhere to hide from the responsibility for this utter fiasco. Why will they not take the honourable option?

Ms Hewitt: On the issue of 1 August, which we have discussed before, not all doctors in training will change jobs on the same date at the beginning of August. Therefore, arrangements for this year will to a great extent reflect current practice. As has already been said, hospitals are very used to the fact that a number of doctors do change their rotation in early August and they make appropriate arrangements to ensure that patient care, and above all patient safety, are not jeopardised as a result.

Let me say yet again, if I need to, that I take responsibility for this. I have apologised because that is the least that junior doctors deserve given the distress that they have been subjected to, and we are all now focusing on sorting out the problems and ensuring that junior doctors are treated fairly and that patients continue to receive excellent care.

Points of Order

1.14 pm

Mr. David Winnick (Walsall, North) (Lab): On a point of order, Mr. Speaker. I accept entirely that it is up to Members to mobilise support for or against a private Member's Bill. That has been the long tradition in the House. But as you, like your predecessors, are the defender of Back Benchers, I want to bring to your attention the fact that it becomes very difficult to oppose, as I do, the Freedom of Information (Amendment) Bill, which will come before the House on Friday and which will exempt Parliament from the Freedom of Information Act 2000, when we find that the usual channels—to use a phrase—are mobilising support for that measure. I do not for one moment suggest that that in itself is unparliamentary, but it means that all the machinery of the Government and to some extent the Opposition is being mobilised in favour of a private Member's Bill, which places those of us who are opposed to it at a grave disadvantage. I understand, for example, that Parliamentary Private Secretaries are almost on a three-line Whip, although some have opposed coming in—

Mr. Speaker: Order. The hon. Gentleman has been here a long time. In fact, he used to help me and give me advice on matters. I can only say that he is right to say that I am here to defend Back Benchers, and on Friday everyone will get a voice in this Chamber. I cannot get involved in what is happening behind the scenes.

Tony Baldry (Banbury) (Con): On a point of order, Mr. Speaker. I have been fortunate to be in the House under three Speakers: Mr. Speaker Weatherill, whose passing we mourn, Madam Speaker Boothroyd and yourself, and it has been a role of all Speakers to protect the House, and that means protecting the House from being treated discourteously by Ministers. For a number of weeks, I tabled a straightforward question to the Secretary of State for Communities and Local Government asking how many accredited domestic energy assessors and home inspectors there are in each local authority area, region and city in England and Wales. Every week I got the answer that it would be answered shortly. It was only following the intervention of the Leader of House after I raised the matter in business questions that I eventually got an answer that did not seek to disaggregate out home energy inspectors from domestic energy assessors, and clearly did not seek to distinguish between those who are still in training and those who had passed the necessary examinations, but concluded with the words:

"We do not expect assessors to work within local authority boundaries, as they will work largely by region—in some parts of the country, assessors will work across more than one region".—[*Official Report*, 8 May 2007; Vol. 460, c. 124W.]

So the Minister for Housing and Planning was seeking to suggest that she could not answer the question by way of local authority because domestic energy assessors were going to work by region.

I immediately tabled another named-day question for answer on Monday, pursuant to the answer of 8 May—

Mr. Speaker: Order. I cannot allow the hon. Gentleman to go through his diary in relation to the tabling of written questions. Courtesy is very important—

Tony Baldry: I was just coming to my main point.

Mr. Speaker: The hon. Gentleman knows that he has to come to the main point quickly, and he did not, so I have stopped him. Ministers are responsible for their replies and hon. Members are entitled to pursue the matter by way of further questions and Adjournment debates. It sounds to me as if the hon. Gentleman has a good case for an Adjournment debate. There is certainly no shortage of words. However, I have to stop the hon. Gentleman there. I have given him some good advice.

Members of Parliament (Employment Disqualification)

1.19 pm

Martin Salter (Reading, West) (Lab): I beg to move,

That leave be given to bring in a Bill to make provision for the regulation of remunerated employment of Members of Parliament; and for connected purposes.

My Bill seeks to regulate the remunerated employment that Members of Parliament may undertake. In short, it would bring to an end some of the more unacceptable aspects of moonlighting by right hon. and hon. Members, something which the public deplore and which serves only to bring Parliament into disrepute.

There has been much hand-wringing by political commentators and politicians about the declining esteem in which Parliament is held. We are right to be concerned about the rising cynicism and declining trust in our political institutions. Indeed, the House itself recognised many of those problems in the 2004 report from the Modernisation Committee entitled "Connecting Parliament with the Public". The report noted:

"The legitimacy of the House of Commons, as the principal representative body in British democracy, rests upon the support and engagement of the electorate. The decline in political participation and engagement in recent years, as well as in levels of trust in politicians, political parties and the institutions of State should be of concern to every citizen. But it should be of particular concern to the House of Commons. Politicians have always scored low on levels of trust but even so there is a noticeable downward trend, with fewer and fewer people trusting politicians. Lower levels of trust are translating into a disconnection from the institutions of democracy. The fall in election turnout from a post-war high of 84 per cent. in 1950 to 59 per cent."—

a pitiful 59 per cent.—

"in 2001 is the most obvious indicator of this decline. Turnout at elections in the UK is now lower than most other European countries."

The report concluded:

"It serves no-one if we make it difficult for voters to understand what their elected representatives are doing. Too often the impression is given that the House of Commons is a private club run for the benefit of its Members, where members of the public are tolerated only on sufferance."

Given that the latest Register of Members' Interests, published in March, reveals that a quarter of Members of this House are pursuing parallel careers as company directors, consultants or in the courts, it might have been more appropriate had the Modernisation Committee's report been entitled, "Reconnecting MPs with Parliament". With the possible exemption of the "cash for questions" scandal, it is difficult, in this day and age, to think of anything more likely to reduce the standing of the House of Commons than substantial numbers of MPs drawing a £60,000-a-year salary to carry out a full-time job while moonlighting in the City or elsewhere in order to line their own pockets. If hon. Members are able fully to discharge their duties to their constituents and to Parliament on a part-time basis, then surely it is only right and proper that they should draw only a part-time salary. Funnily enough, I do not see a huge queue of stars from the Register of Members' Interests wanting to go down that particular road.

As we have heard in this Chamber before, the work of a Member of Parliament has expanded hugely over the past 50 years. Most of us struggle to do all that we have to do in this place and in our constituencies within the confines of a 70-hour week, or sometimes longer. In the 1950s, according to figures provided by the House of Commons post office, the average number of letters received by hon. Members was between 15 and 25 a week. That has exploded to between 300 and 500 individual communications thanks in part to fax, e-mail and the 24/7 media world that we all now inhabit. In order to cope with the increase in workload, there has been, quite rightly, an increase in the resources for MPs offices to enable us to provide a professional full-time service to our constituents. Given that hon. Members on both sides of the House claim the vast majority of those allowances, how then can some of our colleagues continue to treat membership of this House as a part-time occupation?

I have to admit that I was as sceptical as anyone else when I arrived in this place 10 years ago, particularly after the sleaze of the fag-end years of the last Conservative Administration, when it seemed that MPs were available for hire, but I have largely changed my mind. Like any profession with a mixed ability intake, we have the good, the bad and the indifferent. However, contrary to the view peddled in much of the media, I now have no hesitation in stating that the majority of conscientious Members of the House of Commons are the hardest-working people I have ever met in my life—and certainly a lot more diligent than the journalists who seek to portray us as lazy, indolent and self-serving.

That said, we shoot ourselves in the foot somewhat given that 25 per cent. of our number work in other jobs. That would simply not be tolerated by any other employer. In my view, the public, who pay our wages, have a right to expect a full-time commitment from their Member of Parliament. Our salary of £60,000 is more than double the average wage of my constituents, and in many parts of the country it is worth considerably more than that. We cannot expect the public to hold us and this place in any higher esteem until we adopt the same standards of a full day's pay for a full day's work that are expected anywhere else in the modern world. If some hon. Members think that we are underpaid and worth more, they should have the courage to argue the case openly. We should not be sneaking off to the boardrooms to top up our salaries.

It is probably worth nailing the lie that it is possible to have an extensive portfolio of directorships, consultancies and other outside interests without affecting attendance in the Commons. A quick trawl of the voting records of the top five outside earners for 2005-06 shows that between them they average less than 50 per cent. participation in all Commons Divisions. That compares badly with the average participation rate for all MPs in the same period—73 per cent.

Members may spot a remarkable similarity between my Bill and the Bill proposed by my friend and former colleague Peter Bradley in January 2002. Sadly, the Bradley Bill was lost through lack of time—and Peter Bradley lost his seat through lack of votes—but the arguments for regulating the outside employment of MPs are as strong as they were five years ago. In fact, there has been a slight increase in the number of MPs registering second jobs, largely explained by the increase in the number of Conservative MPs entering

the House at the 2005 election. My research reveals that 29 per cent. of current MPs have registered paid employment, representing 55 per cent. of Conservatives, 29 per cent. of Liberal Democrats and 14 per cent. of Labour MPs. Those figures drop to 51 per cent., 24 per cent. and 9 per cent. respectively when the proposed exemptions in my Bill are taken into consideration.

As with the Bradley Bill, I have tried not to be too prescriptive. There are things we do that are compatible with our public duties. Most of us write articles, contribute to pamphlets on policy development, or undertake useful work on behalf of charities or not-for-profit organisations. We are doing this stuff as part of the day job, and it should not be subject to restriction or regulation, hence the exemptions in the Bill. What I am seeking to achieve is to end the practice of moonlighting in second or third jobs—in the case of one hon. Member, 14 other jobs—in addition to serving as a Member of Parliament. To quote Peter Bradley,

"The House of Commons has become the epicentre of the black economy."—[*Official Report*, 15 January 2002; Vol. 378, c. 170.]

It is time to call a halt to those practices.

In the time remaining, I would like to examine the performance of the shadow Cabinet. Of the 23 Members of this House who are in the shadow Cabinet, seven are listed as having third jobs. I say "third jobs" because of course they are constituency MPs as well. Between them, those seven have no less than 32 directorships and consultancies. What is the issue here? I would respectfully suggest that it is the fact that the taxpayer forks out £5 million in Short money to assist Her Majesty's Opposition in discharging their duties. Is it not about time to impose a condition whereby in order to receive that great big dollop of public cash, shadow Cabinet members and Opposition Front Benchers must relinquish any remunerated employment, as is required of all Government Ministers?

In summary, the Bill offers MPs a choice, which is a choice that many of our constituents would love to be offered: be a member of the board or a Member of Parliament, but you cannot be both.

Question put and agreed to.

Bill ordered to be brought in by Martin Salter, Ms Karen Buck, Mrs. Joan Humble, Dr. Alan Whitehead, Dr. Phyllis Starkey, David Wright, Mr. David Drew, Mr. Martin Caton, Colin Burgon, Angela Eagle, Mr. Kevan Jones and Joan Ruddock.

Members of Parliament (employment Disqualification)

Martin Salter accordingly presented a Bill to make provision for the regulation of remunerated employment of Members of Parliament; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 15 June, and to be printed [Bill 105].

Housing

1.29 pm

Michael Gove (Surrey Heath) (Con): I beg to move.

That an humble Address be presented to Her Majesty, praying that the Home Information Pack Regulations 2007 (S.I., 2007, No. 992), dated 23rd March 2007, a copy of which was laid before this House on 29th March, be annulled.

The home information pack regulations, which are being brought before the House today, are a test case in how not to legislate. They will do nothing to take the strain out of home buying and add only cost and complexity to the housing market.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): Will the hon. Gentleman give way?

Michael Gove: Not at this point. [Hon. Members: "Frit!"] All in good time.

The Labour peer who chaired the House of Lords investigation into the matter said that he could not think of proposals about which so many experts were so strongly critical. His colleague, Lord Tunnicliffe, another Labour peer who led the House of Lords investigation into the regulations, called the Government's case for HIPs

"the most data-free I have ever seen".

The Consumers Association, once a great supporter of the packs, now argues that, under the Government, they will be

"of little value but great expense to consumers—an expensive waste of time."

Ministers have botched the process from beginning to end. Instead of following the advice of the Chancellor of the Exchequer and listening and learning, they have ploughed on regardless, heedless of their potential damage to the housing market at an acutely delicate time. The change to the way in which we buy and sell our houses is probably the biggest and most jarring intervention in the housing market since Nigel Lawson abolished mortgage interest tax relief. History teaches us that we play politics with people's homes at our peril, but that is just what Ministers are doing.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): Will the hon. Gentleman give way?

Michael Gove: All in good time. The housing market has already been hit by a double whammy under the Government. A massive increase in stamp duty and steep rises in mortgage payments have made homes more unaffordable.

Ian Lucas (Wrexham) (Lab): Will the hon. Gentleman give way?

Michael Gove: I shall not at this point, but I am sure that the hon. Gentleman knows that the Bank of England has written a letter to the Chancellor of the Exchequer pointing out that his policies are driving up interest rates and leading to higher inflation than at any other time for more than 10 years.

There are increased house prices, mortgage rates and stamp duty. At that uniquely nervous time in the market, the Government are introducing a measure

[Michael Gove]

that creates the risk of unnecessary turbulence. Let me make Ministers an offer: if they drop all the unnecessary bureaucracy and concentrate on delivering the one good aspect of the package—the energy performance certificate—we will help them out of their mess. If Ministers press ahead with the folly, the country will know whom to blame for the mess that follows. As Lord Rooker said in another place:

"If it is a failure, we Ministers will carry the can. That is our responsibility."—[*Official Report, House of Lords*, 20 October 2004; Vol. 665, c. 827.]

As matters stand, the Government's approach fails three vital tests. The regulations do not command the confidence of the market. They will not speed up transactions or make the process of house buying less stressful—quite the opposite. They have not been prepared in a way in which anyone who is serious about combating climate change would consider adequate.

Ian Lucas: I recall turbulence in the housing market, especially on a morning in 1992, when, as a solicitor, I was representing a client who called on me at 9.30 am to tell me that interest rates had risen to 10 per cent. By 12.30 pm, they had increased to 15 per cent. That is the sort of turbulence that we experienced under a Conservative Government. Is it not rich of the hon. Gentleman to lecture a Labour Government, under whom interest rates are a third of what they were under the Conservatives?

Michael Gove: I am grateful to the hon. Gentleman for his history lesson, but he only underlines my point. Given the importance of the housing market and given that interest rates are increasing, only a Minister in the grip of folly would press ahead with an alteration that will only add to potential turbulence and do nothing to restore confidence.

On market confidence, we have the benefit of expertise from all who have a responsibility for the health of the housing market, because they have let us know their view of the regulations.

Andrew Miller (Ellesmere Port and Neston) (Lab): Will the hon. Gentleman give way?

Michael Gove: Not at the moment. Instead of listening to the hon. Gentleman, let us listen to the experts—for example, the Royal Institution of Chartered Surveyors. *[Interruption.]* I am about to quote the Royal Institution of Chartered Surveyors—if the hon. Member for Ellesmere Port and Neston (Andrew Miller) thinks that it does not know anything about the house buying industry, I shall be interested to hear his speech. The institution states:

"We are concerned about the detrimental impact the introduction of HIPs will have on the market and therefore the economy. We are also concerned at the Government's cavalier approach to the legislative process. We do not believe the current implementation approach will work and in particular we envisage a detrimental effect on first time buyers from rising prices, shortage of supply and abortive cost."

If I got such a survey, I would worry about pressing ahead with the transaction, but the Government, once again, ignore expert advice.

The Government also ignore the Law Society. It argues that it does not believe that the regulations

"serve in any way the government's aim of making the home buying process easier and more transparent. They will, in fact, make the process more difficult, much more expensive and remove existing transparency from the marketplace."

If I were drafting a law, and the country's leading body of lawyers told me that I had got it so badly wrong, I might be tempted to think again—but not the Government. They ignore the surveyors, the lawyers and the Council of Mortgage Lenders, which argues that the Government's approach

"presents a significant threat to the operation of the housing market and has the potential to cause strategic damage to the wider economy".

Not only the lawyers, surveyors, banks and building societies express concern; everyone who has commented on the proposals—from Oxford Economic Forecasting to the Society for the Protection of Ancient Buildings—has warned the Government of the danger of pressing ahead without listening and learning.

Mr. John Hayes (South Holland and The Deepings) (Con): Will my hon. Friend give way?

Michael Gove: Not at this stage—forgive me. As I said, the Consumers Association called the regulations an expensive waste of time. Local authority trading standards officers said that the process will

"add extra costs to the buying and selling of homes"

without making

"the home buying process easier and more transparent".

What do the Government and their supporters on the Back Benches say? They claim that those groups constitute vested interests.

Does the Consumers Association have a vested interest? Do trading standards officers have vested interests? All the groups that I have mentioned were explicitly asked by the Government to consider the regulations and invited to be key stakeholders. When they disagreed with the Government, they moved from being stakeholders to those with vested interests. We know the Government's definition of a vested interest: an expert who happens to disagree with them. Junior doctors disagree with the training programme—they have vested interests; generals say that military overstretch is a problem—they have vested interests; teachers say that they are overburdened by bureaucracy and regulation—they have vested interests. If one dares to disagree with the Government—even more important, if one dares to know what one is talking about—the only thing that the Government can say is, "vested interest."

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Surely the hon. Gentleman acknowledges that there are some practical examples of the use of HIPs. Will he point to any occasion on which the horror stories that he identified were realised in places where HIPs have operated?

Michael Gove: Yes. I was on the radio this morning discussing the matter with a solicitor in north-east Wales who was directly responsible for implementing the dry run. He said that there were not enough assessors and that the search facilities that local

authorities provided did not have enough capacity to give people HIPs in a timely fashion. He had supported HIPs but changed his mind because of the Government's botched implementation of the scheme and was prepared to go on the radio to make that case.

The dry runs were not independent, as we were promised by Lord Rooker and the Ministers who were responsible for the policy when it had a chance of being competently executed, but run by people who had a vested interest in the process. Yet even they tell us that they failed.

Mr. Hayes *rose—*

Michael Gove: I am more than happy to give way to my hon. Friend, who is an expert in such matters.

Mr. Hayes: No more than my hon. Friend, whom I congratulate on his stance and on the service that he has done the House in highlighting the way in which the Government have botched the matter. We warned them that it would go wrong when the Housing Act 2004 was in Committee. My hon. Friend will remember that they cited the Consumers Association at length and prayed it in aid. The reason why the Consumers Association changed its mind is that these are only, in its words, half HIPs: without the home condition report, they are meaningless. Will my hon. Friend take my advice—I say this with appropriate humility—and let the Minister for Housing and Planning off the hook, even at this late stage, by inviting her to withdraw this nonsense and do away with this half-hearted botched policy?

Michael Gove: I could not have put it better myself; my hon. Friend makes the point for me. Just one year ago, when we were debating the matter in Committee with the Minister, she was praising the Consumers Association. It was the source of sweetness and light, wisdom and judgment, because it happened to support her proposal. Then, last July, under pressure from her right hon. Friend the newly appointed Secretary of State for Communities and Local Government, the Minister was compelled to drop the home condition reports and execute a humiliating U-turn. At that time, the Consumers Association decided that it no longer wished to support the policy. As a result of withdrawing its support, did it remain a valuable source of wisdom and judgment? No, it was reviled and joined the ranks of the vested interests. This listening and learning Government decided to be deaf to consumers just when it mattered. This was not just a U-turn, but hypocrisy at the heart of HIPs.

We are aware that one body is supportive of the proposals. That, of course, is the Association of Home Information Pack Providers—*[Laughter.]* Does the Association of Home Information Pack Providers count as having a vested interest in the provision of home information packs? Perhaps in due course the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) will enlighten us on that count. One of the key things about that association is that it has been no slouch in communicating to its members. Indeed, members of the association are already salivating at the prospect of the extra cash that they are going to make out of the poor consumer. In this week's *Mortgage Strategy*, one of its members was writing under the headline, "Let's make some money out of HIPs". As far as they are concerned, this is a lucrative opportunity to fleece the consumer—a lucrative opportunity created by the Government who have failed the consumer.

Mr. John Redwood (Wokingham) (Con): On that very point, it is not only that there will be expenses at the beginning of the process and not enough people to produce the packs. Is it not also the case that if a house or flat does not sell quickly, people will have to pay all over again to renew the information—and still with no guarantee that they will get a sale?

Michael Gove: My right hon. Friend is absolutely right. The whole HIP package leads to an unnecessary duplication of costs.

Robert Neill (Bromley and Chislehurst) (Con): Does my hon. Friend agree that the Government's stance is hypocritical? They hold themselves out as encouraging home ownership, yet HIPs will be an additional obstacle to first-time buyers in particular, because they will certainly be required to get a structural survey. A HIP will be of no value to them, because they will not have a track record with the mortgage lender. If we add in stamp duty, all that will make it harder for people—particularly people in London and the south-east such as my constituents—to get started on the housing market.

Michael Gove: My hon. Friend makes a very good point. When home information packs were originally introduced, they were sold to us as helping the first-time buyer and relieving that buyer of the obligation or requirement to have a valuation or survey. As matters stand, they do not help first-time buyers in any way at all: indeed, first-time buyers will still require a valuation and a survey and will still have to pay for the additional document, while nothing will be done to reduce the risk of gazumping.

Mr. Raynsford *rose—*

Michael Gove: I happily give way to the right hon. Gentleman.

Mr. Raynsford: I am grateful to the hon. Gentleman for giving way at last. Will he acknowledge that £1 million is lost every day by members of the public through abortive costs—survey costs, searches and other costs incurred—because one in four transactions fall through? Will he tell us what he will do to address that gross inefficiency in the present arrangements that is working against the public interest?

Michael Gove: I am always interested to hear what the right hon. Gentleman has to say, as he is a figure of considerable expertise. However, it is a source of regret to me that he did not declare his interest in making his intervention.

Mr. Raynsford: I will declare it later.

Michael Gove: I look forward to that. I appreciate that the right hon. Gentleman, as well as bringing expertise—*[Interruption.]*

Mrs. Curtis-Thomas: On a point of order, Mr. Deputy Speaker. Will you confirm that it is not necessary to declare one's interest in an intervention? *[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. These are serious matters. I think that hon. Members can be relied upon to declare their interests at the appropriate time.

Michael Gove: I am grateful, Mr. Deputy Speaker. As we know, the right hon. Member for Greenwich and Woolwich is a figure not just of expertise but of dignity. He respects the rules of the House and I am sure that he will be grateful to me for reminding the House that he is the director of a firm that produces home information packs. As a right hon. Gentleman with expertise in that area, he will also know that home information packs do absolutely nothing to speed the home buying and selling process and nothing to remove the risks associated with surveys and valuations.

What home information packs do, however, is help one person: the Chancellor of the Exchequer. VAT will be levied at 17.5 per cent. on every home information pack, which will be sold at an estimated cost of anything between £500 and £1,000. That is VAT on documents either on which VAT was not levied beforehand or which were not required before this legislation. It is a significant tax take for this Government—as if the home buyer was not milked enough with stamp duty and council tax. It takes the particular devilish ingenuity of this Chancellor to come up with a new tax on the home buyer and home seller—a tax that is likely to raise millions while doing nothing to help the housing market at a vulnerable time.

Mr. Raynsford *rose—*

Michael Gove: I am not giving way again, as the right hon. Gentleman has signalled that he is anxious to speak later.

We know that the test of market competence has been failed. I have run through every group that takes responsibility for the health of the housing market and they are all opposed to these regulations. However, what of the secondary test? Will these regulations speed up transactions and make them less stressful? Will they end gazumping, as we were once told that they would? Every expert opinion, as we have heard, says no. Why? That is because under these regulations, before anyone can even market their property, they will need to assemble a bundle of documents, which it will be no easy business to get in place in time. Let us take the requirement to have local authority searches. We know that there is a wild variation in the cost and speed with which those documents are provided. We also know from the limited dry runs of HIPs which the Government have so far allowed that local authorities are simply not equipped to provide the searches required in the time required to allow properties to be marketed.

One of the largest companies in the business of providing search material is MDA SearchFlow. As it has explained:

> "In the Dry Run areas the search market moved from 40 per cent. of the searches being personal to 100 per cent. of the searches being personal. This has caused significant delays as local authorities have struggled and ultimately failed to cope".

The managing director goes on to warn:

> "There is no way that all of the 2 million odd personal searches required can be facilitated by the local authorities... The Government's proposals to solve this problem are wholly inept. The market will be chaotic."

That is from a company that supports HIPs, yet it believes that the Government's execution has been comprehensively botched. If sellers cannot get the searches done in time, properties cannot be marketed, so sellers will be frustrated and buyers will see the supply of housing even further constrained. At a time when the supply of housing is drying up and when housing supply is one of the key problems in the housing market, we will have a slower and less responsive market—not to mention a market with more costs.

Paul Farrelly (Newcastle-under-Lyme) (Lab): Does the hon. Gentleman agree that where responsibility to gain these searches is transferred to the seller, the burden on local authorities will reduce? There will be one seller rather than two, three, four or sometimes umpteen buyers doing these searches.

Michael Gove: I am grateful to the hon. Gentleman for making that point, because it shows that he completely misunderstands what will actually happen. At the moment, as the experts have pointed out, local authorities are simply not equipped to meet the demand for personal searches, but more than that, there will be additional demand for them. As the Law Society has explained, many buyers will be advised not to accept the personal searches supplied by sellers. The law of caveat emptor applies in house purchases. In many cases, buyers will look at the document supplied and their solicitor will tell them that they cannot be certain that it is not shoddy or partial or inadequate. They might advise them to commission their own searches, so there will potentially be twice the number of searches commissioned, additional costs throughout the process and additional complications. The Law Society has told us that; when solicitors were surveyed, more than two thirds said that the process envisaged by the Government would be inadequate for their clients.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): I have been following the hon. Gentleman's arguments, and I am finding them rather contradictory. On the one hand, he is saying that the obligation to provide HIPs will result in the housing market drying up because people will refuse to put their houses on the market. On the other hand, he is saying that the overwhelming number of searches that will be needed will throttle local authority bureaucracies. How does he reconcile those two points?

Michael Gove: I reconcile them using a process called logic, with which the hon. Gentleman might be unfamiliar. It is because it is so difficult to get searches that the number of properties on the market will dry up. That point has been made by every expert body that knows anything about the housing market. The pipeline will be narrowed, and supply will be

constrained. It is a matter not only of logic but of economics, and I would be happy to go through both processes with the hon. Gentleman any time he likes.

The Government have failed not only on searches but on the most crucial test of all: seriousness about the environment and climate change. Their record on the environment is patchy at best. Ministers in the Department for Communities and Local Government have recently been proclaiming their green credentials. How recently? I have been reading the speeches of the Minister for Housing and Planning on her website, and very instructive and entertaining they are too. From the moment she was appointed to her present responsibilities, however, there has been scarcely a mention of the environment. There was support for more housing and for more regulation, but nothing on the environment before December 2005. I am sure that hon. Members will remember what happened at that time. My right hon. Friend the Member for Witney (Mr. Cameron) became leader of the Conservative party and put the environment at the heart of our campaigning. After December 2005, what was there on the Minister's website? There was silence until May 2006, just two weeks after my right hon. Friend had secured 40 per cent. of the vote in the local elections. The Minister then suddenly emerged from her purdah, her self-imposed silence, to make her first speech as a Minister for five months. To whom? To the Green Alliance.

When we campaigned with the message "Vote blue, go green", we had no idea that the Minister would take that message to heart. Now, as a new convert to Cameron conservatism, she is talking about building eco-homes. Let me remind her that, as the Economic Secretary to the Treasury pointed out in Committee yesterday, no zero carbon homes have been built so far, and the number qualifying for zero stamp duty on the basis of zero carbon in the years ahead will be—as he said in answer to a parliamentary question—"negligible".

Ten years in office, and no progress on the environment. Yet as soon as my right hon. Friend the Member for Witney was elected leader of the Conservative party, Ministers were galvanised into greenery. Just imagine what we could do for the environment if we were actually in power—*[Laughter.]* We would certainly take the provision of energy performance certificates seriously, unlike this Government and their Back Benchers, who seem to regard the environment as a subject for hilarity. I am glad that they are laughing at their own record. There will be plenty of opportunity for them to weep when the voters pass their verdict on it at the general election in a couple of years' time.

If the Government were serious about energy efficiency they would have put the people in place to carry out the energy inspections that are at the heart of the provisions on energy performance certificates, but once again, the Minister and her Department have failed to listen and learn. A year ago, we said that there were not enough people in place, but the Government said that they would get the 7,500 inspectors that they needed; it would be all right on the night. A month ago, however, they revised that figure down and said that they would need only 2,500. Why the sudden reduction? We asked two weeks ago how many inspectors were fully trained and accredited, and we were given the answer at 5 o'clock on the Friday of the May bank holiday weekend: not one domestic energy assessor had passed the test and been accredited. With less than four weeks to go before the implementation of what the Minister describes as a key policy to combat climate change, not one of the 2,500—or 7,500; which is it?—qualified, accredited inspectors is ready to respond. How does the hon. Member for Newcastle-under-Lyme (Paul Farrelly) explain that?

Paul Farrelly: I thank the hon. Gentleman for giving way. He must have seen me straining at the leash. I am sure that the House would appreciate hearing not only about what he and his colleagues started to say 12 months ago, but about what the Conservatives did during 18 years in office up to 1997.

Michael Gove: The hon. Gentleman insists on giving us a history lesson. Let me remind him that the first significant international agreement on combating climate change was signed by my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) when he was Environment Secretary. The first world statesman to sound a warning on global climate change was Baroness Thatcher, at the Government Dispatch Box in 1988. We will take no lessons from the Johnny-come-latelies from Staffordshire. There are many fine Members of Parliament in Staffordshire. Some of them, however, need not only a history lesson but an ecology tutorial before they open their mouths again on this subject.

The Government are now trying to rush through a few more domestic energy assessors who have passed their test and been accredited. Yesterday, however, I was talking to representatives of the largest HIP provider in Britain, Spicer Haart. It is in despair; it has given up on the Government. It said that

"we have only managed to identify sufficient assessors to cover 40 per cent. of our requirements".

And let us remember that those are people who have not even been accredited; they have only passed their exam. Spicer Haart went on to say that

"given that we have significant managerial and capital resources at our disposal, you can begin to appreciate the scale of the difficulty the industry as a whole has".

With less than four weeks before HIPs went live, there was not a single person qualified and accredited to give out an EPC. How can that be taking climate change seriously? With less than two weeks to go, the biggest provider of home information packs cannot identify enough people to carry out even half its requirements. How can that be taking climate change seriously?

If the Government are serious about climate change, why are they not introducing EPCs into the rental and commercial sectors on 1 June? It is because they simply have not laid the necessary foundations, and the right hon. Member for Greenwich and Woolwich knows it. This is the Government who say that they favour energy efficient homes, but only last week they were cutting grants to their low carbon building programme, slashing spending on solar energy by 80 per cent. and hacking back support for wind and other renewables by 50 per cent.

Mr. Eric Pickles (Brentwood and Ongar) (Con): That's not very good.

Michael Gove: It certainly is not.

The way in which the Government are trying to use HIPs to prop up their faulty green credentials has been exposed by no less than the Cabinet Office and its Better Regulation Commission, which said that the regulations were

"ill considered regulatory responses to the climate change challenge",

and that Ministers were

"using climate change as a justification for measures which have other motivations."

The Government are using energy performance certificates as a fig leaf—a piece of greenery deployed to cover their massive embarrassment—but no one is convinced. Let me offer to save them further embarrassment. If they will ditch home information packs—that is the motion under debate today—we will help them to ensure that energy performance certificates work. After all, Ministers discovered greenery only after the Conservatives showed them the way. The truth is that the regulations will add cost and complexity to the housing market, when what we need is more supply and economic stability. In the interest of keeping the housing market healthy, I ask the House to throw out once and for all these botched, bungled and broken-backed regulations.

1.58 pm

The Minister for Housing and Planning (Yvette Cooper): The hon. Member for Surrey Heath (Michael Gove) has entertained us—and, of course, himself—in his usual way this afternoon. The debate is on the HIP regulations and energy performance certificates, but hon. Members could be forgiven for thinking that it was on something else entirely, having listened to such a huge amount of nonsense and misinformation about our sensible and practical proposals.

The main document in the home information pack—the only new document that is being added to the process—is the energy performance certificate. The certificates will give people's homes an energy rating for the first time. That is like a fridge rating for the home that they are hoping to buy. We get such information on our washing machines, our fridges and our dishwashers, and it is high time that we got it on our homes.

The threat of climate change is real and urgent, and 27 per cent. of our carbon emissions comes from our homes. How can people be expected to make the necessary improvements if they do not have proper information about what is needed to make a difference? How many of us have any idea about the lagging in the loft, when we are looking for a home to buy? How many of us have any idea whether a home has cavity walls, or even know what a cavity wall is? This year, people will get that kind of information in energy performance certificates for the first time. That will make it possible for people to think about proper energy efficiency improvements to their homes.

As for the impact of fridge ratings, if we look at all the white goods in Comet and Currys, we see that the overwhelming majority now have "A" ratings. The provision of that information has had an impact on the market and on the way in which people behave. The energy performance certificates go further: they will give people not only the rating on their home but information on what they can do about it—what their fuel bills are likely to be and how they can cut them, and how they can cut their carbon emissions.

Mr. Mark Prisk (Hertford and Stortford) (Con): The Minister makes an analogy with the consumer. On that basis, why has the Consumers Association described her proposals as

"a useless but very expensive waste of time"?

Does she not recognise that what was originally a half-baked idea is now barely lukewarm?

Yvette Cooper: Certainly, Which? wanted us to go further and to introduce a home condition report. We agree with Which? that the home condition report could be valuable and could have a big impact on the housing market. It was not practical to introduce home condition reports this summer, but we are continuing trials so that we can support their roll-out as they are valuable. Members need to recognise that energy performance certificates are valuable. They do not exist at the moment, and it is right to include them in estate agents' particulars. The energy ratings on homes should be displayed in estate agents' windows, just as the energy ratings of white goods are displayed in Comet.

Robert Neill: So why does the Better Regulation Commission point out that the EU directive on which the Minister has relied refers only to the need for a certificate at the point of sale or letting rather than marketing, and that the Government have produced no evidence to justify going beyond the requirements of the directive, adding costs to the housing market? Why do the Government seem to know better than the Better Regulation Commission?

Yvette Cooper: The Better Regulation Commission wants to water down energy performance certificates. It takes the view that less information should be provided. The information should be provided, however, as part of estate agents' particulars. Just as it is provided for people who browse around fridge shops, it should be provided for people browsing around estate agents. People ought to have such important information at a time when it will make a difference to them.

Dr. Andrew Murrison (Westbury) (Con): Can the Minister not understand the big difference between a fridge and some of the ancient housing stock that characterises constituencies such as mine? Such homes do not have cavity wall insulation. What will she say to my constituents who simply do not understand how the tick-box EPCs will help them?

Yvette Cooper: The hon. Gentleman is right: there is a big difference between a fridge and a house. Homes are responsible for 27 per cent. of our carbon emissions. They are the biggest investment that most of us will make in our lives; their running costs are considerably higher than those of fridges; and if the information is provided for a fridge, it ought to be

provided for a home. The issue is a basic one of giving proper information that will help consumers to take decisions to improve the energy efficiency of their homes, and help them cut carbon emissions and their fuel bills.

According to the Energy Saving Trust, homeowners could save up to £300 on their fuel bills every year if they act on basic recommendations about their homes. Many will also be able to get grants of £100 to £300 from their new energy supplier, linked to the measures in the energy performance certificate. Some will be able to get much larger grants through other programmes. Companies are now developing green loans and mortgages to be linked to EPCs. The measures in the EPCs could help to cut carbon emissions by nearly 1 million tonnes a year. That is why WWF, Friends of the Earth, the Campaign to Protect Rural England and a series of different organisations are supporting those measures.

The remaining elements of HIPs are the legal and search documents that one already needs when buying and selling a home, but they will be gathered at the beginning rather than the end of the process, to speed things up and improve competition. For many of us, buying and selling a home is a baffling process. There can be huge delays between offer and exchange. In complex chains, that can mean that sales fall through. Most people will struggle to keep track of what services they are getting and paying for. HIPs will make the process much clearer and faster. In many other industries, competition, new technology and rising customer expectations have lowered prices, increased transparency and speeded up transactions. Importantly, however, that has not happened to the process of buying and selling a home. In fact, the move from offer to exchange takes longer even than 10 years ago, and in many areas where house prices have doubled, for example, so have estate agents' fees.

Paul Farrelly: I accept that HIPs might bring some extra upfront costs, particularly with regard to producing the energy performance certificate, but that might lead to savings and people might think it a price worth paying, given our commitments on climate change. Does my hon. Friend agree, however, that the rest of the packs will result in savings through the elimination of duplication? Those savings will be shared with sellers, because most sellers are buyers, too. That point is ably made today in *The Guardian*, by my former colleague, Julia Finch, who presents a much more balanced opinion than the Johnny-come-later from Surrey, the hon. Member for Surrey Heath (Michael Gove), who used to pontificate—and still does—for *The Times*.

Yvette Cooper: My hon. Friend is right to say that there will be savings throughout the process. He also refers to upfront costs, and many providers are already saying that they would charge at the end of the process, not at the beginning, and that they would offer no-sale, no-fee deals. A couple have said that they would provide HIPs for free. As he is right to point out, most of us buy and sell a home at the same time, so the transfer of costs from the buyer to the seller will not make any odds to us. The people who will really gain will be first-time buyers. Currently, if a sale falls through, they might have to pay for searches on a series of different properties. In future, they will get that information for free. It is right that we should help first-time buyers in that way.

Anne Main (St. Albans) (Con) *rose—*

Mr. Redwood *rose—*

Mr. Hayes *rose—*

Yvette Cooper: I am inundated with requests for interventions. I will give way first to the hon. Member for St. Albans (Anne Main).

Anne Main: On costs and savings for sellers and buyers, does the Minister agree that the cost for sellers of part-equity in a house is disproportionate? According to the HIP providers to whom I have spoken, sellers will have to pay 100 per cent. of the HIP's cost even though they are perhaps selling only 50 per cent. of the equity in a house.

Yvette Cooper: People buying or selling shared equity properties already have to pay transaction costs, estate agents' fees and search fees. All that we are doing is transferring the cost from the buyer to the seller in a way that introduces greater transparency and competition. That competition is already having an impact in bringing costs down. We have seen the cost of searches come down in a series of local authorities—25 local authorities have cut their costs in anticipation of HIPs because they know that, for the first time, the charges and the length of time taken will be transparent to the consumer and to HIP providers. There will be much greater pressure to provide a good service.

Mr. Redwood: Does the Minister not see that if HIPs are so wonderful—if they lead to people making savings on their energy account and speed up transactions—they will take off naturally, given all this publicity? Why do we not withdraw the mandatory element, and see whether she is right to say that they are helpful? I think that they are unhelpful—the market will dry up, and they are another tax to go with the swingeing stamp duty and the penal council tax.

Yvette Cooper: The right hon. Gentleman must recognise that the home buying and selling process has not changed properly for a generation. It has not reformed in response to new technology or responded effectively to competition. The Office of Fair Trading, for example, pointed out areas in which price competition was not effective. There is such a lack of transparency and so much complexity that it can be difficult for consumers to be clear about what they are paying for at which stage in the process. HIPs introduce greater transparency and new providers into the market, which is why many current providers are feeling a little anxious and threatened. We take that competition seriously. We want to monitor it and ensure that it is promoted and that it increases, and that consumers see the benefits. I will now take an intervention from the hon. Member for South Holland and The Deepings (Mr. Hayes) and then I want to make progress.

Mr. Hayes: When the hon. Lady debated these matters with us alongside the then Minister for Housing and Planning, the right hon. Member for Streatham (Keith Hill), the plan was altogether more ambitious. Now she tells us that home buyers will not receive information on a number of salient issues. Does she not recognise that people will want to know about flood risk, a history of land contamination, electrical safety and risk of subsidence? There will no reduction in the number of extra surveys that people commission when they buy their homes, because mortgage companies will insist on them. Will the hon. Lady acknowledge that the packs will not improve the lot of buyers, but will clog up the system and will be entirely unhelpful to those who want to purchase homes?

Yvette Cooper: Opposition Members keep contradicting themselves. One minute they want bigger HIPs; the next minute they want no HIPs at all. *[Laughter.]* Perhaps some Opposition Members are seeking bigger HIPs.

We have always said that we think home condition reports will be very valuable. We have also said that we do not think it practicable to introduce them on a mandatory basis this summer, but because we think that they will be valuable we are conducting trials. We have made amendments to HIPs in response to consultation and the results of trials, and we will continue to work on their implementation with stakeholders across the industry.

Mr. David Drew (Stroud) (Lab/Co-op): I must declare an interest. I have just sold my father's house, because he has gone into care. He has the good fortune to live in the Bristol area, where a pilot scheme has operated for some time, and I was offered the opportunity to use a home information pack. The process was very transparent, and led to the early sale of my father's house. I do not understand why the experiment is not more widely known about, and why the advantages that the estate agent made so clear to me have not been translated to the rest of the profession. I think that it is very sad. Can my hon. Friend elucidate?

Yvette Cooper: My hon. Friend is right. Advocates of the home information packs that are currently in the market have not often been heard. Their voices have been drowned out by those of a number of organisations representing people in the industry who are anxious about and resistant to change, which is unfortunate. Another hon. Member gave me an e-mail that he was sent by one of his constituents, who has been an estate agent for many years. He wrote that, having spoken to virtually every solicitor and estate agent in Reading and Wokingham, he found they were all ready to proceed with gusto. I believe that many people in the industry expect considerable benefits.

It is true that there has been opposition from some representative bodies—the hon. Member for Surrey Heath quoted a few—and that the Royal Institution of Chartered Surveyors is launching a judicial review. However, we consider the review to be completely groundless, and in any event it concerns energy performance certificates: the institution thinks that the information in them should be provided when it is up to 10 years old. We disagree. The Council of Mortgage Lenders published a detailed report this week containing its assessment of the future of the housing market. So concerned is the council about the impact of HIPs that it does not even mention them. It is also true that other organisations, such as Which?, want to go further, but we think that these are the right measures to introduce this summer.

Opposition Members have had an opportunity to choose between backing the National Association of Estate Agents and backing Friends of the Earth. They have chosen, and we have seen which side they are really on.

Energy performance certificates are central to home information packs. We have stressed the importance of energy assessors because we take it very seriously. According to the latest estimates, 2,000 energy assessors will be needed at the beginning of June, rising to 2,500 by the end of the month. More than 2,200 have passed their examinations, and over 3,000 more are in training. Of those, around 1,100 are accredited or their accreditation is currently being processed.

Angela Watkinson (Upminster) (Con): As the Minister may know, the *Daily Mail* website claims today that the only reason we have been granted the debate is that the Minister threatened to resign over HIPs. Would she care to comment?

Yvette Cooper: I would caution the hon. Lady over what she should believe in the *Daily Mail*. I did not read the *Daily Mail* today, but I can assure her that that report is not correct. However, I will go and check. Heaven forbid that I forgot to read the *Daily Mail* this morning!

Jessica Morden (Newport, East) (Lab): I welcome the Minister's comments. Will she ensure that the many people, including constituents of mine, who answered the Government's call for people to train to become self-employed home inspectors and domestic energy assessors—at great expense to themselves, in some cases—are not driven out of the market by the dominance of a small number of large HIP providers who are working with estate agents on larger contracts?

Yvette Cooper: We think that competition is very important. Part of the intention behind the reforms is to improve information and transparency and support competition. I assure my hon. Friend that we will closely monitor competition in the market, and think about whether further steps are necessary.

As for the impact on the housing market, of course it is true that some estate agents have been using the advent of HIPs as a marketing strategy to try to drum up business and increase their share in a tight housing market in May. It would not be surprising if that had an impact on the timing of listings in both May and June, and it may take time for people to get used to the new system. However, listings fluctuate substantially from month to month. A million houses are sold every year, at an average cost of £200,000. Estate agents' fees alone can amount to an average of between £2,000 and £4,000. We do not think it plausible that people will decide not to move house because of an energy performance certificate. That is an absurd assertion by Opposition Members who simply want to cause alarm and convey misinformation that scares people.

Paul Farrelly: We have not only seen such misinformation in the press—as my hon. Friend says, it has been used as a marketing ploy by some of the more unscrupulous agents—but heard it from Opposition Members. The cries that we hear about the housing market drying up are absurd. That is not constructive opposition; it is merely hysterical opportunism.

Yvette Cooper: My hon. Friend makes an important point. We must look for the real dividing lines in the argument. The central element is the energy performance certificate, which includes additional measures to help improve the way in which the housing market operates.

The Opposition seek to overturn the HIP regulations, and they seek to stop the introduction of HIPs and energy performance certificates this summer. They say that they support EPCs and measures to improve the energy efficiency of people's homes, but if that is the case, why did the hon. Members for Surrey Heath and for Meriden (Mrs. Spelman) and the right hon. Member for Witney (Mr. Cameron) sign early-day motion 1264, which calls for the overturning of the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007? Those regulations do not contain measures relating to HIPs, searches or title documents. The only measure that concerns home owners relates to energy performance certificates. The hon. Member for Surrey Heath said that he needed to table the early-day motion to secure the debate. What nonsense! The debate is not about those regulations; it is about the HIP regulations.

Michael Gove: The hon. Lady has been in the House for 10 years. She will be familiar with the workings of the Table Office. We prayed against the Home Information Pack Regulations 2007, which meant that both sets of regulations had to be prayed against. We simply followed the advice of the Table Office to ensure that this debate took place on the Floor of the House.

The hon. Lady knows from our speeches, statements and letters that we are in favour of energy performance certificates. Will she now withdraw the entirely erroneous and misleading assertion that we are opposed to them, or is she prepared to see her credibility diminish as a consequence?

Yvette Cooper: What utter nonsense. The hon. Gentleman asks for evidence of his opposition to energy performance certificates, and I must tell him that there is plenty of it. The hon. Member for Meriden rose early this morning—even earlier than I did—to make clear her hostility to energy performance certificates on GMTV. She objects to them because she does not like the fact that someone will have to carry out energy ratings of people's homes. She said

"the new feature is having energy performance assessors come round and actually look at how your house is put together... so it's a very intrusive measure."

Perhaps the hon. Lady will explain how she can support energy ratings of homes if she opposes the idea of people going round to those homes to carry them out. How does she think that energy ratings on homes will be done? That provides more evidence of Conservative Members opposing energy performance certificates.

The hon. Member for Surrey Heath takes a different line. His objection is that we are gold-plating EU regulations. That is true; we are going beyond the minimum requirements for energy performance certificates set out in the EU directive. However, that is not gold-plating; it is green-plating, and we make no apology for that. The European minimum that the hon. Gentleman advocates is that people should be able to use an energy performance certificate if it is up to 10 years old. Well, it is a fat lot of use to a new home buyer to have information on a home's fuel costs and running costs that could be up to eight or nine years old. There will not be a huge impact in respect of how people respond to energy performance certificates if they know that the energy information in them is out of date.

The fact is that Opposition Members are trying to block energy performance certificates; they are trying to delay them and to water down the information. They are also telling different things to different audiences. On 1 May, the hon. Member for Surrey Heath told the *Daily Express*:

"If we can stop them we will".

On 2 May, he told *The Guardian* that

"we shall not use our vote to impede prompt and effective EPC implementation."

On 4 May, he told the *Daily Mail*:

"I hope MPs will put pressure on the Government to go back to the drawing board."

Why is he not straight with people? The truth is that he does not like energy performance certificates at all.

The Conservative party's leader claims to care about the environment, but time and again it will not back the practical measures needed to help to cut carbon emissions. The right hon. Member for Witney took a trip to the Arctic, organised by WWF, to demonstrate his commitment to the environment. It was his photo-opportunity to hug a husky. While he was there, he was asked for his top tips for people to go greener. He mentioned bicycling to work and growing vegetables, and he said that some of the steps that we can take to reduce our impact on the environment, such as home insulation, will save us money. He also stated that leadership means doing the right thing not just saying it. Well, the Conservatives should do the right thing now. They should back these measures to bring in environmental improvements. However, they will not back them.

What do WWF and Friends of the Earth now say about the Conservatives' environmental policy? Let me quote from a letter from them to the Conservatives:

"Your party is currently campaigning for the local elections, under the slogan 'Vote blue, go green'"

That sounds familiar. The letter continues:

"However, we are concerned that by attempting to block the HIPs, you risk scuppering one of the most important pieces of environmental legislation to affect households in recent years.

We therefore urgently request that you...reassure us that under no circumstances will you allow their introduction...to become a victim of moves by your party to delay the rest of the HIP."

The huskies have just cocked their legs on the Conservatives' environment policy. If their environment policy were energy rated now it would get a big "G". Perhaps that is not the only big "G" that they will have to reckon with in the next few months.

[Yvette Cooper]

The green groups are right: this is a good measure and it should be implemented. The Conservatives should start to back it now.

2.23 pm

Andrew Stunell (Hazel Grove) (LD): I was going to start by congratulating the Minister on her measured and emollient response to the debate, but she rather spoilt that plan in the last 30 seconds of her speech.

The Minister might have acknowledged that this scheme is in a bit of a mess. Those who believed in the whole gospel of compulsory home condition reports, home information packs and energy performance certificates were taken up the aisle by the Secretary of State and have been dumped. It is unsurprising that some of those people are angry and embarrassed, and are shouting, "Betrayal." She cannot completely dismiss the fact that Which? and the Law Society, which were supporters of the scheme in its original form, have now backed away and are feeling very despondent about the scheme as it currently stands.

Those inside the Labour big tent who are still supporters of the scheme in its full-blooded, 1997 manifesto style could at least get some reassurance from the way that things were evolving by thinking that they would have the slimmed down scheme before them with the results of the evaluation of the pilot studies also available and that in this debate they would be able to rebut the challenges and accusations from the Opposition Benches by referring to the detailed results of those studies which would show that all the bad predictions were not justified. However, the pilot studies have not been completed; there has been no proper evaluation and there is no hard evidence of success. The safeguard of those trials producing evidence on which we could take a proper and balanced decision—which was much talked about last year when the scheme was debated on several occasions in this House—is not available. The safeguard has been swept away.

I want to bring to the attention of the House some of the evidence that Mr. McDonald gave to the Merits of Statutory Instruments Committee of the other place. Mr. McDonald appeared on behalf of the Department for Communities and Local Government, and he said that it cannot yet check the pilot studies to find out what savings have been made in transaction times. He said that that was because it would need at least 3,500 transactions to have been completed before it could make that assessment. I was surprised when I read that evidence; I was not surprised by the idea that 3,500 examples would be needed to reach a judgment, but I was astonished that 3,500 transactions had not been conducted so far. The Minister did not deal with the issue of the pilot studies. There was a good reason for that; to have done so would have underlined the embarrassing situation that she is in and the difficulties that the scheme faces.

The pilot studies were supposed to have started in July last year. They could not start because the regulations were not produced in time. They were supposed to restart—have their second start—in October last year. Yet the evidence that Mr. McDonald gave to the Committee was that most of the schemes had not started until January this year and that it was therefore too early to evaluate whether they were performing in accordance with the Minister's predictions.

Mr. Drew: Does not that bear out the fact that there is a problem in that we can have pilots—it will be good to see the evaluation from them—but unless there is also the power to make things mandatory people will not make the changes that we all want them to make in terms of being sensible and serious about facing up to their climate change responsibilities?

Andrew Stunell: The hon. Gentleman makes a fair point, which brings me on to another part of the evidence given by Mr. McDonald. That related to whether there should be a voluntary or a compulsory element to the home condition reports. On that, the Department—Mr. McDonald—was caught betwixt and between. In one part of his evidence he said that the reason why the Department had changed to a voluntary system for the home condition reports was that it thought that it was right for that to be taken forward by the market, rather than be imposed by regulation. However, he also said that the Department estimated that a negligibly small amount of home condition reports would actually be taken up. On the one hand the Department wanted to rely on the voluntary principle to deliver home condition reports because it thought that the market would suck them in, and on the other hand it accepted that none—or almost none—would be done. In support of his point of view that the voluntary scheme would not work, Mr. McDonald added that the Law Society had had its own voluntary scheme which it had tried to market in previous years and that it had failed and had to be withdrawn.

Mr. Hayes: It is most useful that the hon. Gentleman has drawn attention to events in the other place, particularly as the Minister said almost nothing about the pilots in her speech. The hon. Gentleman has shown remarkable consistency on the matters under discussion—which is hard to reconcile with his membership of the Liberal party—so I would be interested to learn if he has come to the conclusion that the pilots were of the wrong scale, or at least, set out on the wrong timetable, because that seems to be the conclusion that most people have drawn from the evidence given to the Lords.

Andrew Stunell: I suppose that a backhanded compliment is better than no compliment at all. I will move on, if I may.

I want to draw the House's attention to a third aspect of Mr. McDonald's evidence. He was persistently asked what he thought the cost to the consumer would be of the packs in the form that the Secretary of State proposes. After what might in other circumstances be described as some shilly-shallying, he said:

"It could be anything from nothing to several hundred pounds."

He could provide no evidence that the packs would reduce the transaction time—the whole point of introducing them in the first place—he could not

estimate the cost to the consumer, and he had to admit that the voluntary home condition report was going to be a dead letter. It is no wonder that the gloom among the Government has spread in the last few months as this situation has built to its climax.

Robert Neill: The hon. Gentleman is making a valid point. Is it not reinforced by the contrast between the extremely vague and weak evidence given on the Department's behalf, and the very clear evidence on cost given by the Council of Mortgage Lenders? It specifically advised that buyers will still have to commission and pay for valuations and associated surveys, particularly if the loan-to-value ratio of the mortgage is more than 80 per cent.—that will affect four in five first-time buyers—and if the property is a flat. So that is specific evidence against HIPs, and there has been nothing from the Government to rebut it.

Andrew Stunell: The hon. Gentleman makes an interesting point; that certainly is the evidence given by the CML.

We have tended in this debate to adopt extremely polarised views about home information packs and the associated costs and liabilities. As a Liberal Democrat, I always feel slightly uneasy at aligning myself with the National Association of Estate Agents, and one does have to take some of the criticism with a pinch of salt. Nevertheless, it has to be said that the Minister has failed to show the House any evidence that time will be saved in the overall transaction. There is no evidence on the likely cost imposition on consumers, and there is clearly no chance of home condition surveys catching on.

Adam Afriyie (Windsor) (Con) *rose—*

Mr. Geoffrey Clifton-Brown (Cotswold) (Con) *rose—*

Andrew Stunell: I give way to the hon. Member for Windsor (Adam Afriyie).

Adam Afriyie: I thank the hon. Gentleman for giving way, and I certainly welcome his moderate and emollient tones. The purpose of the pilots is to uncover the evidence, in order to form or modify a policy that the Government of course hope will work by making the market more fluid and contributing to their green goals. Does he therefore share my alarm at the fact that the Government will not hold off on this measure until the evidence is in? That seems bizarre.

Andrew Stunell: The hon. Gentleman makes a very strong point. Back in July of last year, the Government's whole argument was that we should see the pilots come to fruition, which would satisfy our every qualm and concern. That is a perfectly fair starting point—but not if the scheme is then introduced before the pilot study has been completed, before an evaluation has been made and before a report has been placed before this House.

In the emollient part of her speech, the Minister said that the pilot studies have in fact influenced the final document—that changes have been made. If Members take a careful look at the Government's explanatory memorandum, they will see that it details some of the changes that have been made as a consequence of taking account of the first half of the pilot studies. The Government found evidence of changes that need to be made, but they seem to have closed their mind to the possibility that the second half of the pilot studies might equally produce such evidence. Instead of taking time to consider that possibility, they have pitchforked us into these regulations, which could be described as half-formed.

Mrs. Curtis-Thomas: I am a little confused by some of the hon. Gentleman's comments. He is talking about the introduction of home information packs; I thought that we were here today expressly to talk about the introduction of energy performance certificates.

Michael Gove: Wrong debate and wrong motion.

Mrs. Curtis-Thomas: That is your view. Will the hon. Member for Hazel Grove (Andrew Stunell) confirm that he is in favour of energy performance certificates, and that he can understand why they would be of particular use to those who are considering purchasing a property and therefore paying its likely running costs after purchase?

Andrew Stunell: Had I not taken the hon. Lady's intervention, I would in any case probably have got to the part of my speech dealing with energy performance certificates, so perhaps I might move on.

I want to make one more point about the Merits of Statutory Instruments Committee hearing. The Committee was very scathing indeed about the regulatory impact assessment, as the hon. Member for Surrey Heath (Michael Gove) mentioned. However, at least there is a regulatory impact assessment, be it good or bad, and regardless of whether the arithmetic stands up. However, where is the risk assessment of this project? I begin to wonder whether the Department has a new acronym: the WAAP assessment, which stands for "with a wing and a prayer". Before we introduce this scheme, we need some evaluation of the risks of pressing ahead.

It will not do to say that the scheme is coming in regardless before the pilots have finished, given that the people who will pay the price, literally, are the 1 million—perhaps nearer 2 million—householders who will be buying and selling. Who will carry the risk of this scheme going wrong? It might be a very low risk, and perhaps the Minister will be able to return to the House in a year's time triumphant, but there is a risk. I doubt whether the Minister will carry that risk; it is the 1 million to 2 million householders who will face the extra stress and difficulty. It is they who will take the risk and face the music.

Mr. Clifton-Brown: I am grateful to the hon. Gentleman for giving way. I was late for this debate because I was addressing a conference on HIPs this morning. The 150 surveyors present felt that at the very least, there will be a distortion of the housing market on and around 1 June. The Government proposed HIPs in 1997 but they have not trialled them properly, and they laid the associated major regulations before this House as late as 29 March, thus giving very little time for professionals to get to grips with the details of

[Mr. Clifton-Brown]

this far-reaching scheme, which is part of a market worth £250 billion. Is that not reckless?

Andrew Stunell: The Government ought really by now to have learned from what happened last July, when the late issuing of their regulations led to the frustration of the timing of the pilot studies. Like the Irishman, I would not have started from here. It all started to go wrong way back when those regulations were not made available.

The moment may have come to answer the earlier intervention from the hon. Member for Crosby (Mrs. Curtis-Thomas), who asked about energy performance certificates. If home information packs are, in the words of the Scottish returning officer, to be "declared void for want of certainty", it is important not to throw the baby out with the bath water. Energy performance certificates are an extremely useful starting point for raising the awareness of sellers and buyers alike of the energy efficiency of their homes and what they can do about it.

By way of practical example and to support the Minister in what she said—in the emollient bit of her speech—I point out that there are 5 million homes in this country with cavity walls but no cavity wall insulation. Most of the owners of those homes are probably in the situation that I was in until last November, when I unveiled, as MPs do, a warm homes project and met at the unveiling a cavity wall installer. Like me, those homeowners probably assumed that the house that they bought had cavity wall insulation, while not knowing for sure. I asked the cavity wall installer, "Is there a simple way of finding out whether my walls have cavity wall insulation?" He said, "Yes, it takes five minutes. Do you want me to pop round?" He came round, drilled a little hole, looked, let me have a look and said, "No, you haven't." I have got it now. It cost £250 and it was money well spent.

Another 5 million households do not have cavity wall insulation and the EPCs will make that explicit to the owners or the next owners of those properties. We need to make energy use by housing transparent and we need purchasers of new houses to take as much notice of the EPC as they do of a smart kitchen or a wood-strip floor in the lounge.

Angela Watkinson: How much confidence does the hon. Gentleman think that consumers can have in the findings of a home inspector who has been on a short course compared with the findings of a professionally qualified surveyor who has been practising for several years?

Andrew Stunell: One has to be careful what one says, even in the House, but one will probably get the former for a third of the cost of the latter and it will be just about as good.

It is no secret that my party and I want to see a rapid and dramatic improvement in the energy performance of buildings. Indeed, my private Member's Bill—now the Sustainable and Secure Buildings Act 2004, which was well before the right hon. Member for Witney (Mr. Cameron) came into anybody's sights—gives Ministers the power to move much more decisively on this important issue than just simply labelling. Labelling is important, but we need to go further. I remind the Minister that she has the powers to go further than she proposes today and my party recently set out a scheme that would assist owners in achieving that on a sensible time scale.

On the one hand we have militant opposition to anything to do with this project. We saw a wolf in sheep's clothing speak with great eloquence at the outset of this debate, but it is a fact that the Conservative party, whether it knew that it was doing it or not, prayed against both elements, including the EPC. The Liberal Democrats strongly support the EPC. We actually want the Government to go further and faster on that and to see some positive results. Whatever the merits and the theoretical benefits of the scheme in its original form, the Government have dithered and bungled on the HIP project. They should press forward with the EPCs and recognise the rest of the project for the train crash that it has become.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. I remind the House that the prayer is limited to one and a half hours. We must complete consideration by 3 o'clock, but several hon. Members are seeking to catch my eye. Unless contributions are very brief, many people will be disappointed.

2.43 pm

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): At the outset, I wish to draw attention to my declared interests, specifically as chairman of the Construction Industry Council and a director of Hometrack. As I have made clear in previous debates on this subject, I am a strong supporter, and have been for many years, of reform of the house buying and selling process, which is one of the most stressful experiences in most people's lives, is unduly protracted and involves a scandalous level of waste and abortive costs. Only last night, I was talking to someone who had lost £1,000 because a seller had withdrawn after he, the buyer, had committed to expenditure on searches and surveys. That experience is repeated hundreds, if not thousands, of times a day. Every day £1 million is lost in abortive costs. I was very disappointed that the hon. Member for Surrey Heath (Michael Gove) simply ignored my question about what the Opposition intended to do about that very real problem.

Andrew Miller: My right hon. Friend makes a very good point. Does he agree with me that the fear of losing money in such a way creates inertia in first-time buyers and would not making this change stimulate the market for them?

Mr. Raynsford: I agree with my hon. Friend, but such things take time and I would not expect to see an immediate reaction. Over time, the implementation of the reform will help to instil confidence in the system. The failure of the present system is attributable to the fact that it is inherently unsatisfactory. It requires buyers to make a commitment on what is probably the largest financial transaction of their lives without adequate information on the property that they

propose to acquire. That self-evidently absurd way of proceeding could not be justified in any other field of commerce. The hon. Member for Bromley and Chislehurst (Robert Neill) asked why we did not propose EPCs at the point of sale. If he thought about it, he would realise what an absurd proposition that was. It would be absurd to be given an assessment of a fridge's performance only at the point at which one had agreed to buy it, instead of when considering competing models and deciding which is the most energy efficient. That encapsulates the nonsense of the present house buying and selling process and shows why reform is necessary.

Robert Neill: Is not the downside of that the real risk that requiring an EPC—which is a good idea, and that has always been the view of Conservative Members—up front adds to the seller's risk of abortive costs? Those costs are likely to be passed on to the buyer, so it is not as simple as the right hon. Gentleman makes out.

Mr. Raynsford: The hon. Gentleman is wrong. The seller puts the property on the market and commissions the EPC. If there are problems with the property, it may prompt the seller to carry out improvements, because he will know that they will give him a better chance of selling. That may help to achieve some cost-effective improvements in the property, but that is entirely in the seller's hands. Abortive costs will arise only if the seller chooses to withdraw the property from the market, whereas in the example I gave prospective buyers who have commissioned surveys, searches and other reports lose their money for reasons entirely out of their control.

Mr. Bailey: The hon. Member for Surrey Heath (Michael Gove) said that the bureaucratic burden on local authorities of the increased number of searches for house sellers would result in the housing market drying up. Given that buyers currently have to get a search on houses they wish to buy and if that purchase falls through other would-be buyers have to have the same search done, does my right hon. Friend agree that the hon. Gentleman's point is illogical?

Mr. Raynsford: My hon. Friend makes his point well. I notice that the hon. Member for Surrey Heath did not seem to understand the clear and impeccable logic of my hon. Friend's argument.

Many of the professional bodies that oppose the introduction of HIPs do very well out of the present system. If searches are made repeatedly by different buyers, the solicitors benefit. When valuations are commissioned by mortgage lenders, they make money on the process each time. In many cases, they make rather a lot of money. If the valuation has to be done repeatedly on the same property, they are not out of pocket. No wonder they like the existing system. Every time a surveyor is commissioned to conduct a valuation or survey, their fees are paid, so they are not in a hurry to promote changes to the system, which involves waste to the consumer and the public. This is, therefore, an issue of public interest.

I regretted the Government's decision last summer to abandon one of the core elements of the scheme—the mandatory home condition reports. That is a fundamental element that will have to be reintroduced and I hope that the Government will recognise that in due course. But I do not believe that we should delay the introduction of HIPs in the hope of getting something better. That would allow the best to be the enemy of the good. We need to get the new arrangements up and running from 1 June and then seek to improve them in due course.

Mrs. Curtis-Thomas: Like me, my right hon. Friend is concerned about the quality of homes and the safety of individuals. Does he agree that this measure will do much to ensure that the homes that people purchase are safe and efficient, and will enable them to understand that before they make a significant commitment?

Mr. Raynsford: My hon. Friend has much experience in this area, and she is right to say that it is all about improving the information available to the public. I personally believe that mandatory home condition reports would have done even more than the present package, but I hope that we will reach that point in due course. I certainly do not want to see any backing away from the implementation of HIPs.

Mr. Clifton-Brown: Will the right hon. Gentleman give way?

Mr. Raynsford: If I am to make progress as Mr. Deputy Speaker has asked, I hope that the hon. Gentleman will accept that I cannot take any further interventions.

I do not share the apocalyptic visions of meltdown in the housing market that some of the opponents of HIPs have forecast. They rather remind me of the similar prophecies of doom preceding the introduction of the licensing arrangements in November 2005. On both occasions, the cheerleader was the *Daily Mail*, but that newspaper was entirely wrong about the licensing arrangements. The Government held their nerve at that time: I hope that they will do the same now and that they will not be persuaded to do anything other than proceed with a reform that is in the long-term interest of the consumer.

I want to highlight two specific items very briefly, and the first is the benefit that HIPs will bring to first-time buyers. The Opposition talk about them frequently, but now the House has an opportunity to do something that is unquestionably in their interest. My hon. Friend the Minister for Housing and Planning has made it clear that they will get all the benefits of the HIP at no cost. The Opposition claim to be the friends of first-time buyers, so why are they not welcoming this measure?

Secondly, on the issue of energy performance certificates, we know that the Government have made real progress in driving up the standards of new homes. When I was a housing Minister, I was proud to be part of the process of ratcheting up part L of the building regulations. The Government have taken that process further, and I applaud that. However, new housing makes up only 0.8 per cent. of the total housing stock each year.

Michael Gove: That is not correct.

Mr. Raynsford: If the hon. Gentleman looks back over time, he will find that the rate of addition to the housing stock has been at about 1 per cent. every year for a very long time. If we are serious about taking quick action to improve energy efficiency, we have to tackle the problems in the existing housing stock. The measure that we are discussing is the most effective way to do that, as there is also a lot of evidence that investment to improve energy efficiency is most likely to be carried out when a property changes hands.

The HIP is the right measure to achieve an improvement that we all recognise as important. I sincerely hope that the House this afternoon will not support the Opposition's entirely opportunistic prayer, but that instead it will vote for a measure that is in the public interest, in both the short and the long term.

2.52 pm

Tony Baldry (Banbury) (Con): On occasions, this debate has been fairly rumbustious, largely due to the excellence of the opening speech by my hon. Friend the Member for Surrey Heath (Michael Gove). However, in the few minutes remaining, I hope that I can take a slightly different approach to the matter. I think that all hon. Members agree that the energy performance certificates are good news. There does not seem to be any dispute about that, so can we take it as a given that everyone wants them, and wants the scheme, when it is implemented, to be a success?

Like the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), I was a housing Minister. After four years in that job, I can sense when a project is not going to get off the ground. For a number of weeks, I have tabled questions to the Minister for Housing and Planning, asking for details of how many domestic energy assessors and home inspectors there are in each local authority, city and region. Week after week, the response that I got was that the question would be answered "shortly". Eventually, I raised the matter with the Leader of the House at last week's business questions, and at last got something of an answer.

However, I was still not given a number. The answer that I received did not disaggregate home inspectors and domestic energy assessors. Instead, it lumped both together, and it gave no breakdown of how many there were per district. The answer did not even disaggregate those who had qualified and those who were still in training. At the end of last week, the best that the Department could do was to say that the total number of inspectors and assessors—both fully trained and still in training—was something approaching 2,000. The answer went on to say that there was no point in giving a breakdown in terms of local authority, city or region because domestic energy assessors will work on a regional basis. The fact that the assessors will have to drive all over a region, thus increasing carbon emissions, is apparently neither here nor there.

Not unreasonably, therefore, at the end of last week I tabled a named day question, asking whether the Secretary of State, pursuant to her answer of 8 May, could tell me how many practising domestic energy assessors and home inspectors there are in each region. After all, we are only 15 days away from the implementation of the scheme, so one would have thought that the Department would at least know how many inspectors and assessors there are in each region. What answer did I get to my named day question? I was told that the Secretary of State would answer it "shortly".

Only two reasonable inference can be drawn from the fact that Ministers cannot tell the House how many domestic energy assessors there are in each region. In fact, an extrapolation from the answer that I got last week shows that there may be only 57 qualified inspectors in the north-east, 76 in Wales and 152 in London. That is pretty pathetic, so either Ministers do know the numbers involved and are too embarrassed to tell the House, or they have no idea. In either case, I suggest that it would be in everyone's interest to postpone the scheme for three months, until October.

I have no idea about the merits of the judicial review being sought by the Royal Institution of Chartered Surveyors, but I would be amazed if the single judge who has to make the decision does not give leave for that review to be heard. Moreover, it is fanciful to believe that the High Court could hold a full hearing before 1 June, so that is another layer of uncertainty.

Ministers must be able, with confidence, to tell the House, the country and everyone involved that there are enough inspectors and domestic energy assessors in every region. They will be doing themselves—and people who believe in energy conservation and going green—no favours if they sleepwalk into a disaster with this scheme. All they have to do is postpone it for three months until they—and the country—are confident that there are enough inspectors and assessors. If they do not do that, there is every prospect that the scheme will be a disaster.

2.57 pm

Nia Griffith (Llanelli) (Lab): It makes tremendous sense for the provision of information to be the responsibility of the seller. We all know of cases where houses remain on the market for ages while prospective buyer after prospective buyer pays for the same information, discovering features that make the property undesirable or unrealistically priced. The onus on the seller to provide a home information pack and an energy performance certificate will help to avoid much duplication.

Many people are both vendors and purchasers, so although they will have to provide information about the home that they sell, they will benefit from the information about the houses that they view. The earlier in the process such information is available, the less likely people are to want, or to be forced, to pull out of the purchase, which can often result in a chain reaction of lost sales, expensive bridging loans and immense stress. First-time buyers will particularly benefit from the fact that the seller must provide useful and valuable information that could save them from going a long way down the line only to discover a major problem.

For many of us in this place, who have experience of living in various homes and paying numerous bills, the features we need to look at to assess energy efficiency may be obvious. First-time buyers are the least likely to

have such experience, yet they are often among the most committed to tackling climate change and have the most need to budget carefully for future fuel bills.

We hear plenty of warm words about tackling climate change and reducing emissions, but it is no good talking about it if we are not prepared to introduce measures and incentives that actually encourage home owners to focus on energy efficiency. If people know that they will need to obtain an energy performance certificate when they sell their home it will encourage them to prioritise measures that make their home more energy efficient. They will benefit from lower energy bills, while the do-it-yourself market will respond by providing better information about the energy efficiency of materials and products.

There has been a tendency for opponents of the scheme to say that the pack may not tell the whole story; and of course, caveat emptor—let the buyer beware. None the less, the pack is a valid tool. We could compare the process to buying a second-hand car with a recent MOT certificate. Although the MOT does not tell the whole story, and the purchaser obviously checks the car, nevertheless it provides extremely valuable information about the legality and roadworthiness of the vehicle, as well as information about its emissions—all provided by an expert with the equipment to test features that the average driver cannot examine.

Just as no one now disputes the usefulness of MOTs, so the same will soon be true of home information packs and energy performance certificates.

It being one and a half hours after the commencement of proceedings on the motion, MR. DEPUTY SPEAKER *put the Question, pursuant to Standing Order No. 16.*

The House divided: Ayes 234, Noes 306.

Division No. 112] **[3 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hermon, Lady
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rogerson, Mr. Dan
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert

Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Andrew Rosindell and
Mr. Crispin Blunt

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Benn, rh Hilary
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Killoyle, Mr. Peter
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mann, John
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan

Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and Tony Cunningham

Question accordingly negatived.

Corporate Manslaughter and Corporate Homicide Bill (Programme) (No. 2)

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(7),

That the following provisions shall apply to the Corporate Manslaughter and Corporate Homicide Bill for the purpose of supplementing the Order of 10th October 2006 in the last Session of Parliament (Corporate Manslaughter and Corporate Homicide Bill (Programme)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement at this day's sitting, or at the moment of interruption, whichever is the later.

2. The Lords Amendments shall be considered in the following order: 2, 3, 5, 6, 10, 1, 4, 7 to 9 and 11 to 35.

Subsequent stages

3. Any further Message from the Lords may be considered forthwith without any Question being put.

4. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*[Mr. Roy.]*

Question agreed to.

Orders of the Day

Corporate Manslaughter and Corporate Homicide Bill

Lords amendments considered.

Clause 2

MEANING OF "RELEVANT DUTY OF CARE"

Lords amendment: No. 2.

3.15 pm

The Parliamentary Under-Secretary of State for Justice (Mr. Gerry Sutcliffe): I beg to move, That this House disagrees with the Lords in the said amendment.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this we may discuss Lords amendments Nos. 3, 5, 6 and 10 and the Government motions to disagree thereto, and Government amendment (a) in lieu of the Lords amendments.

Mr. Sutcliffe: I am proud to say that we are nearly there with the Bill and with getting a new offence of corporate manslaughter on to the statute book. I hope that for all those people who have campaigned for so long for this new offence—to whom I pay tribute today—we can ensure that the final stages of the Bill are not further delayed. We have come a long way to get here and achieved a lot in the Bill. We have a new offence of corporate manslaughter and a new basis for liability. We have extended the new offence beyond corporate bodies to unincorporated partnerships, trade unions and employer associations. With publicity orders, we have created a new form of sanction. It will be the first offence in the UK to have that new sanction. We will discuss that later this afternoon.

Also, we have taken a significant step in lifting Crown immunity. Lifting Crown immunity has ensured that the public and private sectors will be on an equal footing, in terms of corporate manslaughter, when carrying out the same activities. Workers and the workplace are comprehensively covered, as are the kinds of activities where traditionally there have been concerns about health and safety in the private sector: construction, maintenance, the supply of goods, and the use of plant and vehicles. However, lifting Crown immunity raises difficult issues in relation to other types of activity performed by the state that the private sector does not do, or does only on behalf of the state. The issues include where the line between a Government policy and its implementation is, and whether the effect of imposing liability for the offence would cut across some of the aims of the activities.

I am talking about areas that are unique to Government or require specific statutory powers to be carried out and for which other forms of investigation and accountability exist. They are also areas where any deaths raise questions that go beyond the general remit of health and safety, which is what the Bill is primarily aimed at. Both Houses have supported us in the principle of exempting some such areas, including the police and the armed forces when engaged in operational activities, and the emergency services when responding to life-threatening situations.

Mr. Edward Garnier (Harborough) (Con): Can the Minister tell the House why the argument that he is putting forward is not in conflict with his Government's policy of introducing the Human Rights Act 1998?

Mr. Sutcliffe: I will come on to the issues around the Human Rights Act. Clearly, we believe that by lifting Crown immunity in the way that we have, we have taken a considerable step forward in health and safety legislation. I will return to the point that the hon. and learned Gentleman raises a little later.

Mr. Garnier: Can I press the Minister further on that?

Mr. Sutcliffe: You can try.

Mr. Garnier: During the passage of the Human Rights Bill in this House—the Minister may well have taken part in those debates; I certainly did—it was pointed out to the Government that passing the Act would lead to foreseeable and obvious constitutional collision points between the courts and the Government. That is coming to pass. Surely the Government have thought about this matter. They have had eight years or so since the 1998 Act to think about it. Why are they pursuing the argument that they are now pursuing?

Mr. Sutcliffe: The hon. and learned Gentleman is trying to take me down an avenue that I do not wish to go down this afternoon. He will know that several discussions are taking place about relationships with the judiciary. I am sure that we will return to that issue in due course.

Mr. Andrew Dismore (Hendon) (Lab): I am sure that my hon. Friend is aware that my Committee, like other Select Committees, has produced several reports complimenting the Government on the principle of introducing the Bill, which we regard as a key human rights achievement.

Mr. Sutcliffe: I am grateful to my hon. Friend, who chairs the Joint Committee on Human Rights. I know that its deliberations have been welcomed, as has its support for several aspects of the Bill.

Let me return to the key aspect of the debate: the way in which custody should fit into the scheme. We think that the picture is complex, so it would be useful at this point to consider what is meant by custody. It can cover a spectrum of activities, ranging from police arrest and short-term detention followed by release back on to the street, to the lifelong detention and management of serious offenders. Those very different activities cannot all be treated the same. Some of the activities that could fall into the scope of custody border on those that the House and the other place have agreed should not be covered by the Bill. For example, arrest and police detention are closely linked to policing operations.

Mr. Dominic Grieve (Beaconsfield) (Con): I am listening carefully to the Minister, but I find that aspect of his exposé quite astonishing. Custody is a clearly defined concept: when a person is in the custody—that also implies the care and control—of another person. It is entirely distinct from police operations before a person is taken into custody. I might try to intervene a little later as the Minister continues his speech, but it seems that he is about to make a very bad point.

Mr. Sutcliffe: It is for the hon. Gentleman to decide whether I make a bad or a good point. I am trying to explain our view of the situation surrounding custody in the context of the Bill. I am sure that he will accept that the Government have moved a long way to try to resolve the issue. I will develop my theme further, and I am sure that if he thinks the bad points are getting worse he will intervene again. However, I think that there is a distinction to be made in relation to the police.

There are questions about whether applying the offence to custody would have unintended and unwanted consequences in the form of risk aversion, which we discussed in Committee. We have always argued that risk aversion can be greater in the public sector, where there is not the drive of profit to balance against it. That is especially true in high-risk areas, of which custody is undoubtedly one. Would applying the offence mean, for example, that the police would be less likely to pick up a drunk lying in the street—perhaps for that person's own good—given that there would be no liability until the person were held in a cell?

Finally, there is a point that has been made several times while discussing this subject: Government policy is fundamentally linked to the custodial environment. Separating policy from its implementation is very difficult when the two are so closely aligned, such as in the case of the provision of resources to prisons to make cells safer and the management of those resources locally. A question on whether sufficient money had been spent on a particular cell would go right back to the decision taken in government about the amount of resources that should have been allocated. Questions about the way in which resources were allocated and whether they were sufficient are not for the courts to consider. The recommendations from the Joint Committee on Human Rights included increasing funding throughout the prison estate. Although it is right for the Joint Committee to make such recommendations—that is its role—it is certainly not the role of the courts to decide how taxpayers' money should be spent.

Mr. Edward Davey (Kingston and Surbiton) (LD): When we are considering custody, do we not want the authorities to be risk averse? If someone is at risk of committing suicide in prison, surely we want to ensure that the governor and his or her staff ensure that that person does not commit suicide, so they are more risk averse. Surely the Minister does not want people in charge of custody to be more risky.

Mr. Sutcliffe: Certainly not. We actively try to avoid deaths in custody. I will speak a little later about how we intend to improve the situation. However, there could be an opportunity for risk aversion. The hon. Gentleman was not present at the time, but I remember hon. Members on both sides of the Committee giving examples in which there was a possibility of people becoming risk averse. I do not think that the story

about the drunk in the street is something that could not possibly happen. People would think twice about their position.

Mr. Grieve: The Minister squarely raised a point about cost. My understanding, as it was in Committee—I have read carefully what the Attorney-General said in another place—is that if someone dies in a cell fire in a prison because the fire precautions in the cell were insufficient, liability for prosecution against the Home Office could lie. That is a clear example of cost coming into the equation. If cost can come into that equation, why is there anxiety about cost in the case of someone being able to commit suicide in a prison cell because there was inadequate supervision due to cost factors? What is the distinction between the two cases?

Mr. Sutcliffe: We are concerned about public policy issues relating to the distribution of resources to particular services. The hon. Members for Beaconsfield (Mr. Grieve) and for Kingston and Surbiton (Mr. Davey) should allow me to continue my speech, because I hope to allay some of their fears by pointing out the way in which the Government are trying to respond to some of the concerns about deaths in custody that were raised in the other place and in Committee.

We have listened to the serious concerns expressed both in the House and the other place. While we do not believe that it is right for custody to be covered by the offence, we have tried to respond in two other ways to the strength of concern about the way in which the Government are tackling deaths in custody.

First, we want to strengthen the arrangements for the independent investigation of deaths in custody. Hon. Members will know of the Independent Police Complaints Commission and the inquest procedure, but we have also decided to put the prisons and probation ombudsman on a statutory footing. The ombudsman has investigated all deaths in prisons, young offender institutions and immigration detention centres since 2004. Since last year, he has investigated those in secure training centres. He and his office have a detailed knowledge of custodial practice and policies. It has been the Government's intention to put the appointment on a statutory footing since 2003. Again, that is a recommendation of the Joint Committee on Human Rights.

Legislation will place a formal duty on the ombudsman to examine all deaths under his remit. It will allow him to decide the scope and procedures to be adopted in investigations. It will also give him new High Court powers to obtain evidence and to allow him to work with other ombudsmen, when appropriate. The ombudsman's post is independent of the organisations that he investigates, but the Government recognise that putting the role on a statutory footing would remove any perception that he was not independent of the Government. Indeed, he would be appointed by Her Majesty.

Mr. Davey: Will the Minister confirm that that statutory footing will not give the ombudsman the power to establish liability?

Mr. Sutcliffe: Again, we will want to examine the detail of the role and responsibilities when we consider the next appropriate legislative vehicle, in line with the Joint Committee's recommendations. I do not think that that will be the outcome, but I do not want to pre-empt the discussions that will have to take place about what the statutory powers will be.

Jeremy Wright (Rugby and Kenilworth) (Con): The Minister's preference is clearly a measure that will allow the Secretary of State to make regulations to include custody in the appropriate duties of care at a later date. Either now or later in his speech, will he explain to the House why including custody might be appropriate in the future, but would not be appropriate now?

Mr. Sutcliffe: I hope to do that. I am grateful for that intervention and the hon. Gentleman's involvement throughout the Bill's passage. I am trying to express the fact that we think that the role of the prisons and probation ombudsman will need time to develop in the way in which we have outlined. We will deliver the new role through the next appropriate legislative vehicle.

Secondly, in response to the Lords amendments and the hope expressed in the Lords that applying the offence to deaths in custody would reduce such deaths, we have decided to review the role of the forum for preventing deaths in custody. That independently chaired forum, on which Baroness Stern sits as an observer from the Joint Committee on Human Rights, brings together practitioner and inspectorial professionals from across the relevant services involved in detention for which the Ministry of Justice, Home Office and Department of Health are responsible. The forum's remit is to compare and contrast approaches, and to identify and draw attention to good practice and issues that require further attention from the services or from Ministers.

The forum is working well and is meeting many of the criteria that the Joint Committee set out in its recommendations for a taskforce. I believe that it has great potential to bring about real changes and improvements to safety in custody, but I acknowledge that there is room for improvement of the forum; we need to give it greater autonomy from Government, and increase its capacity for sharing information and conducting research. We will review the forum, but it is too early to say exactly how it may change. However, we will consider issues such as resourcing, capacity and the interaction between Ministers and the forum. In terms of time scale, we have already started to consider how we might strengthen the forum.

3.30 pm

I hope that the two measures that I have mentioned demonstrate our strong commitment to reducing deaths in custody and to ensuring that each death receives proper investigation. However, as the hon. Member for Rugby and Kenilworth (Jeremy Wright) pointed out, we are also proposing amendments in lieu of the Lords amendments. By doing that, we are acknowledging the strength of feeling expressed in Parliament about duties to people in custody, and concerns about the fact that those duties were not included in the Bill. We propose giving the Secretary of

State power to amend the Bill by affirmative resolution to increase the categories of duty of care. Although the power that we are proposing does not bring custody into the Bill, it leaves the door open to doing so, without primary legislation, in future.

Mr. Chris Mullin (Sunderland, South) (Lab): I welcome the Government's considerable movement on the issue. Will the Minister give us some idea of the timetable that he has in mind? When will that day dawn?

Mr. Sutcliffe: My response to my hon. Friend, and to the other hon. Members who have asked, "Why are you waiting?" is that it is important that people recognise how far the Government have moved on the issue, and I am sure that they will. Previously, we did not want to deal with deaths in custody in the Bill, for reasons that we outlined in the other place and in our discussions in Committee. It will take time to develop the role of the prisons and probation ombudsman, and to strengthen the forum for preventing deaths in custody. If those bodies work well, there may not be any need to put the offence in the Bill, but if they do not, the power that I mentioned is in place, and a measure can be introduced through the affirmative procedure. We hope that that is enough to satisfy hon. Members, and we hope that they acknowledge and accept that the Government have moved a tremendous distance.

Mr. Garnier: If the Minister is right in his expectations, there probably will not be any prosecutions.

Mr. Sutcliffe: The hon. and learned Gentleman will have read the *Hansard* report in which I said that I hope that the legislation is never used. We do not want prosecutions; we want the corporate bodies to make sure that their policies are strong enough to prevent any of the offences from taking place, so I wholeheartedly agree with him on that.

James Duddridge (Rochford and Southend, East) (Con) *rose—*

Mr. Sutcliffe: I will give way to the hon. Gentleman, but then I need to make progress.

James Duddridge: I thank the Minister for giving way. Will he give an indication of when the review might take place? Does he anticipate that it will be after three years, or five years? It is important for him to state that now, and to state the nature of that review; otherwise, the date might simply be pushed further and further back by successive Ministers.

Mr. Sutcliffe: I hope that that is not the case. We are trying to meet the requirements placed on us in the discussions and debates in both Houses, and we are trying to accommodate the concerns that have been raised, recognising that the Government's first viewpoint was that provisions on deaths in custody should not be included in the Bill. I hope that, through the forum, we can make great progress fairly quickly. We will have to find the appropriate legislation to deal with the ombudsman, and the development of those processes will lead us to consider whether to use the affirmative procedure in future. As I said to the hon. and learned Member for Harborough (Mr. Garnier), I hope that we never have to use the legislation, because the aim behind the Bill is to ensure that corporate bodies in the public and private sectors have policies in place.

Mr. Grieve: It would be helpful to have some clarification. When the Minister wrote to explain what the Government were seeking to do, he said that they would need to take into account how the legislation works in practice. I understood that to mean the legislation that we are enacting, without the bit on deaths in custody, which we are going to take out. I must say that I was a bit surprised by what he said, because when we debated the issue in Committee, it was emphasised to us that we could not compare the other aspects of the legislation to the issue of deaths in custody, because that was a completely different matter. Now I detect that the Minister is saying that the Government are really waiting to see whether there is any need to include provisions on death in custody, because if there are not too many deaths in custody, they might get away with not putting provisions on death in custody on the statute book. That is a slightly different thing. Will the Minister clear up that aspect of the issue?

Mr. Sutcliffe: That certainly is not the case. The debate on the Bill has been conducted in a generous spirit and I hope hon. Members will appreciate that we have tried to meet the concerns that have been expressed. That is reflected in the number of amendments that the Government have accepted here and in another place. We are opening the door because we hear the concerns that have been raised with us. We want to make sure, through the committees and other bodies that we set up, that we focus on deaths in custody and that there is full examination of each and every one of those tragic deaths, but we want to do that properly. That depends on the enactment of the Bill and how the other two situations develop.

Fiona Mactaggart (Slough) (Lab): I am glad that the Government are contemplating including custody in the offence; my anxiety is that they have form in that respect. For example, they promised that the prisons ombudsman would be put on a statutory footing. Will the Minister remind the House when that promise was first made and what has happened since then? He will understand that Members are anxious about when the proposed power might be used.

Mr. Sutcliffe: My hon. Friend said that the Government had form. She was a member of the Government at the time she referred to, in a similar role to my good self. The Joint Committee on Human Rights suggested in 2003 that statutory powers should be given to the PPO. Ministers come and go, and I can only repeat that I and the Government have listened to what has been said. Deaths in custody are tragic events and we need to ensure that we prevent them whenever we can, and that when something has gone wrong we determine what has happened.

I understand why hon. Members are trying to push me into announcing a timetable, but they should reciprocate the generosity that I have shown in tabling the amendments. I see hon. Members shaking their

heads, so I clearly will not convince the Opposition. However, I hope my hon. Friends recognise how much progress has been made.

The power will allow flexibility to extend the offence to duties or to people in all forms of custody and detention. Whether and when the power is to be exercised will need to be considered in light of the other steps that we are taking. We will need to see how the new offence works in practice, the impact of putting the prisons and probation ombudsman on a statutory footing, and how the reformed forum for preventing deaths in custody works, and it will depend on whether the complexities that I set out earlier can be resolved. All these aspects need to be addressed.

What we are proposing is a significant step in opening the way to extending the offence, if that is considered right in due course. For the present, for the reasons that I have outlined, we remain of the view that the offence should not apply to custody in the blanket way that it would were the Lords amendments accepted.

When we last discussed the matter in the House, there was firm support for the Government's position. We have listened to the strong messages from those in favour of extending the provisions of the Bill to custody, and we have come a long way towards meeting those concerns. We have accepted the principle that the new offence may extend to custody at some time in the future.

I have been pleased by the way that we have been able to work together in the House and the other place on this important legislation. As I said at the start, we have come a long way from our starting point and it is right that the Bill has received constructive scrutiny, first from the Joint Scrutiny Committee and then during its passage through Parliament. I hope that hon. Members and those in the other place will be willing to compromise on this final issue and accept the amendment in lieu.

Mr. Grieve: Throughout these proceedings, I have always been absolutely satisfied as to the sincerity of the Minister's explanations, and I am grateful to him for the further minor concession that has been extracted from the Government. I note that last week when I saw the Minister there was mention of putting only the ombudsman on a statutory footing. I rejected that out of hand, so along with other hon. Members I suppose that I can take some credit for the further movement by the Minister towards having a power that can be enacted by statutory instrument. However, when one looks at the overall picture, one sees that it remains woefully inadequate, and I want to explain why.

We have conducted this debate with some good humour, which I do not wish to depart from, but the Minister was right when he said that this was a serious topic. We are talking about the deaths of people in custody. I think I am right in saying that between 1995 and 2005, nearly 2,000 people died in custody. Of course, the vast majority of those died by their own hand, and in many cases there was nothing that even the maximum amount of care or supervision would ever have done to prevent those tragedies from happening. But in that period, 10 verdicts of unlawful killing were recorded by inquests—juries—in respect of people who died in custody, which seems to indicate that they felt that in those cases the rule of law had been seriously undermined, and anecdotally there is ample evidence that other cases of those 2,000 give rise to really serious disquiet, and a number have been highlighted.

There was the case of Zahid Mubarek, who died in custody at Feltham having been placed in a cell with a person who was well known to the prison officers to be in a state of psychosis and to have psychopathic tendencies and racist instincts. A current case concerning a man called Joseph Scholes has still not been resolved and I will not comment further on it. Each one of those needed legal challenges by the families even to obtain an inquiry into what happened. In the case of Zahid Mubarek, the conclusions of the inquiry, in terms of attitudes, practices and management at the young offenders institution, were truly damning.

It is in the light of that, and in the light of the fact that, as I said in an intervention on the Minister, a person who has been deprived of their liberty for whatever reason is under both the control of the person who deprives them of their liberty, but also, in a very special sense, the care of the person who deprives them of their liberty, the House has to consider whether it is right that deaths in custody should be included in the framework of corporate manslaughter.

The Government, very properly, in raising Crown immunity have conceded that Crown organisations—Government Departments—should no longer have the previous blanket exemptions. That is a major concession that is fundamentally right. As I highlighted to the Minister in my intervention, in the case of prisoners who died in a fire in a prison because there had been insufficient investment in fire protection equipment—a clear issue of cost, management or policy—or because the extinguishers had not been checked, the Home Office would be liable to prosecution under this legislation. That is another major concession, which is absolutely proper.

Let us consider where one might feel that the issue of care is most obvious, namely in regard to the welfare of people in detention: making sure that they do not die by their own hand, wherever possible, or by the hand of another inmate—a real possibility, but one which management systems are in place to try to ensure does not happen. In those two key areas, the Government have simply shown themselves unwilling to budge until the 11th hour and 59th minute. We now have a concession which, although welcome—like any concession—does not really take us very much further.

Mr. Garnier: Does my hon. Friend agree that the Government's arguments stand at odds with our own experience? There have been a number of cases since 1998 where patients or patients' families, or those supporting patients, have sued the NHS, in whichever guise it happens to be, in relation to the giving of treatment, the withdrawal of treatment or the refusal to give treatment to a particular patient. Clearly, behind those cases lies the question of Government resources—public resources—and their allocation by that particular part of the NHS. The court decides, on the basis of the evidence before it, whether this is an incursion into some part of public policy which the courts do not get involved in, or it decides, on the facts of the case before it, that it can make or withhold an

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order. Surely the principle is precisely the same in this case and the Minister is at odds with his own Government's policy.

3.45 pm

Mr. Grieve: I entirely agree with my hon. and learned Friend. The irony of the situation is that health trusts will be covered by the legislation. Generally speaking, when one thinks of health trusts one thinks of the possibility of patients being killed through gross negligence in hospitals. However, in the context of mental hospitals, there is also the possibility that one patient might be killed by another, in circumstances that are so similar to those which are, I think, the nub of the Government's concerns—I keep trying to understand the nature of their anxiety—as to be identical. The Government are, very properly, willing to make the concession in that context but unwilling to budge in the context of custody within prison cells or police cells or any other form of lawful custody. I find a rather worrying irrationality in that.

I shall wait with interest to hear from the hon. Member for Hendon (Mr. Dismore), whose Committee—the Joint Committee on Human Rights—reported on this matter. In reviewing why the Government were unwilling to make this provision, it stated, at paragraph 2.13 of its report:

> "Having considered the Government's arguments, we therefore remain of the view expressed in our earlier report, that the exclusion from the scope of the new offence of deaths in custody and other deaths caused by gross management failure in the public sector where no individual can be proved to be responsible is likely to lead to the UK being found to be in breach of its positive obligation to protect life under Article 2 ECHR."

The Government have not dealt with that. If that is the Committee's view—and it is advised by learned counsel in its deliberations—that must give rise to the prospect that the longer we go on having an architecture that is only partial, not complete, the greater will be the risk of an article 2 challenge if there is a death in custody. That will leave the Government facing embarrassment. It will also leave the Bill found wanting, because it provides a special and particular protection to one state activity that is not based, as in some of the other exemptions such as defence, on the inherent risks that people have to run, but on the fact that, for whatever reason, the state feels that it would be too difficult to extend this protection to individuals in lawful custody. I must say that I find that rather abhorrent, because it is to such people—those who are being deprived of their liberty, often for good reason—that we have a special responsibility.

There has been the nastiest sense—not from the Minister, I might say, but certainly from the Home Secretary on Report—that it was thought to be beneath Parliament's area of responsibility to pay such attention to such individuals. I was rather hoping that as the Minister's responsibilities have been transferred from one master to another, we might see a new ethos prevailing. However, I regret to say that the baleful influence of the Home Secretary continues to contaminate Government in a variety of ways, whether in sudden explosions against the European convention on human rights—in Venice of all places; I would have thought that that rather romantic environment might mollify his behaviour—or in the extent to which he still seems to be exercising control over the Ministry of Justice even though he no longer controls criminal justice policy. In view of some of the answers to parliamentary questions about who is responsible for what that I have received in the past few days, I am bound to say that a certain lack of clarity remains as to where responsibilities lie.

When the matter was considered in another place and the amendments were accepted by overwhelming votes by the standards of the House of Lords—the majority was almost 100, with many peers who take the Government Whip supporting the inclusion of the protection so that corporate manslaughter would apply in relation to individuals in custody—Lord Ramsbotham made a powerful, impassioned speech that was nevertheless of the utmost rationality. He made the point that the problem is not policy but good management. The Under-Secretary appears to be undertaking an exercise in courteous weaving to get himself off that spike.

Nobody expects the impossible. People will continue to die in custody and it will be no one's fault, but the failings have not been of policy. It is possible that the Home Secretary has an attitude that he has kept secret from the House but I would not accuse him of that. I cannot envisage a Minister or policy maker enacting or ignoring policies that will tend to lead to someone dying in custody. I have a higher opinion of the Government—of any Government—than that.

We are therefore considering management. Lord Ramsbotham said that, and he is right. The Under-Secretary must deal with the question of why he appears ready to allow for covering up and protecting those who manage processes badly in the custodial environment. That reflects badly on us all.

Mr. Mullin: May we take it from the tone of the hon. Gentleman's remarks that a Conservative Government who found that the matter had not been tackled would quickly attend to it?

Mr. Grieve: Yes—undoubtedly. On Report, I made the point that I must face up to the fact that, were I a Minister of the Crown, we would be in government. I conceded that, were it my lot to be a Home Office Minister, having enacted the legislation I might feel that it was hanging over me like a sword of Damocles. However, I would have to put up with that. Ministers have to put up with all sorts of swords of Damocles hanging over them, including, in the case of the Under-Secretary, those hung by the Home Secretary. It is part of a Minister's lot. If Ministers have to resign because an especially serious scandal occurs, we must live with that, too.

The architecture of the Bill does not provide for personal liability. The Under-Secretary and I—indeed, most members of the Committee—agreed with that. From that point of view, the measure is sensible, but it is therefore all the more nonsensical not to include deaths in custody, which are a matter of genuine public concern.

Let us consider the Government's alternative. They appear to offer us a wing and a prayer. The optimistic

way of viewing it is that, the moment the Home Secretary is removed from the Cabinet, the incubus that prevents the provision that we are considering from being accepted will be lifted. We might therefore expect the statutory instrument that we all want sometime in the autumn.

However, the Under-Secretary, with his customary courtesy, chose his words carefully. Listening to them, it appeared that we are considering a long-term hope. I was troubled because I got the impression from the Under-Secretary's letter that we were examining the way in which the measure would work in practice. However, his comments today seemed to go beyond that. He almost appeared to be saying, "See how well we can do without the legislation", or the bit of it that we are discussing. That is inadequate.

Perhaps I did not give Labour Back Benchers sufficient credit earlier. The Government have been required to change their mind, at least partly due to Labour Back Benchers expressing their great concern about the matter. That, coupled with events in the other place, is the reality because the Government have a substantial majority. Those Back Benchers who may be wooed by this proposal should think how it will look in the future. I hope that in five years' time, we will have a Conservative Government who will do what is needed, but if Labour Members' expectations are fulfilled and there is another Labour Government for a long time to come, I have a nasty feeling that we could be waiting a very long time indeed before the statutory instrument is enacted.

James Duddridge: When the statutory instrument is brought forward under a Conservative Government, will the definition of custody be similar to that proposed for clause 2? That is to say, will it include, as well as prisons,

"secure mental health facilities, secure children's homes, secure training centres, immigration removal centres"

and so forth?

Mr. Grieve: It is absolutely vital that it should. My hon. Friend is quite right to raise that issue. I have to say that one of my anxieties about the Government's offering is that because the statutory instrument will be a complete redrafting of this part of the Bill—the Government want to delete the Lords amendments as they have come back from the other place—those additional provisions might easily not be in it. Furthermore, because a statutory instrument is not amendable, the House would be presented with a take-all or leave-all proposal. I simply say to any hon. Members who may be tempted by this compromise that it offers very little in reality. The most that can be said for it is that it offers the opportunity of a shortcut rather than full primary legislation—but with all the drawbacks of such shortcuts, which do not always deliver what individuals might reasonably expect.

The other place was very careful in the drafting of its amendments, which are comprehensive. Of course secure children's accommodation and secure mental health places must be included. Anyone in custody should be covered by the legislation, which is what I believe Parliament really wants to see. I am only sorry that we seem to be unable to persuade the Government to do the right thing.

I do not intend to take up any more of the House's time. This is a discrete issue but an important one. Conservative Members cannot accept the Government's offering. We may not vote against every particular part, but we will vote against the Government's motion relating to clause 2. That will highlight the fact that we wish to keep the Bill in the form it assumes as it comes back from the other place. I strongly urge hon. Members to look to their consciences on this matter, because the House has an opportunity to do some good. The Minister knows that although I have been properly enthusiastic about some aspects of the Bill, I have pointed out its shortcomings. It is probably not everything that everybody hoped it would be. In this particular area, however, we really have an opportunity to make a difference. We should make that difference and I urge the House to persuade the Government to make it by voting to retain the Bill as it has come back to us from the other place.

Mr. Dismore: I say to the Minister that I acknowledge that the Government have moved quite a long way—certainly in comparison with the Bill on Report, when we heard a rather acrimonious intervention from the Home Secretary—and I thank him for the courteous way in which he has engaged with me and other Government Members on many occasions in order to move this particular issue forward. I believe that he has searched constructively to find a compromise that we can all live with and it is important to note that the Government's alternative concedes the basic principle directly in the Bill, which is a major step that we all welcome.

I have been campaigning for a corporate manslaughter Bill for all but 20 years, ever since I was professionally involved in the King's Cross fire, representing victims and their families. When I started that campaign, I did not think that I would still be arguing about this particular issue now, but it is a very significant matter and probably the only outstanding point that we need to argue about in relation to the Bill.

I share the concern of others about some of the shortcomings in the Bill as a whole, but we are making some progress here. The key is to think about the Bill's purpose. As the Minister explained, we hope that it will never need to be used, because if it is used, it reveals a failure, highlighting an avoidable death that has come about as a result of gross negligence. The Bill is all about encouraging people to take steps to ensure that such deaths do not occur when they could be prevented.

The hon. Member for Beaconsfield (Mr. Grieve) challenged me over the matter of article 2. He made a strong point, but the real question is whether the Government's package as presented today goes some way towards meeting their obligation under article 2, which is not to bring a prosecution but to protect the right to life of citizens, including those in custody. If there has been a serious breach, there should be a prosecution of those involved or, in the case of an organisation, of the organisation concerned. The hon. Gentleman made the fair point that the Government might still be vulnerable to an article 2 case in the European Court or under the Human Rights Act 1998 in the domestic courts. I think, however, that what is going on here will make the Government a little less

[Mr. Andrew Dismore]

vulnerable. The key question relates to when the measure would be brought into effect, and I will come back to that point later.

The fact remains that, since the Joint Committee on Human Rights expressed its views in its second report on the Bill, things have moved on through the package that the Government are introducing today. We are trying to protect vulnerable people, by one means or another, from dying in custody. The first part of the three-element package is the decision to put the prisons and probation ombudsman on a statutory footing, which is welcome. The ombudsman provides an independent focus for investigations into deaths and a proper level of scrutiny, as well as facilitating the involvement of the victim's family. They can also create a degree of public confidence that an inquiry carried out within the system could not.

It is clear that the ombudsman should be placed on a statutory footing; this has been the Government's position for some time, as my hon. Friend the Minister mentioned earlier. The provision was supposed to be in the 2005 Bill, which fell because of the general election. On 9 February, Baroness Scotland wrote to me in my capacity as Chair of the Joint Committee, saying that the Government wanted to introduce the measure at the most appropriate opportunity. The ombudsman has been investigating deaths in custody since April 2004 and has gained some expertise in the field. However, if we are to satisfy the other place, we need to establish some time frames for the proposals. When does my hon. Friend the Minister envisage that "appropriate opportunity" arising? If it does not involve a Bill in the present Session, I hope that one can be introduced in the next Session, after the Queen's Speech. We need to make rapid progress on this matter.

My hon. Friend mentioned the forum on deaths in custody, which was the subject of one of the key recommendations of the Joint Committee's third report of the 2004-05 Session. We published a progress report on the subject in our seventh report of the 2006-07 Session. I pay tribute to Baroness Stern, a member of my Committee and of the forum, not only for her work on the forum but for her stalwart campaigning on deaths in custody over many years.

The forum comprises 15 different organisations and it is welcome that the people involved have been brought together. I also welcome the Government's proposal that the forum should be strengthened. The real question involves the ways in which that might happen. The Committee received a note from the chair of the forum, John Wadham, with the Government's response to the progress report that we published in March this year. He raised a number of issues, and I would like to hear my hon. Friend the Minister's response to them.

The first relates to the coroners' rules. My hon. Friend has not said anything about those rules, but now that he is in the Ministry of Justice that matter comes under his new responsibilities. I hope that he will be able to tell the House whether the powers that need to be changed will be changed to require responses from organisations to coroners' recommendations. That is long overdue, and if we cannot have a new draft coroners Bill for some time—which is clearly the case—the rules will need to be amended, as recommended by the chair of the forum.

Further issues identified by the forum include the prisoner escort record, a key handover mechanism that needs to be strengthened, and access to the police national computer by the Prison Service as part of its risk assessment activities in identifying prisoners at risk and taking steps accordingly. Those are all aspects of good practice that need to be dealt with. Perhaps my hon. Friend will confirm that those issues will be looked at.

On a broader front, the chair of the forum, Mr. Wadham, makes the point clearly that the Government must ensure that the forum

"has the power and resources to act"—

not just talk—

"when it feels it necessary."

In particular, the forum should be able

"to influence member organisations to improve practice (and to respond to bad practice)".

Mr. Wadham makes the particular point that this ability could be

"enhanced if the Forum were, in the future, to be chaired by someone entirely independent."

I presume that he does not consider himself to be formally in that position. We are looking for those elements to be part of the reform of the forum, and perhaps my hon. Friend the Minister will confirm that he has those sorts of things in mind. More resources, more capacity and more interaction with Ministers are all welcome, as has been mentioned, but the forum has come up with those specific points so far.

On the amendments, it is important that the Government have considered the principle, but I am concerned about the width of the discretion and the time frame. I would have preferred "shall" to "may", as that would have imposed a stronger obligation on the Minister to keep the position under review and to act on such reviews. Inevitably, there are concerns about the width of the discretion in specifying the forms of custody, the description of the premises, the circumstances to which it applies and exceptions to the rules. I hope that my hon. Friend will flesh out the Government's thinking on that.

The key issue must be the timetable. Is it the intention that the provision should come into effect once the additional prison places start to come on-stream in larger numbers? One of the concerns is about prison overcrowding. Is it the intention to enact the measure within a timetable that shows the effect of the other reforms proposed in relation to the forum, the ombudsman and the coroner? If my hon. Friend is to satisfy the House, and convince their lordships that they should accept his proposals in lieu of their own, he will need to go a little further.

Mr. Davey: Can the hon. Gentleman think of a good reason to wait for the measure to be put into legislation?

Mr. Dismore: Some practicalities are involved. Everyone in the House would concede that the Prison Service is in a state of flux—to put it neutrally—given some of the problems that it is experiencing. Some might say that that makes it even more important that the law comes into effect more promptly. However, if

our intention is not to witch-hunt but to put right the Prison Service and stop such deaths, which is the purpose of the Bill, it is important that the ombudsman has a statutory footing and is able to investigate and make recommendations, that there are proper responses to coroners' recommendations on deaths in custody, and that the forum has the teeth that it needs to make real progress. I hope that that will happen quickly.

If the measures are not brought into effect, the Government remain vulnerable to an article 2 challenge. I am prepared to give the Government a little leeway and the benefit of the doubt, but, if there were a challenge, I could not say whether the courts would do the same. My hon. Friend needs to act quickly on his proposed measures if he is to satisfy not just this House but the other place.

Jeremy Wright: Is it not wholly illogical to argue, as the hon. Gentleman appears to be doing, that if further protections for those in custody are coming along later—such as those that he has set out—it is sensible to wait until then before we give those in custody the protection that they would otherwise have if we implemented the amendments that the other place has sent back?

Mr. Dismore: No, it is not illogical. As I have readily conceded, the article 2 problem remains for the Government. In relation to trying to deal with such issues promptly, that is the outstanding lever on the Government. There is no point in starting prosecutions immediately, as that would take time and would not in itself lever in change. The purpose of the Bill is to act as a preventive measure, not to start bringing prosecutions. If our purpose is to try to prevent deaths in custody, the Government have come up with a clear package intended to achieve that objective. In the last recorded year, for example, we saw a reduction in suicides of about 14 per cent.—60-odd people still died, which is far too many, and there were other deaths too. We need to give the Government the opportunity to bring the measures into effect rapidly and then, we hope, we will start to see a significant reduction.

4 pm

As was conceded on Report and today, the number of cases to which the Bill would apply is relatively small. On average, I think, a prisoner currently dies in violent circumstances virtually every other day, although that number is coming down. The hon. Member for Beaconsfield said that over the past few years there had been about 10 instances in which there might have been a prima facie case, and I think that number is probably about right. However, we are trying to deal with the problems involved in not just those 10 prima facie cases but the 200 or so other cases that would not be caught by the Bill. If what the Government are presenting today is a package of measures that would deal not only with the gross negligence cases but, more important, with all deaths in custody, I think we are seeing some real progress.

Mr. Sutcliffe: My hon. Friend has put his finger on the Government's reason for not wanting the Bill to be used in the way that has been suggested. The existing measures relating to deaths in custody are important to us, as are the existing measures to develop and strengthen the forum for preventing deaths in custody and powers for the prisons and probation ombudsman. We take this issue very seriously, but, as my hon. Friend said at the outset, the Bill did not seem to us to be an appropriate framework for such a measure. In my present role I am concerned about all deaths in custody, and I want to ensure that we do the maximum to prevent them.

Mr. Dismore: I am grateful to my hon. Friend. I know that others wish to speak, and I have taken a number of interventions, so I shall end by saying that the Bill is intended as a preventive measure. As I have said, the article 2 problem will remain in the back pocket if the Bill and my hon. Friend's proposals do not fly, but I think he has done enough to satisfy me and most members of my Committee, although obviously I cannot speak for them; they will have to speak for themselves. If my hon. Friend is to satisfy the other place, however, he will have to come up with as detailed a time frame as possible when he responds to the debate.

Mr. Davey: I think it is fair to say that the hon. Member for Hendon (Mr. Dismore) and his Committee have been exceedingly influential in putting pressure on the Government. The hon. Gentleman deserves praise from those in all parts of the House for the work that he and his colleagues have done. There was some dispute with Government lawyers over certain details of the Committee's analysis of how the European convention applies to the Bill, but I believe that the Committee came out on top. The hon. Gentleman also deserves credit for the way in which he has dealt with all the other principles that are at stake.

Although I understand why the hon. Gentleman wants to give the Government the benefit of the doubt today, I think that he is wrong to let them off the hook at this juncture. It is welcome that they have conceded the principle, but there does not seem to be any justification for not going ahead now. Surely that would be entirely in line with all the other policies articulated by both the Minister and the hon. Gentleman.

No one here opposes the idea of putting the prisons and probation ombudsman on a statutory footing. That has long been promised and has not yet been delivered, but it will be good when it is delivered. The forum for preventing deaths in custody appears to be doing a good job, although I note from a visit to its website earlier today that the most recent reports of its deliberations date back to June last year. The website needs to be updated slightly, so that we can see the good work that the forum has been doing. However, the hon. Gentleman's Committee has reported on it, and a report from John Wadham shows some of the excellent work that is being done on detailed issues such as the prisoner escort record. The record is a key practical measure, which states when a prisoner is being moved from one agency to another so that if that prisoner has any vulnerabilities, the information is properly shared.

The Government deserve credit for such detailed work, but I do not see why that should prevent us from making progress on this particular issue. The Government seem to have put themselves in a better

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position to ensure that the Bill goes with the flow of the proposal, and I do not see any contradiction between the two.

Stewart Hosie (Dundee, East) (SNP): I concede that the practical measures are welcome and that custody is no longer an issue: it could and may be included at some point. However, is not the hub of the matter the question of principle over utility? For those in positions of power or responsibility there may not be equality under the law, while for those with a duty of care there may not be equal protection under the law unless custody is included at this point.

Mr. Davey: I am grateful for that intervention because I totally agree. The hon. Gentleman was, I think, echoing a speech by Lord Ramsbotham which he began by stating those two key principles. The hon. Member for Hendon, who chairs the Joint Committee on Human Rights, often focuses on principles, and the House has a duty to do so, too.

4.15 pm

Lord Ramsbotham talked about equality before the law. Why should public bodies be less accountable before the courts than private bodies? I can see no good reason for that. If I were a serving prison governor or chief constable, I would consider that to be a slight insult. I would not want special protection or special privileges. I would want to assert that I could run my service and do my job to the same standards as anyone else. I would want to meet the highest standards. There should be no fear for them in this proposed legislation. They do not want to be above the law as it applies to other bodies. Equality before the law is a clear legal principle which should be applied.

Mr. Sutcliffe: Has the hon. Gentleman seen the letters from the British Transport police and several chief constables who have concerns about this issue from the perspective of risk aversion? This case is not being made by the Government; it is substantiated by people working on the front line.

Mr. Davey: Former chief constables in the other place argued contrary to that. I am sure that the Minister will concede that if we were to gather around one table all the chief constables who are members of the Association of Chief Police Officers different views would be expressed.

There is another key legal principle: equal protection under the law. Why should prisoners have less right to life than other people? Why should prisoners on remand, who have not been found guilty of any crime, have less right to life? Is it less serious if a prisoner rather than someone who is not a prisoner is killed as a result of grossly negligent management? I cannot see how anyone could possibly make that case in principle. If the Government persist in maintaining their position, and if Labour Back Benchers give in too easily, they will be in clear breach of these long-standing principles.

I believe—as the hon. Member for Hendon also appears to—that there is a danger that the Government would also risk being in contravention of article 2. I will not rehearse the legal arguments in the report, but they appear to focus on the interpretation of one particular case—the Oneryildiz case—and whether that applies to corporate bodies or only to individuals. The hon. Gentleman's Joint Committee makes a clear argument that it does apply to public bodies and that that case cannot be interpreted in the narrow way that the Government's legal advisers seem to want. Therefore, the Government again have a principled reason for moving.

It has been interesting to follow over time how the Government have defended their position—the counter-arguments that they have made. Those arguments have changed—and, frankly, some of them have been poor. It has been argued that custody involves a unique set of factors. One of the Government responses states that the Prison Service does not control the amount or type of people coming in—that that is beyond its control—and that they are often very difficult people with serious mental health problems or a serious tendency to violence. That is obvious; we already knew that. However, that does not mean that the people managing that service should not meet the highest possible standards.

Some private sector organisations deal with very risky things where they do not know what is going to happen. Uncertainty exists in the private sector; it is not unique to the Prison Service. Risk management is an issue for all private bodies, just as it should be for the Prison Service. If the Prison Service correctly manages the risks involved in who might come through the door the next day and what their characteristics might be, it will never be found to be grossly negligent. We are asking not that there should be some special privilege, but that the Prison Service should go about its job in the same professional manner that this Government rightly expect of all private enterprises.

The argument was also advanced that this issue is about public policy, the allocation of resources and the resource constraints affecting Government. Lord Ramsbotham nailed that one when he said that it is about not just cash but the ethos of the service, the value that people put on the lives of those in their care, and the management and various other structures. The forum that we have heard so much about is already dealing with some of these issues. I find it quite alarming that the prisoner escort record problem to which I referred earlier, whereby the information relevant to a vulnerable person transferring from one service to another is not automatically transferred, was not solved years ago. The fact that a forum had to be set up to highlight the problem suggests that there has been some pretty poor management. This is not a cash issue; it is a question of doing the job properly and not being incompetent.

When the Government argue that the issue is one of resource constraints and public policy, what are they actually saying? They are saying, "We want the right to be incompetent. We want the right to say to Parliament, 'We don't want the money necessary to do the minimum that human rights demand.'" That is shocking. When has a Minister said to this House, "We really need more money to do the job properly and to ensure that grossly negligent management does not occur, but we're not going to ask for it because there are

other issues to consider"? Effectively, that is what lies behind the Government's defence and it is just not good enough.

Of course there are problems in the Prison Service—the hon. Member for Hendon talked about them—such as overcrowding and the huge rise in incidents of prisoner violence as a result of that overcrowding, but that is not the time to take off the pressure and say, "Okay, it doesn't matter, then". It should matter even more, and such problems should be an impetus for reform.

The Government have also argued in recent months that existing alternative accountability mechanisms for the Prison Service, the police and the health service should be turned to. They have been debated in this House and they do not stand up to analysis. Public inquiries are very rare and the Government work as hard they can to refuse them, so that is hardly a port of call for them to pray in aid. They have also referred to the role of Parliament, but elections are never fought over whether the Prison Service has behaved in a grossly negligent manner, so that is wishful thinking. In this House, accountability works on a totally different level. It does not work at the institutional level—at the level of a particular prison or police service—relevant to the cases before us.

The various investigations that the ombudsman, the Independent Police Complaints Commission and others undertake are of course a very important aspect of accountability; we welcome them and look forward to their being improved. However, and as I said in an intervention on the Minister, they simply try to work out what went wrong and what lessons should be learned; they do not say who was responsible. The difference is that they do not point the finger and say that a particular person should be called to account for those failings. Only if someone knows that they will be called to account is there a deterrent. It is clear from the reports of the Joint Committee and from the way in which the European Court has dealt with such cases that the threat of being brought before the criminal justice system acts as the most powerful deterrent. If we do not do that, we will not put in place the incentive structures required.

The Government could benefit from bringing deaths in police custody within the scope of the Bill. The Government have been doing some great work and I pay tribute to the Minister and his colleagues; there has been some real improvement. Such an approach would go with the flow of, and not against, what the Government are trying to do. The compromise that has been set out is not really a compromise but an attempt to buy people off. The time scale that the hon. Member for Hendon talked about is critical. Let us remember that it took 10 years for this Bill to come before the House. It was promised in the general election in 1997, but we saw consultation after consultation. If we do not use this opportunity to require the Government to include deaths in custody on the face of the Bill, we could have to wait another 10 years for such deaths to be challengeable by a charge of corporate manslaughter.

I urge the Minister to give way on this point. From how the Minister has behaved throughout the passage of the legislation—which is impeccably—I think that he would like to give way on this. In his heart of hearts, he knows that the arguments are on our side and I urge him to follow his personal convictions.

Mr. John Denham (Southampton, Itchen) (Lab): I speak on behalf of those who are prepared to accept the Government's proposals—or to be bought off, as the hon. Member for Kingston and Surbiton (Mr. Davey) suggests. I shall explain why. I am pleased that we are having this debate. My direct involvement in this Bill began when I chaired the Joint Scrutiny Committee—with the Home Affairs Committee and the Work and Pensions Committee—on it. Perhaps I should not say so as the Chairman of that Committee, but its work showed the value of draft scrutiny, because many other issues were sorted out before the Bill was introduced. I wish that we did that more often.

The issue before the House is one of the few outstanding issues on which the Committee took a different view from the Government on what should be in the Bill. I argued the same case on Report and I have seen amendments passed in the other place, and I welcome the efforts that the Minister has made to get us to where we are tonight. I know—and from comments that have been made, the House knows—how much work it has required from him to get us to this position.

For some people, who have followed the Bill from the perspective of losing friends or relatives in accidents such as the Marchioness disaster or train crashes, this subject appears to be a late entry into the Bill, which has given rise to concerns that the Bill itself may be threatened by our desire to extend it to cover custody. The Minister has done his best to get us to a position where the principle of covering deaths in custody is covered by the Bill without putting it under threat. He deserves the thanks of the House for that.

Why am I prepared to accept this when, from the amendments that I tabled last time, it is evident that my preference would be a straightforward amendment to the Bill? The answer is that I believe that the amendment the Minister has tabled today will trigger a process that will lead inexorably to deaths in custody being brought within the scope of the Bill. Whether or not he feels he has the freedom tonight to talk about time scales, the fact is that the process, once started, will be unstoppable. The Minister is also responsible for prisons, and I do not believe that when he next meets the director of the Prison Service, he will say to him, "I've got you out of that problem for the next few years, so I wouldn't worry about it if I were you." Instead, the Minister will say that deaths in custody could be included at any time and the Prison Service will have to be ready for that. Many of us would accept that, even if the provision had been on the face of the Bill, some delay in commencement would have been necessary to get the Prison Service to face up to its responsibilities in a way that it has not done so far. That is how the conversation will go.

I do not wish to prejudge inquests in the pipeline, but there are some whose verdicts could make it untenable for the Government not to bring forward the resolution necessary under the amendment, however much the Government may prefer to consider the statutory ombudsman first and the forum next. I fear that there will be other inquests beyond those. That is the

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historical record, and the result will be that it will not be tenable for this or any Government not to enact this change.

4.30 pm

I believe that those of us who, a year or so ago, set out to bring this matter within the scope of the Bill are going to achieve our objective tonight. It is for that reason that I recommend to the House that we support the Government's proposal, which takes us a long way forward. As ever when Governments are asked to take a very different position from the one that they started with, there is a certain choreography about how such matters must be handled, but the amendment in lieu in the end gets us to where we want to go and delivers the result that we want. I am therefore very grateful to the Minister for everything that he has done.

Mr. Garnier: I fully appreciate what the right hon. Member for Southampton, Itchen (Mr. Denham) has said about his motives for supporting the Government in resisting the Lords amendment. I also accept that politics is largely a game of compromise, and that the best is very often the enemy of the good.

In addition, I understand that the Minister must have felt as though he was in custody ever since the present Home Secretary—who has had various political personalities since 1997—took office. Even if, metaphorically speaking, the Minister has been in the category D estate, rather than the secure estate, his freedom to think and speak as he would like on matters such as this has been closely circumscribed. The Home Secretary is due to leave office in a few weeks. When the Minister joins the 7,500 others who have absconded from the category D estate over the past 10 years, I hope that he will feel able to advance the case and the promise that he has laid before the House.

It may be thought significant that the Howard League for Penal Reform has announced that Cherie Booth, the Prime Minister's wife, is to be the president of a commission that it has set up to look into the state and purpose of our prisons. I hope that the Minister might therefore take a rather more advanced view of the need for openness and candour about deaths in custody.

I want to make a secondary point, although it is one that needs to be made from time to time. The guts of the Government's amendment in lieu reveal that it gives Ministers power to amend primary legislation by secondary legislation. I find such a power increasingly troublesome, and this Bill is not the first to allow it. Indeed, the amendment in lieu will mean that a Minister will be able to amend not just any old bit of primary legislation, but the criminal law.

I appreciate that the Bill pins responsibility for corporate manslaughter on a corporate body, or at least on a non-human defendant. However, the consequences of the Minister making an amendment that would include a category of institution in the ambit of the Bill—or remove a category of institution from that ambit—are too big to be covered by a system allowing amendment by statutory instrument.

We have heard and read about the excuses that Ministers in this House and the other place have produced for not doing what I believe that the hon. Member for Hendon (Mr. Dismore), the Chairman of the Joint Committee, would really like them to be doing now. Those excuses can be loosely encompassed by the expression "the doctrine of ripe time".

Every Government have civil servants who, by way of a draft excuse, say, "No, Minister, the time is not yet ripe." Well, here we are again: I have heard the Minister produce the "time is not yet ripe" excuse today, and one reads in the record of the debates in the other place that Lord Bassam has said things like, "It's a jolly nice idea but we are not ready yet." In addition, the formal response from Baroness Scotland to the Joint Committee report uses about 50 paragraphs to say, broadly, that the time was "not yet ripe".

The argument could go on and on, and I suspect that, contrary to the hopes of the right hon. Member for Southampton, Itchen and the Minister, the ripeness of time doctrine will be deployed for some while. If the Conservative party is elected to government after the next election, I should not be surprised to find that we, not Labour, introduce the proposal.

One of the most important reasons for asking the Government to change their mind and to agree with the House of Lords is that, by and large, prisons are secret places. Over the past 14 months, I have visited about 24 prisons in my Front-Bench capacity—from those accommodating young offenders to the most secure establishments for adults, both men and women. They are largely secret places. The public do not know much about prisons or about what goes inside them, except when there is a disaster, an escape or the report of a death. I sincerely wish that the public knew more about what went on in prisons.

As a direct consequence of the number of prison visits I have made over the past year or so, I can tell the House that, contrary to the general impression that might be gained from the arguments in favour of inclusion of the Lords amendment, the Prison Service and the private prison providers contain some hugely dedicated, well-meaning and professional people at all levels, from the governors and directors right down to the prison officers at floor level. I do not want anything I say in support of the arguments of my hon. Friend the Member for Beaconsfield (Mr. Grieve) or of the majority in the other place to be taken in any way as designed to denigrate or diminish the contribution of those who work in prisons.

That prisons are difficult places to work in is uncontroversial. The report of Her Majesty's inspector of prisons on Her Majesty's prison Norwich shows that prisons are not only difficult but squalid places to work in. Last year, the Prison Service had to decant a wing of Norwich prison because the prisoners were living in their own sewage, so it follows that the prison officers had to work in that sewage. Unfortunately, owing to the dreadful condition of the prison estate and its overcrowded nature—more than 80,000 prisoners are in custody in England and Wales—that squalid wing of Norwich prison has had to be refilled. As a Crown Court recorder, I put up my hand as someone whose public duty it is occasionally to send people to prison, but when the characters and personalities of people who are, for good reasons and bad, in prison—people with personality disorders, people suffering from substance abuse, both drink and drugs, or people

who are intellectually impaired—are added to the overcrowded conditions in modern British prisons, it is hardly surprising that deaths occur.

The reason why I wanted to intervene on the hon. Member for Hendon was not to criticise his arguments but to point out that in response to a recent written question to the Minister, I was told that 97 prisoners had suffered a self-inflicted death between January 2006 and April 2007. If one does the maths, that works out at more than six prisoners a month, on average. Those are self-inflicted deaths. There will be others. Right hon. and hon. Members will have their own examples, either from their constituency or because they have a general interest in and knowledge of the subject. There will also be deaths resulting from natural causes. With the increasing number of lifers, of prisoners serving indeterminate sentences, and of people of older years remaining in prison, I suspect that natural causes will account for a growing percentage of the deaths in prison. There will also be assaults by prisoners on other prisoners and, sadly, there will be cases where prison officers—for good reasons and bad—will need to restrain prisoners who have lost their temper or who have no ability to control themselves, and who are then accidentally brought to an early death.

Mr. Dismore: I just want to put the record straight as the Joint Committee on Human Rights understands it from the information that we were given by the Government and that is recorded in our seventh report of 2006-07 in paragraph 2.2.1.1. That paragraph states:

"there were 67 apparent self-inflicted deaths among prisoners in England and Wales in 2006—the lowest figure since 1996. This represents a fall of 14 per cent., compared with 78 such deaths in 2005. The three year average figure is on course to show a further reduction in the three years to April 2007."

Those are the figures that the Committee was given. They are encouraging, but of course they probably represent only about a third of the overall total of deaths.

Mr. Garnier: I do not want to have an argument with the hon. Gentleman about the numbers. We are seeing self-inflicted deaths at the rate of more than six a month now. If one looks at the figures over the last 10 years, there was a dip in the early 2000s, but, according to the latest figures, which I got from the Minister the other day, it appears that the numbers are going up again. I suspect that that is largely due to the hideous nature of the overcrowded prison estate and the nature of the people who are in prison. Prisons are difficult places in which to work, which is why I wanted to make it quite clear that I am not attempting to be derogatory about those who work in them.

I think that the Lords amendment in question was originally tabled by Lord Ramsbotham. Let us look at his definition of "custody". All the people who would be in Government or public care in those sorts of places are, by virtue of being in those places, powerless. They have the power to hit, to shout and to make a nuisance of themselves, but equality of arms does not exist. Therefore, Parliament, by passing legislation, must do what it humanly can and humanely should do to ensure that, in the sadly many unfortunate cases where deaths occur, the family of the dead person, and also we on behalf of the public as a whole, have a greater understanding of why that terrible event—the death—occurred.

Let us take the example of the Mubarek case. A young man was murdered by a deeply disturbed and disturbing cell mate in Feltham young offenders institution. I visited that institution not so long ago and I can assure the House that the lessons from the Mubarek incident have been well and truly learned and taken on board, so that there is now an entirely different, albeit imperfect, regime for young people in that place. When that youngster died, it took the family years and years of pushing to get what they should have had by right: a candid and open explanation of why their loved one died. Why did it take legal action, which went all the way to the Judicial Committee of the House of Lords, before the family were granted what I suggest the Lords amendment that we seek to defend and that the Government wish to do down would provide?

Mr. Dismore: I think that the hon. and learned Gentleman is mixing up two different things. The measure would not have provided that. While it would have provided a criminal remedy to punish those involved, it would probably not have given answers to what happened. The Government's proposal, with, for example, new statutory powers for the ombudsman—I do not think that the ombudsman was in force at the time—would start to deal with the questions of what happened to Mubarek, which, I think, is what the family is especially concerned about. The Bill will create a deterrent effect and allow a prosecution to take place if things go wrong, but it will not necessarily address the specific point that the hon. and learned Gentleman raises.

4.45 pm

Mr. Garnier: I suspect that it probably will. While I take on board the hon. Gentleman's assertion that my argument is marginally off-beam, given that the Bill provides for a post-event criminal procedure, I suggest that the Bill could none the less provide a deterrent through an anticipatory effect.

The Minister argued—it was not the best point that he made, but he was repeating Government Members in another place—that the courts should not interfere with public policy making and resource allocation. When I intervened on my hon. Friend the shadow Attorney-General, I hope that we dealt with that. I hope that the hon. Member for Hendon will agree that it was obvious that the passing of the Human Rights Act 1998 and the domestication of the convention into UK law would lead to issues of public policy being the fiercely fought subject of argument in the courts. The courts do their best to respect the separation of powers and to understand the difference between what they do and what we do. However, the law, be it the common law or statute law—we are talking about statute law here—can drive policy, even if that should not be made in the courts.

The Government lack confidence in their arguments about the way in which to proceed. If they are saying that amending legislation in the future by way of their proposed amendment in lieu will address this question adequately, they are selling themselves short and not

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doing themselves justice. If they really believe, as I suspect that they do, that they want to prevent deaths in custody and that any death in custody should be properly examined, with reasons given publicly, they ought to do what Lord Ramsbotham's amendments propose. They should follow the logic of their arguments, but at the moment I am concerned.

Let me finish with several points that emerge from a report by the Joint Committee on Human Rights, which is chaired by the hon. Member for Hendon. As several hon. Members have pointed out, the Joint Committee made three criticisms of the Government's position, which I shall take in reverse order. Paragraph 2.12 of the Joint Committee's report in which the Bill was considered said that

"the Government seeks to justify the exclusions on the ground that criminal investigations are costly and disruptive and it would not be in the public interest to impose a resources burden on the Crown. In our view this concern with cost and resources belittles the importance of what is at stake: the right to life."

If the Government were making a good argument about cost, we would never have any lengthy criminal investigations. The terrorist trials that recently concluded would never have got anywhere on the basis of cost, while the King's Cross disaster would never have been investigated. Those investigative procedures were hugely expensive. When the right to life—the article 2 right under the convention, which the Government claim to have brought home to this country—is at stake, while one should bear cost in mind, it should not be a trump card.

The Government's second argument was that

"public bodies are subject to wider forms of accountability, including accountability to Parliament, accountability under the Human Rights Act 1998, accountability through public inquiries and the existence of specific watchdogs such as the Independent Police Complaints Commission."

That may or may not be true, but it is not an adequate answer to the arguments put forward by those who support Lord Ramsbotham's amendments. The Minister places reliance on the prisons and probation ombudsman, but one need only think back a few weeks to when the Government, through the Treasury and the Department for Work and Pensions, completely ignored and vilified an ombudsman's findings on occupational pensions. The hon. Member for Slough (Fiona Mactaggart), who is no longer in the Chamber, said quite candidly, as a former Home Office Minister, that the Government have form in that respect. If the Government are prepared to act in that way on economics and pensions, which are not life-and-death issues, surely we can expect them not to pay much attention to disobliging reports from other ombudsmen. At any rate, it might not give us much confidence that they will do anything in response to an ombudsman's report. I therefore urge the Government to be a little more careful in deploying that argument.

The Government's third point was that

"decisions taken by public bodies when exercising public functions have a public policy dimension, involving matters such as the allocation of public resources, which are matters more appropriate for an elected Government to decide than for criminal courts."

Again, that is a confused argument. It misunderstands the consequences of the Government's own policy of introducing the Human Rights Act 1998. It also misunderstands the evolving nature of public policy and the public interest.

The hon. Member for Hendon mentioned his private practice; let me mention my experience as a practising lawyer in the field of defamation. What is defamatory changes as public opinion and public standards change. It used to be defamatory to accuse someone of being a Roman Catholic, but that is no longer so. It used to be obviously defamatory to accuse someone of being a homosexual; that situation is on the edge at the moment. Public mores and attitudes change, and so the public policy behind the development of common law changes. The Government's attitude towards the public policy dimension arguments is too rigid, and they fail to understand the importance of the way in which public opinion is changing. The public expect greater access to the hidden world of prisons, and they expect the courts to police deaths in custody. We should not stand in the way of that, and nor should the Government.

I will end my comments now, because the points have been made, both with great force and with great gentleness, by a number of speakers. I hope that the Government will listen carefully to what those who disagree with them have said, and to the undertone of what the right hon. Member for Southampton, Itchen and the hon. Member for Hendon said. Although they are supporters of the Government—and why should they not be?—I suspect that they do not want to be pushed too far. In light of what hon. Members on both sides of the Chamber have said, if the Bill returns to the other place without having met the concerns expressed in the amendments that I am seeking to defend, I would urge Members in the other place to stick to their guns. They should advise the Government to think hard about the matter, and to alter their view.

I expect that the Minister has got bored of compliments, but he knows what we think of him. However, we also know that he is between a rock and a hard place in many different ways. Lady Scotland said in the House of Lords that the Government were not brave enough yet to do what Lord Ramsbotham required of them. Why does not this Minister be brave enough?

Jeremy Wright: I, too, hope that the House does not reject the amendments in this group that the other place has sent us for consideration. I shall make three brief comments about those amendments and the Government's amendment in lieu.

First, I join in the general acclaim for the way in which the Minister has dealt with the legislation and the amount of movement that he has caused the Government to make. However, in doing so, he has put himself and the Government in a somewhat odd position. He has, as my hon. and learned Friend the Member for Harborough (Mr. Garnier) said, conceded the principle that deaths in custody could potentially be subject to corporate manslaughter prosecutions.

Having conceded that principle, the Minister goes on to argue that the reason why those cases should not currently be subject to corporate manslaughter prosecutions is that there will be further protections for those in custody later, and that the Government are working hard—I take him at his word on that—to

ensure that there are other measures, some of which he spelled out, which ensure that, though the present position is unsatisfactory and there are not sufficient protections for those currently in custody, there soon will be.

If that is the Minister's argument, and if those who are in custody will in future, we hope, be less vulnerable than they are now, their present vulnerability is potentially more deserving of the protection of a corporate manslaughter prosecution than it ever will be. Therefore, there must surely be a good argument for including corporate manslaughter protection for those who are in custody now, if there ever is a good argument for that. I agree entirely with the hon. Member for Kingston and Surbiton (Mr. Davey); I see no reason why it should not be now if it could be later.

Secondly, when we discuss the matter in the House we should be clear that we are not talking about laying the Prison Service or prison governors open to any false or vexatious prosecution claim. The standard of proof in the matter is high. It is clear from the Bill as it stands—the amendments do not cover this point—that in order to establish guilt of corporate manslaughter and responsibility for a death of that kind, there must be a gross breach of the relevant duty of care. That breach is defined as amounting to a breach of the duty which

"falls far below what can reasonably be expected of the organisation in the circumstances".

The Minister and others have made perfectly reasonable points about the differences between the challenges faced by those in the Prison Service and by those in other situations. That is entirely fair comment, but any jury and any prosecuting authority would be expected to consider those differences and those particular challenges in deciding whether a prosecution should be brought in the first place. By enabling deaths in custody potentially to be covered by the law, we would not be opening the floodgates. We should therefore have confidence that we can include it without that danger.

Thirdly, as other Members have said throughout consideration of the Bill, this is a Bill and hopefully an Act which has been long awaited by a great many people. It will be watched and scrutinised carefully by those who have waited so long for it to go on the statute book. It would be tragic if the legislation gave the impression that the private sector is vulnerable to corporate manslaughter prosecutions but the public sector is not, and that in some way protections have been given to those in the public sphere which are no longer, quite properly, available to those in the private sphere.

I know, of course, that that is not the Government's intention, but it would be tragic if that impression were given. I fear that if we exclude deaths in custody, as the Government wish, there will be that danger. It is right that hard cases make bad law. That has always been true and it is true in this case too, but it would be unfortunate if we ended up making bad law by trying to exclude those cases that may be hard for the Government to deal with. For those reasons, I hope very much that the amendments from the other place will be accepted.

5 pm

Mr. Sutcliffe: I thank all hon. Members for the quality of the debate and for their welcome for the way in which the Government have listened to what has been said in the various debates in both Houses. I am grateful to my hon. Friend the Member for Hendon (Mr. Dismore) and my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) for their support for what is a real compromise. I understand where the Opposition are coming from and it is not surprising that they are not prepared to go along with it, but I hope that I can assure them of our earnestness in what we seek to achieve.

The hon. Member for Rugby and Kenilworth (Jeremy Wright) hit the nail on the head on the view of those outside the House on the Bill. He is right that it has taken a long time for the Bill to reach this stage and it has been many years in waiting, but it is important that it be seen in the context of the way in which it was introduced as health and safety legislation—the missing piece of legislation in holding corporate bodies to account. That was the Bill's aspiration.

I acknowledge and accept the thanks for the Government's major step forward in removing Crown immunity. We are the first Government to do that, so I hope that hon. Members will understand our concern about moving too far too quickly. The hon. and learned Member for Harborough (Mr. Garnier) may say that that is said too often, but in these circumstances it is the right approach.

Stewart Hosie: May I have one more go at the Minister on this point? In Glasgow tonight there will be 60,000 Spanish football fans. When they travel by the airlines they will be owed a duty of care by the operators. When they go to sleep tonight in their hotel rooms they will be owed a duty of care by the hotel companies. When they go to Hampden Park, they will be owed a duty of care by the Scottish Football Association. If they have a drink too many, fall down and are arrested for their own protection by Strathclyde police, the duty of care will cease. Is that not just an inconsistency too far?

Mr. Sutcliffe: We have to remember that in the Bill the duty of care has to be seen in the context of a gross breach of procedure. Hon. Members have understandably focused on deaths in custody, but we must see the Bill in its wider context, and putting that measure in the Bill at this time will not solve the problem of deaths in custody. That is why, as my hon. Friend the Member for Hendon said, it is important to look at what we propose on the forum for preventing deaths in custody and the changes that we seek with regard to the prisons and probation ombudsman. I understand the focus on deaths in custody this evening, but I ask hon. Members to look at the bigger picture of what needs to happen. The proposal would not solve the issues around deaths in custody, because we need to continue the work of a variety of committees that have made recommendations to the Government on how to deal with that matter.

There is no sense of the Government trying to protect their position or seeking to tell the director general of the Prison Service that he is off the hook and has nothing to worry about, as my right hon.

[Mr. Sutcliffe]

Friend the Member for Southampton, Itchen said. That is certainly not the case and that is why I attach a lot of importance to the forum for preventing deaths in custody and the changes that we seek with regard to the prisons and probation ombudsman.

There are pressures on prisons, and today's debate has focused on prisons, although the definition of custody can be wider and the powers that we propose give us the flexibility to cover the other definition of custody that has been mentioned. I want us to learn from the experiences of the Bill and to look at what can be achieved through other work in relation to deaths in custody.

Again, I pay tribute to my right hon. Friend the Member for Southampton, Itchen and my hon. Friend the Member for Hendon for the work that their Committees have done in considering this issue. They have rightly pushed us to reconsider the issue, and I am pleased that they are both happy to accept the spirit of what we are trying to achieve. Anybody who thinks that they could be bought off so cheaply does not know the depth of experience and skills that they have.

The forum is already working well in bringing together practitioner and inspectorate professionals to compare approaches. The review can consider many issues, including greater autonomy from Government, increased ability to conduct research, more capacity for information sharing, coroners' rules and prisoner escorts. I hope that we will be able to report on progress within six months.

Mr. Davey: Will the Minister ask the review to consider whether the power that Liberal Democrat and Conservative Members wish to see in the Bill would be helpful?

Mr. Sutcliffe: I am sure that the chair of the forum will be robust, as he already has been in talking to me, about what he would regard as the details of how we should reform measures. We want to make the review work and I would hope that the forum will come back to us within six months. That is a reasonable time scale. *[Interruption.]* In setting up a review, people do not want to say what the outcome will be; they talk about its remit. I would hope that the points that my hon. Friend the Member for Hendon has raised, and points that the chair raises, will be considered.

Mr. Grieve: I am sorry to have to press the Minister on this. Is the implication behind his comments that, if the forum were to come up with conclusions that appealed to the Government, they might never enact the relevant statutory instrument? There is another way of doing this. The Government will not simply enact the legislation in the form in which it has come from the other place, but they could take the necessary time for the preliminary stages before bringing it into force. It would be easy for them to do that without any further amendment. The Minister will understand that one of the anxieties in the House is that although he is saying what is absolutely truthful in his own mind, it will be brushed under the carpet and will never happen.

Mr. Sutcliffe: I do not accept that. That will not be the case because, as my right hon. Friend the Member for Southampton, Itchen said, the very fact that the principle is there will mean that people will pursue its detail. I have no doubt about that. I am arguing that it is not a panacea for dealing with deaths in custody. In my view, we need to work hard on the forum and we want to make it clear that the prisons and probation ombudsman will be independent from the Government. We want to ensure that he has the formal duty to investigate all deaths in his remit—in prisons, immigration detention, young offender institutions, secure training centres—and a statutory remit to determine the scope of and procedures for each investigation. There will also be new High Court powers to obtain evidence.

Those are significant steps. I understand the point about the timetable, but it is no surprise that there is a difference between the Government and the Opposition. I am more inclined to support my hon. Friends' views and the way in which they have dealt with the Government's compromises to try to achieve the consensus that we all want. It is no surprise that the Opposition want to defeat the Government—that is the nature of what we do. However, I ask hon. Members to consider what has happened and the considerable movement that the Government have made. The compromise is not window dressing but something genuine to deal with the important issue of death in custody. The whole picture should be examined in the context of the purpose of the Bill.

Most of the recommendations of the Mubarek inquiry have been accepted and implemented. We have held discussions with the Mubarek trust about other things that we can introduce.

Mr. Dismore: My hon. Friend has given us a good timetable for the forum. I welcome that—it is a reasonable approach. Six months is a reasonable time in which to report back to us. Will he try to be more forthcoming about the timetable for the other two issues?

Mr. Sutcliffe: I understand why my hon. Friend wants to push me, but he will understand why I decline to be pushed. We want to examine the impact of the concessions that we are making. I hear what he says and we will consider the matter further in the time that is left for the Bill's passage. However, I remind all hon. Members that it is a carry-over Bill, which most people welcome and want to be implemented.

I hope that the principle behind the compromises on other issues can be applied to our discussion. I hope that hon. Members will support the Government motion.

Question put, That this House disagrees with the Lords in the said amendment:—

The House divided: Ayes 299, Noes 228.

Division No. 113] **[5.11 pm**

AYES

Abbott, Ms Diane	Bailey, Mr. Adrian
Ainger, Nick	Baird, Vera
Ainsworth, rh Mr. Bob	Balls, Ed
Alexander, rh Mr. Douglas	Banks, Gordon
Allen, Mr. Graham	Barlow, Ms Celia
Anderson, Mr. David	Barron, rh Mr. Kevin
Anderson, Janet	Benn, rh Hilary
Armstrong, rh Hilary	Benton, Mr. Joe
Atkins, Charlotte	Betts, Mr. Clive
Austin, John	Blackman, Liz

Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Connarty, Michael
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Godsiff, Mr. Roger
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mann, John
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKenna, Rosemary
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moran, Margaret
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Steve McCabe and Huw Irranca-Davies

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Beresford, Sir Paul
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Galloway, Mr. George
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Malins, Mr. Humfrey
Maples, Mr. John
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simpson, Mr. Keith
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Crispin Blunt and Andrew Rosindell

Question accordingly agreed to.

Lords amendment disagreed to.

Lords amendments Nos. 3, 5, 6 and 10 disagreed to.

Government amendment (a) in lieu of Lords amendments Nos. 2, 3, 5, 6 and 10 agreed to.

Clause 1

THE OFFENCE

Lords amendment: No. 1

The Minister of State, Ministry of Justice (Mr. David Hanson): I beg to move, That this House agrees with the Lords in the said amendment.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss Lords amendments Nos. 28, 29, 31, 32 and 35.

Mr. Hanson: I am new to the post at the Ministry of Justice, so I have not had the pleasure of taking part in the Committee stage of the Bill, nor have I had the opportunity to see another place in action. I am

assured, however, that the amendments brought forward following consideration in another place are now very much welcomed by the Government.

I am pleased to seek the House's support for the amendments, because the Government have listened to the concerns expressed there. I particularly thank the noble Lord Hunt and the noble Lord Razzall for their support for the amendments. The amendments deal with what sort of organisation can be prosecuted for the new offence, and strengthen the Bill by extending the new offence to certain types of unincorporated body.

There has been a wide measure of support for extending the offence beyond the circumstances of an incorporated body, and I pay tribute to those who pressed the Government on the issue, including the Home Affairs and the Work and Pensions Committees in their scrutiny report on the draft Bill. I also pay tribute to the Under-Secretary of State for Justice, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), for his work in Committee and in steering the Bill through not just two Houses of Parliament but two Departments—from the Home Office to the Ministry of Justice.

5.30 pm

It will be of little comfort to a bereaved family to learn that the most serious criminal penalty for an involuntary killing is not available because the organisation involved lacks a separate legal identity, and the amendments—which we are happy to accept—seek to remedy that.

The new offence of corporate manslaughter is based on the concept of management failure in the organisation, and is not dependent on the guilt of a particular individual. In the case of companies and other corporate bodies, liability under the new offence can be attributed to the corporate legal entity itself. That is not possible in an unincorporated body, which exists as a group of members or individuals and has no separate legal personality. There is a significant difference between the two types of organisation. The amendments respond positively to those problems, and extend the offence to partnerships, trade unions and employers' organisations. I acknowledge the full support of the Conservatives in another place.

I think it right for us to adopt a cautious approach. Unincorporated bodies are not currently liable for prosecution for manslaughter caused by gross negligence. They include a wide range of smaller and more informal groups, including many in the voluntary and charitable sectors. We do not want to give rise to unwarranted risk aversion in such organisations by exposing them to prosecution for serious offences for the first time, but I think we need to take some action in response to what has been done in the other place.

The amendments seek to strike a balance by extending the offence in the first instance to a defined range of unincorporated bodies including partnerships and bodies with a quasi-corporate status under statute, namely trade unions and employers' organisations. We have considered monitoring the position to determine whether we should include further organisations. Lords amendment No. 32 provides a power to extend the offence to further categories of organisation through secondary legislation should my noble Friend the Secretary of State, my fellow Ministers and I wish to do so in the future.

Other amendments in the group are consequential on the extension of the offence to unincorporated bodies, but I draw particular attention to Lords amendment No. 28, which ensures that there is no loophole in the offence because partnerships do not themselves owe a duty of care. Lords amendment No. 35 adds the National School of Government to the list in schedule 1. The school became a non-ministerial Government Department in January 2007, and needs to be added to the schedule to bring it into line with the other bodies in the list.

I think that hon. Members on both sides of the House should welcome the Lords amendments.

Mr. Grieve: I welcome the Minister to what I believe is his first outing to deal with legislation on behalf of his new Department. It was probably wise of him to delay it until after the resolution of the issue that we debated before this, because he can now enjoy all the pleasures of wallowing in consensus.

As the Minister said, it was the other place that did the necessary work with the Government's co-operation, but in fairness to those who took part in the Committee stage, I should point out that the issue was first flagged up then. I have no doubt that the Government were right to add partnerships, trade unions and employers' associations which are not corporations. As we established in Committee, some partnerships—for instance, legal partnerships—are now multi-million pound businesses which, if they were ever allowed to incorporate or indeed to float, would probably go into the FTSE 100 immediately, and I believe that such large organisations should be covered by the Bill.

I agree with the Minister that we should be careful about the degree to which we extend the scope of legislation of this type. However, once the clear decision was made that we were not criminalising individuals—which I regard as fundamental to the legislation—the scope in this measure became closer in nature to the scope of regulatory offences covered by the Health and Safety at Work, etc. Act 1974, which, as the Minister knows, has been applied to undertakings. Its scope is still wider than that of this Bill, because it includes individuals who are running businesses, which would not be appropriate here, but it certainly includes partnerships, trade unions and employers' associations in its remit. I did not understand in Committee why we were excluding those groups from the scope of the Bill, so I welcome this step.

I also welcome amendments Nos. 32 and 35. Amendment No. 32 would

"extend section 1 to other organisations",

which I welcome. However, let me make a plea to the Minister—although I suspect that it will fall on deaf ears because whoever drafts the statutory instrument will not deal with it. If we are to add organisations, it is essential that we do one of two things: either that we add them one at a time so that when the time comes to vote we can vote on individual organisations and not on packages, or—which I fear is more likely—that there is proper pre-legislative consultation before we

[Mr. Dominic Grieve]

add them. The great objection that I have always had to statutory instruments as a means of varying primary legislation is that they do all or nothing. In terms of adding organisations, one far too often ends up facing the classic problem of approving of four of them and not wanting one. They are a bad way to legislate. However, I welcome the amendments.

Mr. Dismore: I raised the issue we are discussing on Second Reading and on Report, which shows how strongly I feel about it. My main concern is to do with differential treatment between different groups. I cannot see any justification for not having the original formulation of undertakings from the 2000 consultation. In my Committee's view, article 14 of the European convention on human rights is engaged because the various restrictions, exclusions and exemptions—even with the extensions—give rise to different treatment of individuals in analogous situations in relation to their access to the criminal law in respect of negligently caused death.

My Committee noted that the Government had previously accepted that to restrict the scope of the offence by excluding unincorporated bodies generally

"could lead to an inconsistency of approach and these distinctions might appear arbitrary."

That is when the issue of undertakings first arose. It was not included in the original 1996 Law Commission paper, but it was introduced by the Government in the 2000 consultation. I thought that that was a better way of dealing with the problem.

Mr. Grieve: If the hon. Gentleman recalls the relevant debates, he will remember that I suggested there was a completely different way of approaching the proposed legislation which would have enabled undertakings to feature prominently. However, there is a problem: having an undertaking which may be an individual trader under the Corporate Manslaughter and Corporate Homicide Bill has an internal inconsistency that we simply cannot get away from.

Mr. Dismore: The hon. Gentleman makes a fair point, which I was going to address. When we reviewed the progress of the Bill in our report, we suggested that excluding undertakings in order to deal with the sole trader question would be to throw the baby out with the bath water. We suggested that that would put matters back to front, and that what we should have is undertakings as a general inclusion with an exemption for sole traders. That would be a neater and more consistent way of dealing with the problem. In our view, the case law of the European Court of Human Rights shows that the public nature of a body's function has not been regarded as a reason for excluding criminal liability, but that on the contrary it has been treated as a factor which strengthens the obligations to ensure that recourse to criminal law is available.

The original and obvious answer to this problem would be to revert to undertakings, but it does not appear that that is obvious to the Government. Therefore, we have the amendments before us now which deal with partnerships, trade unions and employers' associations which are employers. However, many organisations would still be excluded, such as schools. Schools—particularly large schools—are effectively businesses, sometimes with budgets worth millions of pounds, and I would be concerned for the parents of children who were found to have died in grossly negligent circumstances if schools were to be excluded from prosecution. That has happened.

Similarly on charities, I accept that an argument could be made in respect of small charities but some charities are enormous, multi-million pound international organisations. Why should their staff not have the protection of this law just because it happens to be the case that their charity is not incorporated or is not a partnership? That would be unfair. We would then have a differential between one group of people and another in terms of the protection of the law. The problem is similar to that discussed in the previous debate, except that there is no light at the end of the tunnel to deal with it.

I certainly do not want to resist the Government amendments, which do constitute progress, but they do not deal with the basic problem of article 14 and differential treatment, and they certainly do not provide the protection that the Bill should provide.

Mr. Davey: I rise simply to support the amendments and to echo the comments of the hon. Member for Hendon (Mr. Dismore). It would have been nice if the Government had listened to everything that we argued for and had included unincorporated organisations fully, whether through the undertakings approach or by linking unincorporated bodies with partnerships, but progress has been made and this place and the other place have helped to achieve it. However, when does the Minister think that the Government might review the measure and take on board the arguments of the hon. Member for Hendon?

Mr. Hanson: I am grateful to the official Opposition and to the Liberal Democrats for their support for the amendments that were introduced in another place. Let me give credit where it was due: this issue was raised by the hon. Member for Beaconsfield (Mr. Grieve) in Committee.

Mr. Grieve: And on Second Reading.

Mr. Hanson: Indeed. I was not in Committee at that time, but I am studying with interest this legislation's progress to date.

Various issues have been raised and I hope that I can offer some comfort. The hon. Member for Beaconsfield said that he welcomed the fact that amendment No. 32 allows for additions to be considered in due course; indeed, it has been tabled for that specific purpose. In my view, we have struck the right balance. We need to examine what progress is made and, if suggestions are forthcoming, we will consider exercising the power in due course.

The hon. Gentleman also raised the valid questions of whether we should adopt a take-it-or-leave-it approach and what consultation we would undertake. I can assure him on the Government's behalf that consultation would be central to any additions. If it became clear that we needed to add bodies to the regulations, we would consult widely. The adoption of

a take-it-or-leave-it approach would depend on the circumstances, parliamentary time and a number of other factors, but I recognise that it would cause difficulties and, where possible, I will avoid such a situation.

My hon. Friend the Member for Hendon (Mr. Dismore) raised a number of issues. I point out that if amendment No. 32 is accepted, we can add bodies to the scope of the regulations. Local education authorities and school governing bodies are indeed now corporate bodies and are already covered by the offence; I hope that that gives some assurance to my hon. Friend. A good number of charities and voluntary organisations—

Mr. Dismore: What will be the status of city academies?

Mr. Hanson: I will have to reflect on that point, because I am not clear whether city academies are themselves corporate bodies. However, I am well aware that local education authorities and school governing bodies are corporate bodies within the local education sector. If my hon. Friend will allow me, I will reflect on that point and if I have an answer before I complete my comments, I will give it to him. If not, I will get back to him.

A good number of charities are indeed corporate bodies and are already covered. I want to ensure that we do not add a burden to smaller charities in particular. I will reflect on this issue and examine in detail whether such bodies might be added under amendment No. 32, should it be accepted. *[Interruption.]* My understanding, on reflection, is that city academies do constitute corporate bodies, on a similar basis to education authorities and schools; I hope that that helps my hon. Friend.

This issue has been the subject of much debate. The Government can often be accused of not listening to such debates; however, following discussions on Second Reading, in Committee and in the other place, the then Home Office Minister with responsibility for these matters, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), reached an agreement with the Opposition. I pay tribute to those involved here and in the other place, and I hope that the amendment will be accepted and that we can make progress.

Lords amendment agreed to.

Clause 2

MEANING OF "RELEVANT DUTY OF CARE"

Lords amendment: No. 4.

5.45 pm

Mr. Sutcliffe: I beg to move, That this House agrees with the Lords in the said amendment.

Madam Deputy Speaker: With this we may discuss Lords amendments Nos. 7 to 9, 11 to 21, 23, 24, 26, 27, 33 and 34.

Mr. Sutcliffe: These amendments make minor and drafting amendments to the Bill. This group deals with several amendments made in the other place by the Government to make technical and non-substantive changes to the Bill. Amendment No. 33 introduces a new interpretation clause which gathers together several definitions previously dispersed throughout the Bill. It also provides definitions of "employee", "employers association", "partnership" and "trade union" following the extension of the Bill to certain unincorporated bodies. Amendments Nos. 4, 7 to 9, 11, 14, 16 to 18, 24, 26 and 33 are consequential on the new clause.

Amendments Nos. 12, 13 and 15 correct two earlier oversights and make minor changes to clause 6 to ensure that it applies comprehensively to NHS bodies and those working on their behalf. Specifically, they add the Secretary of State and Welsh Ministers to the range of potential commissioners of ambulance or transport services to which clause 6 applies, and they correct the earlier omission of strategic health authorities. Amendment 34 clarifies that separate commencement of the Bill's provisions is possible, while other amendments in this group – amendments Nos. 19, 20, 21, 23 and 26 – make minor drafting and technical changes. With that explanation, I hope that the House will support the amendments.

Mr. Grieve: All these amendments seem to be very sensible. I will draw the amendment allowing separate commencement of different parts of the Bill specifically to the attention of my colleagues in the other place, insofar as it might have a bearing on the debate that we had earlier this afternoon.

Mr. Sutcliffe: I am grateful for the support of hon. Members.

Lords amendment agreed to.

Lords amendments Nos. 7 to 9 and 11 to 21 agreed to.

Clause 9

POWER TO ORDER BREACH ETC TO BE REMEDIED

Lords amendment: No. 22.

Mr. Sutcliffe: I beg to move, That this House agrees with the Lords in the said amendment.

Madam Deputy Speaker: With this we may discuss Lords amendment No. 25.

Mr. Sutcliffe: Amendment No. 25 goes to an important aspect of the Bill that we considered in some detail in our debates in this House—the question of what sanctions should apply to an organisation convicted of corporate manslaughter. As an offence is committed by the organisation itself, and not an individual, the principal response to date has been a fine and that is the only sanction available for companies convicted of manslaughter under the current law. The Bill goes one step further by introducing the possibility of remedial orders, currently only available under health and safety law.

Hon. Members urged the Government to think more imaginatively and I pay particular tribute to the efforts of my hon. Friends the Members for Eccles (Ian Stewart) and for Manchester, Central (Tony Lloyd) in this respect. The Government reflected on those arguments and were persuaded to bring forward amendments in the other place to provide for the

[Mr. Sutcliffe]

innovative sanction of publicity orders in the Bill. The publicity orders received the backing of Professor McRory's review of regulatory penalties, which found that organisations were likely to take them very seriously.

Lords amendment No. 25 therefore gives the court the power to order an organisation to publicise the fact of its conviction and to specify particulars of the offence, the amount of any fine imposed and the terms of any remedial order that has been made. Prior to setting an order, and depending on the circumstances of the case, the judge will be required to ascertain the views of the appropriate regulatory authority—such as the Health and Safety Executive—and of the prosecution.

That will ensure that the judge receives practical assistance in setting the order, and provide an opportunity to establish the views of the victim's family. As with other penalties, the defence will also be able to make representations to the judge before the order is made.

In setting an order, the judge will be able to require the organisation to supply evidence that it has complied with the order to the appropriate regulator, if that regulator has been consulted. That provides a means of ascertaining that the order has been implemented. Similarly, Lords amendment No. 22 improves the monitoring of remedial orders by giving courts the power to order an organisation to provide evidence of compliance to the regulator consulted when the order was drawn up.

While we expect that the health and safety regulators will monitor closely the safety regime in any organisation convicted of corporate manslaughter or corporate homicide, Lords amendment No. 22 builds in an extra safeguard to provide that the organisation takes positive action to demonstrate its compliance if the court considers that appropriate. The amendment is important, and I commend it to the House.

Mr. Grieve: I am delighted with Lords amendment No. 25, which will be a very powerful tool in shaming organisations convicted of corporate manslaughter. My experience as a prosecutor in health and safety cases is that, much more than fines, adverse publicity has always been the principal anxiety for larger corporations. Although the fine penalties in these cases are likely to be higher than those in health and safety cases, they will remain perfectly bearable. I have noted in the past the care with which corporations try to handle the media at the court when they are convicted, and that shows that adverse publicity is something that really matters to them.

The Bill now provides some really inventive possibilities. Requiring large corporations to take out advertisements in national newspapers to publicise their own conviction, and the nature of it, is a very powerful tool. I am wholly comfortable with that, but the courts will ensure that the requirement is proportionate.

I welcome the provision very much, and I am glad that the Government have made use of the extensive discussions in this House and the other place to take a very important step forward.

Mr. Dismore: I agree with what the hon. Member for Beaconsfield (Mr. Grieve) has just said. It is difficult to envisage fines much higher than the £4 million levied in relation to the Ladbroke Grove train crash, although that should be contrasted with the £5 million that West Ham had to pay over unregistered players. That shows that victims' families will still face a degree of injustice when they seek reparation for an incident.

That is important, because the media operations surrounding such convictions have become increasingly professional in their attempt to downplay or minimise what happened. If a court order can be used to get around a company's PR machine, that is very welcome. However, I shall go further than the hon. Member for Beaconsfield, as I hope that the judges who issue the orders will be a little more imaginative too. They should do more than require newspaper advertisements to be taken out. In big incidents that receive worldwide television publicity, they should ensure that the ensuing apology and conviction are also the subject of a TV advertisement.

Regardless of the adverse publicity that would be incurred, that could be quite expensive for the organisation that has to pay the bill. I therefore hope that my hon. Friend the Minister will confirm that publicity orders cover a much wider range of media than merely newspapers.

Mr. Davey: I rise to agree with the contributions from the hon. Members for Beaconsfield (Mr Grieve) and for Hendon (Mr. Dismore). This provision is a welcome addition to the Bill, and for large corporations it may even have more impact than the fines that might be imposed. We should recognise that such organisations spend millions on their PR departments: for some, PR and brand management are critical to their business, so ensuring that corporations that commit serious offences get the bad publicity that they deserve is exactly the right thing to do. The provision will have a major deterrent impact, because it gives corporations an incentive to get things right in the first place so that they are not responsible for a death. The amendment will have exactly the effect the Minister wanted, and I congratulate him and those in another place for proposing it.

Mr. Sutcliffe: I am grateful to Members for their support. I agree that the amendment will be a significant part of the Bill.

In response to my hon. Friend the Member for Hendon (Mr. Dismore), we shall be looking at forms other than newspapers. In the world of corporate social responsibility, where companies use a range of gambits to show that they are being socially responsible, the provision will be a wonderful tool to bring them to book. It will do one of the things we wanted the Bill to do—ensure that prevention is considered in the procedures of corporate bodies.

I commend the amendment to the House.

Lords amendment agreed to.

Lords amendments Nos. 23 to 29 agreed to.

After Clause 16

Lords amendment: No. 30.

Mr. Sutcliffe: I beg to move, That this House agrees with the Lords in the said amendment.

In similar vein to the amendments on unincorporated bodies and publicity orders, the Government introduced the amendment in the other place in response to concerns raised in the House. On Report, a question was put as to whether the new offence might have the perverse effect of decreasing individual convictions on a secondary basis for health and safety offences if a successful prosecution for corporate manslaughter meant that health and safety charges could not be put to a jury. That would be an unintended consequence of the new offence. After reflection, we decided that there was merit in making the position clear on the face of the Bill by expressly stating that a conviction for corporate manslaughter would not preclude an organisation's being convicted for a health and safety offence on the same facts if it was in the interests of justice.

As a result, it is clear that, in appropriate circumstances, proceedings can also be taken against individuals on a secondary basis for health and safety offences, notwithstanding a successful corporate manslaughter prosecution. The provision does not impose new liabilities on individuals, but makes sure that existing liabilities are not inadvertently reduced by the new offence.

With that explanation, I hope that the House will support the amendment.

Mr. Grieve: I certainly welcome the amendment. It responds to concerns that I raised in the course of our discussions, which may have been raised by other Members, too—that the Bill might have the unintended consequence of making health and safety convictions more difficult. Above all, we wanted to ensure that there was a possibility of offering juries a hierarchy of convictions when they were considering an offence all in one trial: that, the amendment does.

I confess that, although I am completely happy with subsection (2), I find it difficult to envisage a circumstance in which a corporation convicted of corporate manslaughter might be prosecuted at a later stage for a regulatory breach arising out of some or all of the same facts. I simply flag that up. It would be rather undesirable if that were to happen, because of the costs involved. It would clearly mean looking in the second trial at facts that were looked at in the first. If this is a belt-and-braces provision, I certainly will not stand in its way, but I hope that the Minister will provide me with some slight reassurance about the circumstances in which it is envisaged that the provision would be used, because in reality it is unlikely that it would be required. Subject to that, the broad thrust of the new clause—and of subsection (1) in particular—is one with which I am entirely comfortable and which I welcome.

6 pm

Mr. Dismore: We need to look at the reasons why the amendment was necessary. It was necessary because of the biggest single flaw in the Bill: the lack of individual liability. That is where the Bill falls dramatically short. When the public hear that we are introducing an offence of corporate manslaughter, they expect the consequence of a conviction to be that directors and senior managers will be locked up, but that is one thing that the Bill will not deliver. The Bill will not meet the public's expectation. The amendment is a half-hearted way of trying to address that expectation. I certainly do not disagree with the amendment; in fact, I support it. But it is a weak, mealy-mouthed, half-way house when it comes to what the public expect from a new offence of corporate manslaughter.

The amendment was necessary because the way in which the Bill was originally phrased meant that directors were less liable to face prosecution than if the new offence had not been introduced in the first place. To charge a health and safety regulatory offence on the same facts as corporate manslaughter would effectively be a duplicitous indictment and could not therefore be sustained in the Crown court. So, now we have to amend criminal law procedure to allow a duplicitous indictment, so that the offence under section 37 of the Health and Safety at Work, etc. Act 1974 can then be charged against the individual director. That whole weird chain of events follows on from the fact that the Government did not draft the Bill sufficiently strongly in the first place to ensure that it delivers what the public expect.

The amendment means that an individual director could be charged under the Health and Safety at Work, etc. Act with the circumstances giving rise to the corporate manslaughter conviction. But, under that Act, they could be charged only with what is effectively a much less strong regulatory offence. With clause 16 of the Bill excluding individual liability for secondary offences, I believe that one of the main targets for reform has been dramatically overlooked. The purpose of the Bill must be to act as a deterrent and without individual liability, it is far less likely to do so.

I understand that the Government are considering amending the Health and Safety at Work, etc. Act to create some new individual statutory duties on directors to take reasonable steps to comply with health and safety requirements. I welcome that and perhaps the Minister can explain how far those discussions have gone when he replies. But I am not quite sure how much that will add to the section 37 liability under the Health and Safety at Work, etc. Act, which provides for an individual offence by a director if the company is convicted.

What I find really irksome is that we are prepared to go behind the corporate veil and convict a director if his company commits a health and safety at work regulatory offence, but we are not prepared to go behind the corporate veil if his company commits corporate manslaughter. That cannot be right. That is where the Bill falls dramatically short of what the public expect and therefore, although I have campaigned for the legislation for 20 years and very much welcome it, in the end I can give the Bill only two, rather than three, cheers.

Tony Baldry (Banbury) (Con): May I endorse everything that the hon. Member for Hendon (Mr. Dismore) has said? The test of the Bill will be whether families feel that justice has been done. I had a constituent, Simon Jones, who was a student at Sussex university. To augment his grant, he worked at Shoreham docks. On his first day, tragically he was put in a place of work in the bowels of a ship, where no one could see what was happening. In effect, he was decapitated. I sat with his family in the public gallery at the Bailey when the prosecution was brought, but no one was ever convicted, so the family got no closure.

[Tony Baldry]

I agree with the hon. Member for Hendon that it is perverse that we will go behind the corporate veil on health and safety offences, yet that no individual in any circumstances, however gross, will be liable for prosecution for corporate manslaughter. The test for the Bill—I hope that it will not be 20 years before the House considers the matter again—will be whether families in our constituencies whose loved ones have been killed at work through negligence for which people are culpable feel that the Bill is capable of providing that justice will be done.

Mr. Sutcliffe: I am grateful to hon. Members for their support. I would not minimise in any way the effect of such deaths on families, which is the motivation behind the Bill and the wider health and safety package.

We have debated individual liability extensively throughout the Bill's passage. The Government and the official Opposition agreed that individual liability was not appropriate for this Bill—*[Interruption.]* I understand that others took a different view. However, this takes nothing away from the many years of campaigning undertaken by my hon. Friend the Member for Hendon (Mr. Dismore). He should take great heart from the fact that he has helped to shape the Bill, even though it falls short of his requirements. He is right that we want to examine individual liability through a review of the Health and Safety at Work, etc. Act 1974. My hon. Friends the Members for Manchester, Central (Tony Lloyd) and for Eccles (Ian Stewart) are pursuing that matter with Work and Pensions Ministers.

It is the case that directors may be liable. In Committee, I said that the Health and Safety Commission had examined in depth with stakeholders the idea of statutory duties for managers on health and safety management. Work is being carried out on guidance, and there are already provisions on disqualification under health and safety legislation, which is why that is appropriate route through which to deal with individual liability.

The hon. Member for Beaconsfield (Mr. Grieve) is right that this is a belt-and-braces provision. The measure is designed to deal with a situation in which an individual defendant cannot be identified in a jurisdiction at the point at which corporate proceedings are brought.

The spirit of our proceedings on the Lords amendments has shown how Parliament can bring things together positively, despite the notable occasion on which there was disagreement. I am grateful to hon. Members for their participation and to all the officials who have worked to try to get the Bill into its present shape. I hope that the House will support the Lords amendment.

Lords amendment agreed to.

Lords amendments Nos. 31 to 35 agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

COMPETITION: RETAIL BANKING

That this House takes note of European Union Document No. 6238/07 and Addendum 1, Sector inquiry under Article 17 of Regulation (EC) No. 1/2003 on retail banking (Final Report); supports the Government's view that the use of competition policy, via this sector inquiry, is an integral part of developing the Single Market in financial services; and further supports the Government's hope that the Commission, Member States and National Competition Authorities will use the information provided by the inquiry to address any issues identified.—*[Mr. Alan Campbell.]*

Question agreed to.

ADJOURNMENT (WHITSUN)

Motion made, and Question put forthwith, pursuant to Standing Order No. 23 (Periodic adjournments.),

That this House, at its rising on Thursday 24th May 2007, do adjourn till Monday 4th June 2007.

ADJOURNMENT (SUMMER)

That this House, at its rising on Thursday 26th July 2007, do adjourn till Monday 8th October 2007.—*[Mr. Alan Campbell.]*

Question agreed to.

NOTICES OF QUESTIONS ETC DURING SEPTEMBER 2007

Motion made, and Question put forthwith, pursuant to Standing Order No. 22B(2) (Notices of questions, motions and amendments),

That the days appointed for the tabling and answering of written questions and for written ministerial statements under Standing Order No. 22B (Notices of questions etc. during September) shall be as follows:

Tabling days

Monday 3rd, Wednesday 5th and Monday 10th September 2007.

Answering days

Monday 10th, Wednesday 12th and Monday 17th September 2007.—*[Mr. Alan Campbell.]*

Question agreed to.

PETITIONS

Post Office

6.9 pm

Tony Baldry (Banbury) (Con): I am grateful for the opportunity to present a petition entitled "Protect Our Post Offices", which has been signed by large numbers of my constituents in Banbury, Bicester and surrounding villages, who are concerned about the future of the post offices. The petition

Declares that the Petitioners are extremely concerned about the threat to close half the Post Offices in England and Wales. The Government is considering a huge cut in Post Office funding, closing up to 7,200 Post Offices which will adversely affect over 12,000 pensioners in Oxfordshire alone who hold Post Office Card Accounts.

Further declares that Post Offices are at the heart of rural and many urban communities. Post Offices offer vital services to some of the most vulnerable people in the community, including those on low wages, unemployed and the elderly who will suffer most if Post Offices are closed on this scale.

Further declares that the Government has persistently undermined our Post Office network over a number of years. Ministers have prevented the Post Office competing in the market by penalising them and instead playing to the high street banks network, by seeking to withdraw the Post Office Card Account, and by preventing Post Offices selling TV Licences and other products to keep them competitive.

Further declares that the Government's move to merge the watchdog Postwatch with the other consumer bodies is a clumsy attempt to silence opposition to the closures.

Further declares that offering compensation to Post Masters and Mistresses is no substitute for what they and communities want which is a strong, competitive Post Office, supported and not undermined by the Government.

Further declares that the Federation of Small Business has said that small business will also be adversely affected by Post Offices closures and the Federation of Sub-Post Masters and Mistresses, which presented the largest ever petition in support of Post Offices, has said the closures will devastate communities.

The Petitioners therefore call on the House of Commons to urge the Government to stop action which will lead to the immediate closures of Post Offices and urgently review funding for Post Offices and the services offered by them to enable Post Offices to continue to serve as a cornerstone of the community for individuals, business and the most vulnerable in society.

And the Petitioners remain etc.

To lie upon the Table.

Secondary Education (Isle of Sheppey)

6.12 pm

Derek Wyatt (Sittingbourne and Sheppey) (Lab): It is some relief to me to present my petition this evening, as I am 24 hours late. I thank the Speaker's Office for being so generous last evening. The petition is about the state of secondary education on the Isle of Sheppey. I wish that I could say that it has been run smartly and professionally, but it has been an absolute rag-bag and a shame. It has distressed and upset all the people on the island, and I have collected hundreds of signatures about the situation that has resulted. The petition of the citizens of the Isle of Sheppey

Declares that the current proposals for the reorganisation of secondary education do not conform to the wishes of the local population.

The Petitioners therefore request that the House of Commons urges that the Secretary of State for Education ensures that secondary education should only be offered on the basis of a multi-site solution and that a single Academy should not be built on a single site at Minster College on the Isle of Sheppey.

And the Petitioners remain, etc.

To lie upon the Table.

HMRC Offices (Keighley)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

6.13 pm

Mrs. Ann Cryer (Keighley) (Lab): The time is long gone when the prospect of consultation offered the chance to share and exchange views constructively on a level playing field, in the hope that a balanced conclusion could be reached that would take account of the concerns and needs of the interested parties. More recently, consultation has evolved into an exercise to seek to explain, and prepare the ground to implement, a decision that has already been taken. In fact, of late, consultation has frequently—but not always—come to mean rationalisation. It is not surprising, therefore, that many people are becoming disconnected from the political system, if they feel that when asked for their views, those views play second fiddle to a fait accompli that is usually handed down from on high. There can be no better example than the consultation or rationalisation surrounding Her Majesty's Revenue and Customs local offices.

My hon. Friend the Member for North-East Derbyshire (Natascha Engel) has already raised her concerns in the House regarding the plight of HMRC offices in Chesterfield. In reply to those concerns, my right hon. Friend the Paymaster General pointed out that

> "The fact is that the department has more accommodation than it needs."

I also take on board my right hon. Friend's argument that

> "Members of Parliament cannot implore the Government to ensure that departments are using resources efficiently in order to eliminate unnecessary expenditure so that it can be transferred to health, education or other front-line services, but then say, 'Do it somewhere else.'"—[*Official Report, Westminster Hall*, 20 March 2007; Vol. 458, c. 247WH.]

Although I take all that on board and would never wish to be part of a political nimby brigade, the Government need to be aware of the impact that centralised decisions will have in constituencies such as mine, Keighley, and North-East Derbyshire. What may be good for London is not necessarily suitable for many northern towns and cities. Indeed, I am often left with the impression that some bright, young London-based civil servant is given the task of geographically rationalising a particular problem, with little appreciation of the realities of the situation outside the capital, let alone a detailed knowledge of the area under review.

HMRC's presence in Keighley, as in other towns around Bradford, is under threat.

Mrs. Linda Riordan (Halifax) (Lab/Co-op): I am concerned that we hear a lot of talk about re-engaging with local communities, but then actions such as my hon. Friend describes are taken, which are the reverse of that. I am sure my hon. Friend agrees that it is an unnecessary move that is not in the best interest of Halifax and Keighley or of the staff who work in those offices.

Mrs. Cryer: May I say how pleasant it is to have my hon. Friend back with us this evening? Of course I agree with her comments.

The proposed centralisation of services away from the centre of a town like Keighley or Halifax to a city, Bradford, some 12 miles away has a number of effects. First, any exodus of services threatens to undermine the identity of the town. Secondly, a diminution of services damages the pull factor of that town to attract new, wealth-creating business to the area. Thirdly, that in turn can damage the future regeneration and development prospects of the town, thus moving it ever closer to becoming a suburb or a dormitory of Leeds or Bradford. I absolutely hate that concept.

Fourthly, on a personal level, the centralisation of services inconveniences many people, especially those whom the office is designed to serve. Although I accept that new technology means that the public can make contact via a number of routes, the need for face to face contact will always be of paramount importance. Fifthly, of the 35 employees in the Keighley office, 78 per cent. are female, 49 per cent. are part-time and 14 per cent. are disabled. One of the great achievements of the Government has been their ability to encourage women, often single women with children, to work.

A process of centralised rationalisation would serve to undermine the core and motivation of that work force. For women who are already juggling the conflicting roles of work and being a mother, increased—in some cases significantly increased—journey times to work would serve only to make the prospect of work no longer attractive or even viable. What the Exchequer gains on the one hand in the short term is lost on the other through lost revenue and increased reliance on benefits.

Sixthly, in a semi-rural constituency such as Keighley, further centralisation to Bradford could mean significantly difficult journeys for both staff and customers. The inconvenience would be compounded by the environmental damage as commuting rush-hour traffic was exacerbated, and the already creaking road infrastructure of my constituency would be pushed beyond its limits. Peak-time commuter trains are already packed to overcapacity on the Airedale and Wharfedale lines.

The fact that those on lowest incomes become the casualties of rationalisation is perhaps the most worrying feature of the proposed exercise. Short-term decisions, purely based on a crude economies of scale argument, to cut a slice from the bottom appear to be a case of sticking-plaster politics. In Keighley—I do not believe that my constituency is very different from many other northern towns and cities—I am increasingly concerned by a lack of strategic planning and thinking. The waste of public money, on a much grander scale than the proposed savings of HMRC, appears to go unchallenged. Without a doubt, much of the responsibility for this lies with the politically, intellectually and financially bankrupt Conservative council in Bradford city hall. However, there is an increasing tendency for public offices and services to work only within their own silos, with little reference to each other or the community beyond.

Keighley has, since the still unpopular removal of its non-county borough council status and its swallowing up by Bradford metropolitan district council in 1974 due to Tory reorganisation in 1972, also witnessed the departure of its magistrates court, West Yorkshire police from the town centre and processing elements of the Department for Work and Pensions, and as a result

there are vacant publicly owned properties. Changes in the provision of legal aid could see my constituency become a legal aid desert. That argument goes on and I hope that those changes are halted for my constituency.

Rather than tinkering with the edges of efficiency—the easy hit of rationalising the jobs of those on the lowest income—a more creative, thoughtful and strategic approach across the whole of Government and council departments would be far more productive. Decisions being made in isolation to meet the short-term needs of any particular public organisation will have long-term repercussions for the make-up and future of towns such as Keighley. If there is excess capacity in HMRC, or in any Government Department, how can it be employed better in that area to serve the town? Can there be horizontal rationalisation rather than a simple vertical rationalisation approach.

I wholeheartedly support the Government's attempts to ensure that services are provided effectively, but unless we shift our horizons from a pure isolationist and silo-driven analysis to a broader and more strategic view that takes into consideration the repercussions of decisions at the micro-level, we may well be prejudicing the very efficiency that we seek while at the same time alienating the people who most require our assistance.

I trust that this contribution to the debate on Government office closures will encourage a more imaginative solution, thus retaining the skills and experience of an exceptionally loyal work force.

6.22 pm

The Financial Secretary to the Treasury (John Healey): I congratulate my hon. Friend the Member for Keighley (Mrs. Cryer) on securing the debate. I am also very glad to see my hon. Friend the Member for Halifax (Mrs. Riordan) back in her place and with us again in the House. My hon. Friend the Member for Keighley has made her views and concerns clear, not just in tonight's debate, but consistently throughout the process. She has been involved in and concerned about this issue from the very start of the process, before last Christmas. She has written to my right hon. Friend the Paymaster General several times. She has taken advantage of the offer of briefing sessions that HMRC has organised for Members of Parliament who are concerned about potential changes and the review process in their area, and our debate this evening is the latest in a series of opportunities that she has rightly taken to express the concerns of her constituents and of staff who have approached her about this process.

I want to reassure my hon. Friend the Member for Keighley about two things. First, the senior management at HMRC and the board have not announced a decision to close the Keighley office. They have announced and set out proposals for change that could affect Keighley but are part of a much wider look at the provision and future of services provided by HMRC in Keighley and some of the areas around Keighley, including Shipley, Leeds and Bradford. It is in that broader review that the final decision about posts and the operations at the Keighley office will be taken.

The second thing that I want to say to both my hon. Friends, who are concerned about the situation in Halifax and in Keighley, is that this is a serious consultation. My hon. Friend the Member for Keighley was right to say that when people are invited to offer views as part of a consultation, they expect, and have the right to expect, those views to be taken seriously. Consultation is clearly different from decision making, and sometimes the decisions taken will not accord with the views offered during the consultation. In such circumstances, people who have contributed their views have a right to an explanation as well as an outline of any decisions taken. That is part and parcel of the important process of information, consultation and decision making. In the end, somebody has to take decisions, which are often, as may be the case with this review, difficult decisions that have to balance several competing interests and will not necessarily be welcomed by all those who have an interest in the process.

I assure my hon. Friend the Member for Keighley that this is a serious and genuine consultation. As she knows, we are conducting the reviews at different stages in several regions around the country. The one that led the way, which we have completed, was in central London. As a result of the consultation process that we conducted, and as an integral part of the decision-making process, the original proposals were significantly changed. My hon. Friend has put a great deal of effort into the consultation and review process. I assure her that when my right hon. Friend the Paymaster General and I come to examine this and take the final decisions, the views that she has registered will be taken into account.

We have tried, in the spirit that my hon. Friend suggests is essential in such public policy and public service decision making, to set up a systematic process of review, consultation, point of decision, information about and publication of that decision, and then any implementation of the consequences that arise. At the outset, back in November, before we embarked on these reviews anywhere in the country, HMRC ensured that all staff potentially affected, and all members of this House with constituencies potentially affected, were given the information about the systematic process that we set up. I will return to that in relation to the particular concerns about Keighley.

I am grateful to my hon. Friend for recognising the essential challenge that we face with HMRC: as a result, largely, of the recent merger of the Inland Revenue and Customs and Excise, HMRC has more office accommodation than it needs, and far more than it will need in future. That is a problem. Taxpayers rightly expect any Government Department, and any Minister responsible for any Government Department, to use taxpayers' money to support such services as efficiently as possible. Although the situation varies from region to region, HMRC reckons that it probably has about 40 per cent. more office space than it needs for the future. We have to undergo a process that allows us to address that more effectively.

It is inevitable that we have to consider questions about the nature and location of the functions in order to deliver the best service and to provide the service with the best value for money that we can explain to the taxpayer, because in the longer term the way in which taxpayers, businesses and individuals deal with HMRC is changing. Increasingly, taxpayers file their tax returns or claim credits to which they are entitled online. They also increasingly deal with HMRC by telephone. In those circumstances, our method of delivering the service and its implications will change.

[John Healey]

Any long-term decisions that we try to make as part of the review process about our location and office accommodation must take those factors into account.

It is important to try to bear in mind the fact that the board's principal focus of attention and concern is reducing its use of office accommodation, concentrating on back-office functions, not the public inquiry facilities for which, as my hon. Friend said, face-to-face contact is paramount. One commitment was given at the outset: public inquiry centres will be maintained. Whatever decisions are made about other operations, functions and posts that may be co-located with those public inquiry centres, the inquiry centres will remain as they are now. If, for example, a lease cannot be renewed, the board of HMRC senior managers will ensure that the function is located in a facility that is as close as possible to the current inquiry centre. That will be the case in Keighley, should it be decided to move other functions from the Keighley office.

As I explained, we have not announced a decision to close the office in Keighley. In January, HMRC senior managers announced proposals, in which reorganising some of the functions currently undertaken in Keighley formed part of a bigger set of changes in the west Yorkshire area. The current consultation is being conducted on those proposals.

I mentioned the commitment to maintain all public inquiry centres. Other commitments include not moving staff compulsorily from an office before the completion of that office's review. Staff will not be required to move to an office beyond reasonable daily travelling distance. We will consider that carefully. Until September 2007, we have a no compulsory redundancies agreement with the trade unions. All those factors are important.

The proposals that were published in January for a different way in which to use the offices in west Yorkshire mean that consultation has been invited and conducted with staff, the HMRC trade unions, Members of Parliament and other interested groups. That consultation ran till mid March. A summary of the responses was published for staff on 23 April. I hope that my hon. Friend and my hon. Friend the Member for Halifax got a copy.

It is clear from the summary that the concerns of staff in Keighley were similar to those that my hon. Friend the Member for Keighley expressed. The majority focused on the difficulties that staff felt that they would face as a result of travelling to another, more distant office. Following further work that is being conducted to check the feasibility of proposals and options, I expect—if the Paymaster General is back in place, she will expect it—to receive the recommendations that flow from the review, including the results of the consultation, for ministerial consideration and decision shortly. Let me say again that final decisions have not been made on the future of the Keighley office. All the information provided will be taken into account either by myself or by my right hon. Friend the Paymaster General, and the particular comments raised by my hon. Friend this evening will be taken very seriously indeed.

I well understand the concerns of the staff of nearly 40 who are employed by HMRC in the Keighley office. About three quarters of them are women and about half are part-time. They have expressed concerns about the extra travel time and the availability of transport links from their home area to alternative offices. They have also, like my hon. Friend, expressed concern about the impact on the local economy and local communities if jobs such as these are relocated. Those are all concerns that will be taken into account.

We will do more than just take into account the views expressed about the dimensions of any possible decision. What has been commissioned now as an integral part of the process is an assessment of the impact of any proposals or decisions for change. That is an assessment of the impact of the proposals on taxpayers, on HMRC's customers—both businesses and individuals—as well as staff, on local communities and on the local economy. We will also assess the potential impact on the make-up of the HMRC work force. My hon. Friend wants us to reflect on the repercussions of any decisions and to take them into account, and we will do precisely that.

If and when, or once any decisions are made to relocate posts or to close any offices as part of the wider review process, a well planned support process for staff will come into play. It will mean individual meetings and everyone affected will be able to attend them. That will include discussions about whether any moves that might result from the decisions are reasonable in the circumstances of those individuals. If not, HMRC will either provide work for them in a location that is within reach of reasonable daily travel or look to other arrangements such as alternative hours or home working. I hope that that provides some reassurance to my hon. Friend at this point in the process.

In conclusion, I welcome this debate and I welcome my hon. Friend's interest in this matter. It is a long-term programme. HMRC and responsible Ministers such as the Paymaster General and myself have to weigh up some quite difficult decisions. We have an obligation to the general taxpayer who provides the money to fund our public services. We have an obligation to taxpayers in providing the service that HMRC provides and we also have an obligation to the staff and the unions that represent them.

I am confident that the long-term programme of change that we are looking to put in place will deliver a better and more efficient service for the taxpayers who fund it, and one that is better not only for those who need to pay what is due to HMRC but for those who need to claim from it. The consultation is the vehicle that we are using to take into account the concerns of staff, trade unions, taxpayers and others in the wider local areas. We will take those concerns seriously.

The final decisions on any changes as a result of the west Yorkshire review will come to Ministers and be taken by Ministers in the coming weeks and months. After that point, if there are consequences for the staff involved, every step will be taken to provide them with the support and alternatives that they need, and to take into account the individual circumstances that each and every one of them will face.

Question put and agreed to.

Adjourned accordingly at twenty minutes to Seven o'clock.

House of Commons

Thursday 17 May 2007

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

ENVIRONMENT, FOOD AND RURAL AFFAIRS

The Secretary of State was asked—

Marine Bill

1. **Richard Ottaway** (Croydon, South) (Con): When he expects to be in a position to introduce a marine Bill. [137583]

The Minister for Local Environment, Marine and Animal Welfare (Mr. Ben Bradshaw): Our manifesto commitment was for a Bill in this Parliament, and I am confident that we will deliver that. Our White Paper, the precursor to the Bill, was published in March.

Richard Ottaway: I am grateful to the Minister, but could he possibly expand a little on the reasons for the delay? Several environmental groups are campaigning for the Bill, and the Minister must be more forthcoming as to what the problem is. Does he think it important that the devolved Administrations should introduce a piece of legislation to run in parallel with his proposed Bill?

Mr. Bradshaw: There is not a problem. Governments are elected for five years, and we are just two years into this Parliament. I fully appreciate that many organisations, individuals and Members of this House would like a Bill as soon as possible, but I want to ensure that we get a good Bill instead of moving unnecessarily fast. The hon. Gentleman is right to point to the importance of the engagement of the devolved Administrations. I hope that the new Administrations in Scotland and Wales will engage positively in furthering the legislation and that it will not get bogged down in unnecessary discussions about the devolutionary settlement.

Sarah McCarthy-Fry (Portsmouth, North) (Lab/Co-op): Langstone harbour in my constituency has a thriving commercial wharf that imports about 500,000 tonnes of recycled aggregate. There is a sewage treatment plant at the top of the harbour and a storm water outfall at its mouth. The harbour is an important breeding ground for gulls and terns, and has a thriving marine leisure industry. Does my hon. Friend accept that we will need a strong regulatory body in the Bill in order to manage those conflicting interests?

Mr. Bradshaw: Yes, my hon. Friend is right. The situation that she describes in her constituency is a good example of why we badly need to modernise our marine legislation. She correctly outlines the diverse interests and pressures on the marine environment and why it is so important that we develop the marine Bill in a comprehensive way to deliver all the economic and environmental benefits to places such as Portsmouth, for which she fights so strongly.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Will the Government use the marine Bill as an opportunity to review the operation of the Crown Estate Commissioners as owners of the seabed? May I suggest to the Minister that there is a contradiction between a sustainable management regime for marine resources and the owner and operator of the seabed being a landlord whose statutory duty is to maximise the financial return to the Treasury?

Mr. Bradshaw: We all want sustainable development of our marine environment. We want a Bill that does not damage economic prospects, particularly in areas such as renewable energy, but that at the same time preserves the environment. I see no conflict whatever as regards the role of the Crown Estate Commissioners; in fact, we have worked closely with them on the development of the marine White Paper, and I am sure that we will continue to do so as the legislation comes before the House.

David Taylor (North-West Leicestershire) (Lab/Co-op): Do not we need fully to protect our inland waters? The Marine Conservation Society points out that full protection from damaging, and potentially damaging, activities is in place in the UK only around Lundy island—an area of about 3 sq km, or 0.002 per cent. of the area that needs protection. Will the Minister liaise closely with the society to promote and extend the very limited area of protection that we have at the moment?

Mr. Bradshaw: Yes; the society gave a warm welcome to the White Paper when it was published. The Bill will make it easier to develop a network of marine protected areas around our coasts such as that which my hon. Friend describes. That does not mean that we are being inactive in the meantime, but the new legislative tools that the Bill will provide will help us to give the protection that he seeks.

Mr. Peter Ainsworth (East Surrey) (Con): Given the continuing decline in species and habitats in UK waters and the hugely complicated and ineffectual measures that are in place to protect them, may I confirm for the Minister that we strongly support the introduction of a marine Bill? Indeed, we have done so for several years. The consultation on the marine White Paper ends on 8 June. Surely that allows enough time for a marine Bill to be introduced in the next Queen's Speech. I know that we need to get it right, but no one could accuse the Government of acting with undue haste.

Mr. Bradshaw: Equally the hon. Gentleman will understand that no Government ever give a commitment about what will be in the Queen's Speech before any measure is actually in the Queen's Speech, so he would not expect me to do that. He is wrong to

paint a picture of catastrophic decline in all our marine environment. Some of it is doing especially well. Of course, some fish stocks are over-exploited and we take steps to tackle that wherever can. However, the seas around many parts of our coastline are in better shape than at any time since before the industrial revolution. I am sure that the hon. Gentleman welcomes that.

Broiler Chickens

2. **John Mann** (Bassetlaw) (Lab): What steps he is taking to improve welfare standards for broiler chickens. [137584]

The Minister for Local Environment, Marine and Animal Welfare (Mr. Ben Bradshaw): I am pleased to tell the House that, after several years of talks, agreement was reached at an EU Council meeting last Monday week on new rules to improve the welfare of meat chickens. The United Kingdom played a crucial role in securing that agreement and in preventing a minority of countries, led by France, from watering it down.

John Mann: I thank the Minister for that reply. I had a bit of a taste for broiler chickens, but I prefer free range. Will free-range chickens be subject to the EU directive and regulation?

Mr. Bradshaw: They will be, but they already exceed the requirements because, by their nature, free-range chickens do not live in the sort of stocking densities that the regulation is designed to secure. The regulation is about protecting chickens that are not free range to ensure that the stocking densities are good and other welfare considerations are met. My hon. Friend will also be pleased to know that the UK has the highest proportion of free-range and organic chicken production of any EU member state. I am sure that he and the House welcome that.

Mark Pritchard (The Wrekin) (Con): May I endorse the comments of the hon. Member for Bassetlaw (John Mann) about free-range chickens? On chickens that cannot roam around farms but remain in very large sheds with artificial light, I understand that the European Commission was recently going to make a statement about requiring UK farms to increase the pulse of stun guns, given that many of those chickens are not fully stunned and therefore suffer.

Mr. Bradshaw: I am afraid that I shall have to write to the hon. Gentleman about stun guns. We constantly review the welfare of not only chickens but all animals at slaughter. We have made considerable progress in recent years, but I shall have to write to the hon. Gentleman, if he does not mind, to clarify the detail of the required voltage of the stun guns.

Mr. Michael Jack (Fylde) (Con): The Minister will understand that the welfare of broiler chickens and animals in general is affected by good investment in appropriate agricultural buildings. What representations did the Department make about the removal of the agricultural buildings allowance, especially the short phasing-out period of four years? It will clearly affect farming's ability to invest in good-quality buildings for high standards of animal welfare.

Mr. Bradshaw: The right hon. Gentleman, as Chairman of the Environment, Food and Rural Affairs Committee, will know that we already have high standards of broiler welfare in this country. Our poultry industry was keen for there to be a level playing field throughout the European Union—that is one of the reasons for its support of the agreement. It will not affect our industry and the quality of its buildings. However, I understand that the right hon. Gentleman refers to an independent report by Lyons. It is not part of my responsibility, but I shall look into the matter and write to him.

Emissions Trading

3. **Mr. Jim Cunningham** (Coventry, South) (Lab): What progress the Department has made on emissions trading. [137585]

10. **Lyn Brown** (West Ham) (Lab): What assessment he has made of the likely effect of the UK's membership of the EU emissions trading scheme on future greenhouse gas emissions. [137595]

The Secretary of State for Environment, Food and Rural Affairs (David Miliband): Our compliance with the EU emissions trading scheme has been excellent and is worth some 65 million tonnes of carbon dioxide in 2005 to2007. Phase 2 is set to deliver an additional 29 million tonnes of carbon reduction every year. The scheme is a key part of our strategy for tackling CO_2 emissions to meet our long-term goal of at least a 60 per cent. reduction on 1990 levels by 2050. We are also working with other countries that want to develop similar approaches.

Mr. Cunningham: Will my right hon. Friend redouble his efforts to encourage more countries to join the EU emissions trading scheme?

David Miliband: I certainly will. This morning, I had meetings with the premiers of two Australian states—South Australia and Victoria. They are pushing hard for the development of Australian schemes that are based on the cap and trade system that we have used in Europe. It was interesting to hear from them that they want an Australian scheme, or a state-by-state scheme in Australia, to follow the European model. They want not necessarily to join the EU scheme but to create the possibility of enabling the schemes to be linked. That is a positive development. In the United States, as well as Australia and elsewhere, an urgent debate is taking place about how those countries develop their own schemes and expand the range of industries that are involved. I know that my hon. Friend is interested in that.

Lyn Brown: My constituents tell me that they are a little cynical about the trading schemes. They are anxious that people might be able to use them in order to make a few bob or get rich quick. What assurances can the Secretary of State give my constituents on this matter and can he assure me that people who abuse the system will be dealt with severely?

David Miliband: My hon. Friend raises two important points. The first guarantee is by making sure that there is a proper carbon price. She will know that at the moment the carbon price for phase 1 of the emissions

trading scheme is €1 or below, which is not the sort of price that we need. However, it is very significant that for the period 2008 to 2012 carbon is trading at €19.5 to €20 a tonne—a much steadier and more significant price.

Secondly, my hon. Friend refers to the importance of offsetting schemes genuinely reducing the amount of carbon dioxide. She will agree that Government standards are important in that area, although the Government obviously do not run all the schemes. When we in DEFRA produced a standard earlier this year, on which we are currently consulting, we found that 56 of the 60 available schemes did not currently meet the standards that we wanted. Only four did; all the details are on the DEFRA website. We certainly want to move to a situation in which anyone offsetting their emissions knows with confidence that it will lead to genuine emissions reduction around the world.

Jeremy Wright (Rugby and Kenilworth) (Con): May I suggest to the Secretary of State that any carbon trading scheme will and should benefit indirectly those who efficiently manufacture methods and systems that enable us to deliver renewable energy very cheaply? May I therefore thank through him the Minister for Climate Change and the Environment for yesterday meeting me and representatives of Converteam, a renewables manufacturer in my constituency? Will the Secretary of State undertake to do all he can with the Government to ensure that those who are able to produce renewables technologies efficiently are encouraged by the standards that the Government set and by any other support that can be given?

David Miliband: I am always delighted to congratulate my ministerial team on the excellence of their meetings and their performance. I also like to congratulate British companies that are developing in new markets. It is striking that environmental industries are now one of the fastest growing sectors in the UK economy, with 500,000 people currently working in environmental industries as compared with just 175,000 five years ago. I will not pre-empt next week's discussions on energy, which I am sure will be heated—not too heated, I hope—and robust. However, the point about incentives for new technologies is being discussed in the context of the renewables obligation, and I very much hope that we can ensure that this country is at the forefront of renewables technology.

Chris Huhne (Eastleigh) (LD): Given that the range of estimates for the social and environmental cost of carbon is anything from a minimum in the Stern review of €25 up to €70 or so, and even though we have seen a welcome tightening of the price, as the Secretary of State says, at €18 in the second phase, the reality is that as we came into the Chamber this morning the current price for the current phase was 31 cents per tonne, which sends out a pretty appalling signal. Does the Secretary of State accept that the Council needs to try to tighten the price in the current phase as well as deal with the next phase? Is, indeed, the tightness of the next phase adequate, and what measures is he urging on his colleagues in the Council to improve the scheme?

David Miliband: The tightness of the next phase will be clear only when all allocations have been agreed with all countries. As the hon. Gentleman will know, that has not yet been done, so it would be ridiculous for me to reach a conclusion now. What I can say is that the European Commission's determination to ensure that, for every country, the allocation is, first, below the current level of emissions and, secondly, in line with the Kyoto commitments is exactly the sort of tough negotiation and decision making that we wanted from the Commission and that has been urged on it on a cross-party basis over the past few years. I think that it is a good example. The Commission, which oversaw the first phase of the scheme where there were genuine problems, deserves credit for delivering what is now the world's most effective carbon market—the second phase of the EU emissions trading scheme. Given that it covers half of all emissions in this country, the fact that we have a tighter scheme with the price going only in one direction should be applauded.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): Will the Secretary of State continue to resist the attempts of some European countries to oppose the tighter national allocation plans on carbon levels in phase 2? Will he also examine the potential for a sector-by-sector scheme to recognise the different basic carbon potential for different sectors of industry, so that one does not suffer in relation to another?

David Miliband: My hon. Friend makes an important point. The short answer to the first part of his question is yes. We need to keep urging the European Commission to take a tough line with any country that is trying to have slack allocations. He will be aware that this Government have decided that any sector exposed to international competition should be protected from any burdens that are imposed. However, his point about sectoral agreements is important, particularly in the light of the international negotiations that will reach a peak in June at the G8 plus 5 meeting and in December at the United Nations meeting in Indonesia. One of the items that the Government have put on the agenda is to consider, if developing countries are not yet ready to take on binding emissions reduction targets, sectoral schemes that can take a global role in ensuring that all sectors are playing their appropriate part in emissions reduction.

Martin Horwood (Cheltenham) (LD): In the light of the United States' failure to sanction a federal emissions trading scheme, and of Angela Merkel's frank admission yesterday that pre-negotiations with the United States on the G8 summit are going very badly, with the United States not even accepting the 2°C target for global warming, has the Minister asked the Prime Minister to use his farewell love-in with George W. Bush to pressure him to accept the 2°C target? Will he also back the German Government in insisting on that target?

David Miliband: The Prime Minister does not need my instructions, because he has his own determination to work with the United States and seek to persuade its Administration that a central role by America in the global drive to reduce emissions is essential, and that America has not only a lot to contribute but a lot to gain from being part of the emissions reduction drive. We have two or three weeks before the G8 plus 5

summit. The fact that American states and cities are moving as fast as they are, and that American business is now demanding a federal response, makes it right to say that it is a matter of when, not if, the United States becomes part of the global deal, and the sooner the better.

Helen Goodman (Bishop Auckland) (Lab): My right hon. Friend is right to say that the scheme must be credible and tied to the Kyoto targets. What consideration has been given in Europe to using auctions for the allowances in the next phase, and to having a back-stop price related to the cost of carbon abatement?

David Miliband: My hon. Friend speaks with some expertise on these matters. Significant consideration has been given to auctioning, although it is for each national Government to decide the level of auctioning that will take place. In this country, it will be 7 per cent. There is a widespread view that the use of auctioning is an important part of the future of the scheme, and it is significant that the European Commission should now be encouraging nation states to take that forward. Phase 3 of the scheme will be under discussion soon and, given the united UK position across business, non-governmental organisations and Government on the EU ETS manifesto, I believe that we shall see further discussion of the issue that my hon. Friend has raised.

Packaging

4. **Mrs. Siân C. James** (Swansea, East) (Lab): What steps he is taking to reduce the amount of packaging used by supermarkets for fresh produce. [137586]

The Minister for Local Environment, Marine and Animal Welfare (Mr. Ben Bradshaw): Legislation requiring an increasing proportion of packaging to be recycled and outlawing excessive packaging is helping to reduce packaging. The supermarkets have agreed voluntary measures to reduce packaging. We will announce further measures shortly when we publish our new waste strategy.

Mrs. James: I thank the Minister for his answer. I have received correspondence from a constituent, Chris James, who has recently come back from a family holiday in America, where he compared shopping in Wal-mart in America with shopping in his local supermarket in Swansea. He was particularly struck by the fact that in America there was so little packaging and that all the fresh produce was displayed with a minimum of packaging. When he got back home, he noticed a significant difference in the amount that he had to dispose of or recycle. Will the Minister speak to the supermarkets with a view to reaching an agreement on some kind of standardisation for packaging? We need to encourage them to take these steps.

Mr. Bradshaw: I entirely agree with my hon. Friend: the experience of her constituent in the United States mirrors that of many people who travel to other countries and find that produce is not so heavily packaged as they are used to here. We are in constant touch with the supermarkets on this issue, and we have seen a new will on their part to address the problem. One or two of them have not only signed up to the agreement to which I referred, but are going further in reducing and minimising packaging. We shall pay close attention to that issue when we publish our new waste strategy shortly.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): The Minister will know, however, that supermarkets are not exactly forthcoming in dealing with regulations: we need only think of the way that they are hammering the dairy industry and the farming industry generally. The hon. Member for Swansea, East (Mrs. James) raises an important point, because we do suffer from far too much packaging. I commend to the House the initiative of Waitrose in not handing out plastic bags for the next week or two. That is a good start, because our streets are littered with totally unnecessary plastic bags.

Mr. Bradshaw: Personally, I would rather that Waitrose never handed out a disposable bag again, and I think that all other retailers should adopt the same policy. Those in this country that have adopted the policy have seen a dramatic fall in the issue of one-way disposable bags—not just plastic but other bags. I refer the hon. Gentleman to the fact that, a couple of months ago, we got the supermarkets to sign up to an agreement to reduce the environmental impact of all disposable bags by 25 per cent. over the next two years. Consumers also have a role, and he and other Members may like to reflect on their behaviour as consumers in relation to packaging and bags, to complain to retailers and to make it clear that packaging is sometimes excessive.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): The issue is reducing not just the amount of packaging but the materials used in that packaging. Many councils will not recycle much plastic packaging. Is there pressure on supermarkets to think about using the type of packaging that can be easily recycled in preference to that which cannot?

Mr. Bradshaw: Yes, there is. A slight misconception exists, because the vast majority of plastics used by supermarkets are recyclable, but the recycling of plastics around the country, from local authority to local authority, is patchy. Some local authorities that got the recycling bug later have concentrated on other materials that help them improve their figures more quickly. We are mindful of the issue, and we will consider it closely when we publish our new waste strategy.

Gregory Barker (Bexhill and Battle) (Con): As well as wanting the physical volume of packaging reduced, consumers want to know the carbon footprint of packaged products that they buy. So far, however, that approach seems totally beyond the ambition of the Government. Part of the problem, as the Green Alliance has noted, is that no single body is driving progress in this area. Will the Minister therefore consider constructively the submission of the Industry Council for Packaging and the Environment to the Conservative quality of life policy review—*[Interruption.]* It would be helpful if the Minister calmed down a little and listened to the question; it is Question Time, after all. Can that submission calling for an

independent packaging watchdog be considered constructively, so that real progress can be made in this area?

Mr. Bradshaw: I always want to consider interesting and constructive ideas. It may have passed the hon. Gentleman's notice, although not that of the right hon. Member for Fylde (Mr. Jack) who chairs the Select Committee on Environment, Food and Rural Affairs, that my right hon. Friend the Secretary of State made such an announcement at the Oxford farming conference earlier this year. The difficulty in relation to the carbon footprint of different foodstuffs is that we simply do not have the evidence base yet to introduce a credible system that would be adopted by all the retailers. Retailers are also interested in the issue, and we are working with all of them to try to agree a standard measurement, so that we avoid the problem, which was mentioned earlier, of having a plethora of carbon offsetting schemes but no real standard in which consumers can have confidence. We have wanted to introduce such a scheme for a long time, and I am glad that the hon. Gentleman has now jumped on the bandwagon.

Gregory Barker: Standards are one thing—and I welcome what the Secretary of State said in his Oxford speech—but we still need an independent regulator with real teeth. We have the Waste and Resources Action Programme, for example, but that is working with the industry, not policing it. Currently, responsibility is split between the Department of Trade and Industry and the Department for Environment, Food and Rural Affairs. Who will be responsible for enforcement and making sure that progress happens?

Mr. Bradshaw: The hon. Gentleman is calling for more red tape. We are confident that, just as we have used independent advice to come up with a standard for carbon offsetting, it would be perfectly possible to use independent advice, based on independent research, to come up with a good carbon footprint scheme for foodstuffs. However, we do not need a new independent regulatory body to police it. That is a ludicrous idea. I suggest that the hon. Gentleman have a word with his right hon. Friend the Member for—

The Secretary of State for Environment, Food and Rural Affairs (David Miliband): Suffolk, Coastal?

Mr. Bradshaw: No, not the right hon. Member for Suffolk, Coastal (Mr. Gummer). I have forgotten the right hon. Gentleman's constituency, and I am not allowed to use his name in the Chamber. Anyway, I think he would be very concerned about the hon. Gentleman's suggestion that we need yet another regulatory body to regulate something that—[HON. MEMBERS: "Wokingham!] Yes, I meant the right hon. Member for Wokingham (Mr. Redwood). He would be very concerned about the idea of establishing yet another regulatory body to regulate something that we are perfectly capable of regulating ourselves.

Mr. Eric Illsley (Barnsley, Central) (Lab): May I declare an interest, as chairman of the all-party parliamentary group on the packaging manufacturing industry? I am sure that my hon. Friend will agree that there is a great deal of misunderstanding about the requirements and needs for some of the packaging that we use. I agree with my hon. Friends that fresh produce should not need packaging—except, of course, when consumers want to shop weekly at a supermarket, and want the produce that they buy to last for more than two or three days. Therefore, there is a requirement for certain types of packaging for the purposes of hygiene and labelling, and to keep produce fresh. Will my hon. Friend use his good offices and try to find time for a full-scale debate in the House, in Government time, so that some of these issues can be discussed and we can avoid some of the recent campaigns in, for instance, the *Daily Mail*—

Mr. Speaker: Order. It sounds as though we are having a full debate now.

Mr. Bradshaw: You have made very well the point that I was about to make, Mr. Speaker. We have spent a considerable amount of time on the subject of packaging, and quite right too.

My hon. Friend is right to remind the House, and some in the media, that some packaging is good for the environment. Food does not go to waste that would otherwise go to waste, which in itself would be wasteful. However, other Members are right to say that there needs to be a balance. Enough of us come across enough examples of produce that is over-packaged to make it important for retailers and legislators to address the issue.

Climate Change (Air Travel)

5. **Mr. David Evennett** (Bexleyheath and Crayford) (Con): What recent discussions he has had with the Chancellor of the Exchequer on the impact of VAT on air travel as part of the Government's climate change strategy. [137587]

13. **Mr. Adam Holloway** (Gravesham) (Con): What recent discussions he has had with the Chancellor of the Exchequer on the impact of VAT on air travel as part of the Government's climate change strategy. [137598]

The Minister for Climate Change and the Environment (Ian Pearson): The best way available in which to tackle the climate-change impact of aviation is to bring it within the EU emissions trading scheme. However, we continue to explore and discuss the use of other economic instruments, within Government, with stakeholders and with other countries.

Mr. Evennett: Let me say first that I am very sad that the Secretary of State decided not to stand for the leadership of his party. *[Interruption.]* I think there are other members of the Labour party who think the same, but let me turn to more substantive issues. Does the Minister agree that emissions from aviation are the fastest growing source of greenhouse gas emissions, rising potentially from 5 per cent. today to a possible 25 per cent. by 2030? What changes does he think should be introduced to make aviation play its part in helping to tackle rising carbon dioxide emissions?

Ian Pearson: I agree that aviation is the fastest growing source of carbon dioxide emissions, but it is not just a question of carbon dioxide emissions. The Intergovernmental Panel on Climate Change estimates that the non-carbon dioxide impact of aviation is two to four times as great as the carbon dioxide impact. That is why the Government have been leading the way in bringing aviation into the EU emissions trading scheme, and why we strongly back the proposals that have emerged from the European Commission, which by 2020 could save 183 million tonnes of carbon dioxide per year.

Mr. Adam Holloway: I think that it will be the Labour movement that, in time, will be sad that the Secretary of State did not stand for the leadership of the Labour party.

In February this year the Government increased air passenger duty, but it has been described by one of the Government's own members as

"a blunt instrument…not…designed for environmental ends."

Can the Minister tell us when the Government will tackle the issue properly?

Ian Pearson: I accept that air passenger duty may not be the most effective policy instrument when it comes to influencing environmental behaviour, but it is one of the best we have. It is certainly far better than the Tory proposal to impose VAT on domestic flights. The simple fact is that the rise in APD announced in the last pre-Budget report will produce more carbon savings in a month than the Conservative proposals will in a year.

Andrew Gwynne (Denton and Reddish) (Lab): The growth in air travel has had a very good impact on the economy of such places as Greater Manchester, which has a rapidly expanding international airport, but has also had a massive impact on carbon emissions. The Minister briefly mentioned the UK's efforts to have air transport included in the EU emissions trading scheme. Could he update the House as to where the Government are on this?

Ian Pearson: My hon. Friend is right about the importance of aviation to the UK economy and he gives a good example of the growth and success of Manchester airport. As a Government, we must have a sustainable policy on aviation. We should not be against aviation any more than we are against the cement industry, aggregates, construction, telecommunications or chemicals. Clearly it is important for aviation, like other sectors of the economy, to take responsibility for reducing its carbon emissions, which is why putting aviation in the EU emissions trading scheme is the best way forward. We have been responding to the European Commission's proposals on aviation and we hope to see significant progress later this year, in accordance with the timetable laid out by the Commission.

Lynne Jones (Birmingham, Selly Oak) (Lab): Irrespective of whether the Government choose—I hope they will—to use other policy instruments in advance of the EU emissions trading scheme, which is still some years off, and given that the UK already submits information on emissions from international bunker fuels under the Kyoto provisions, should not emissions from both aviation and shipping be included in the Climate Change Bill from the beginning?

Ian Pearson: Domestic aviation is included in the UK's greenhouse gas inventory. International aviation and shipping are not, because there is no international agreement on definitions. There is scope to amend the Climate Change Bill to allow the introduction of aviation and shipping, but we need international agreement on reducing carbon dioxide emissions from aviation and shipping. In the meantime, putting aviation into the EU ETS—the UK would support the inclusion of shipping—has to be the next best step. If we can achieve agreement through the International Civil Aviation Organisation to get global action on aviation, that would be much the best for everyone.

Adam Afriyie (Windsor) (Con): There is broad agreement that green taxes do help to change behaviour and I very much welcome the Government's announcement of their intention that we enter the emissions trading scheme. However, there is also deep suspicion that green taxes are being used to raise the overall level of taxation, rather than simply to combat climate change or to change behaviour. Will the Minister confirm that if Britain does enter the emissions trading scheme, air passenger duty and many other green taxes affecting aviation will be reduced to offset those new taxes?

Ian Pearson: It is incredible that Opposition Members oppose the climate change levy, which will have more of an impact in a week in terms of reducing carbon emissions than the current Conservative proposal to put VAT on domestic aviation would do in a year, while also opposing the increase in air passenger duty, which will save 2.75 million tonnes of carbon dioxide a year by 2010-11—more in one month than putting VAT on domestic flights, as the original question suggests, will do in a year. This is a nonsense of a Conservative policy—

Mr. Speaker: Order. I call Mr. Ellwood.

Mr. Tobias Ellwood (Bournemouth, East) (Con): May I add my condolences to the Secretary of State on his decision not to stand in the Labour leadership race—although there is another hour to go before the period for nominations ends? His campaign to be Prime Minister might be dead, but his ideas on climate change live on in the form of his mini-manifesto, a detailed letter written to the Chancellor in which he calls for increasing passenger awareness of the impact of flights, raising air passenger duty and making flights subject to VAT which the Minister has just condemned. If we all agree that aviation must play its role in combating climate change and if the Secretary of State believes that that is the way forward, when will we get the opportunity to debate those ideas in this House?

Ian Pearson: We shall have plenty of opportunities to discuss climate change in the future, particularly in relation to the Climate Change Bill. I welcome the hon. Gentleman to the Dispatch Box and congratulate him

on his debut performance; it is just a shame that his task is to defend the Opposition's shabby policy on aviation—

Mr. Speaker: Order. I am not going to allow that.

Single Farm Payments

6. **Mr. Lindsay Hoyle** (Chorley) (Lab): How many farmers in the north-west are awaiting payments under the single farm payment scheme; and if he will make a statement. [137588]

7. **Miss Anne McIntosh** (Vale of York) (Con): What percentage of applications for single farm payments complied with eligibility criteria in the last 12 months; and if he will make a statement. [137590]

The Secretary of State for Environment, Food and Rural Affairs (David Miliband): As I confirmed in my written ministerial statement on Tuesday of this week, at 11 May a total of £1.229 billion, representing about 80 per cent. of the estimated total fund of the 2006 single payment scheme, had been paid in either full or partial payments to about 92 per cent. of claimants—some 100,599 farmers. Eligibility penalties—the subject of Question 7—have been applied to about 10 per cent. of 2006 single payment scheme claims. Further detailed analysis of payments made under the SPS is not yet available.

Mr. Hoyle: Obviously, I congratulate my right hon. Friend on the way that he has got on with dealing with this problem. He inherited a chaotic mess—there are no two ways about that—and at least he has ensured that the farmers are starting to get the money. However, 8 per cent. are still waiting for payments. Will he consider helping them by means of compensation if that continues over a longer period? Will he also come up to Chorley and meet the farmers there who think he is doing a very good job?

David Miliband: An invitation to meet some farmers who think that I am doing a particularly good job is an invitation not to be refused. I am sure that there are a large and growing number of them, in Chorley and elsewhere.

My hon. Friend makes an important point. Last year, for those payments delayed beyond 30 June interest payments were available. We are not yet at the stage where we have to consider that again, but I can assure him that we are trying to get as many payments out as soon as possible; I reaffirmed our commitment to make payments as fast as possible in my statement on Tuesday. Obviously, we take our responsibilities very seriously towards those who have not received payments.

Miss McIntosh: I commend the Secretary of State for the work that he is doing. However, he amusingly stated in his written statement that the Rural Payments Agency

"chief executive is taking a number of other steps to further streamline processing of claims."—[*Official Report*, 15 May 2007; Vol. 460, c. 29WS.]

Does he find it acceptable that 22,000 claims from 2005 have still not been sorted out? Is part of the problem that two agencies are involved—the Environment Agency for the compliance aspect and the RPA for the payments aspect? Please will he ensure that whoever the next Prime Minister is, they make this matter the responsibility of a Minister in this place rather than the other place, so that we can scrutinise that Minister on the Floor of the House?

David Miliband: I am grateful to the hon. Lady for her kind words about the work that I have tried to do. I hope she will agree that Lord Rooker has done exemplary work in this area. I am very happy to speak in this House on the successes and failures of the RPA, and it is right that the hon. Lady should question me on these issues.

In respect of the specific point that the hon. Lady raised, from what she said an inference could be drawn by people following this debate that 22,000 people had received no money at all for 2005. That is not the case. I want to make it clear that there remain 22,000 people who have appealed against the level of claim that they have been given—in other words, their claims are being reviewed. There are 24 who received no money in 2005, mainly because of cases of probate, which have always arisen. In respect of the 22,000, of course we want to get the reviews completed as quickly as possible. I was able to report on Tuesday that the number had decreased from 25,000 to 22,000.

The hon. Lady is right to be anxious and passionate on behalf of her constituents to get the money paid. I assure her that I am equally anxious and passionate to do that. I want to do so in a way that is consistent with our 2006 payments, and also with the rules that we have urged on the European Commission for a long time for careful and appropriate payments under the common agricultural policy. We want to stick to those rules so that we can urge them on others.

Mr. David Drew (Stroud) (Lab/Co-op): Will my right hon. Friend, with the help of Lord Rooker, look again at eligibility with regard to commoners associations and grazing on commons? At the instigation of the scheme it was possible for commoners associations to be the vehicle through which payments were made. For some reason that has now stopped, which is causing consternation. I know that other hon. Members are also affected. Will my right hon. Friend look into the matter urgently and report back to me?

David Miliband: I am grateful to my hon. Friend. I will certainly look into the matter with Lord Rooker and write to my hon. Friend and place a copy of my letter in the Library of the House.

Mr. Roger Williams (Brecon and Radnorshire) (LD): Many English hill farmers are still uncertain about their entitlements under the single payments scheme relating to common land. That applies right back to 2005, bringing uncertainty into 2006 and 2007. That is unacceptable because the hill farming allowance also depends on a properly validated SPS claim. Given that hill farmers are particularly dependent on the subsidy and have marginal financial stability, will the Secretary of State ensure that resources are put in place so that this outstanding issue is dealt with and hill farming can have more confidence in future?

David Miliband: The hon. Gentleman, who follows this matter carefully, will know from previous statements that we have tried to make special provision for the payment of hill farm allowances and related allowances. He said that some groups are living on the margin and I understand what he was saying about the pressures that they face. We have tried to give them certainty about some of the transitional measures that are in place and we will continue to do that. I certainly take heed of his warnings about the need to ensure that this vulnerable group is properly protected.

Sir Nicholas Winterton (Macclesfield) (Con): My constituency has a number of hill farms and marginal pieces of land. Will the Secretary of State respond to the question put by the hon. Member for Chorley (Mr. Hoyle), because interest payments are different from compensation? The right hon. Gentleman will know that farmers are under huge pressure financially and in dire financial difficulty. Where payments are long delayed, will he ensure that there are alternative methods of giving some form of financial help, not just by paying interest—although little has been paid out—but by compensation?

David Miliband: The hon. Gentleman will know that we discussed compensation when I made my statement last June on interest payments. No Government have ever paid compensation and that remains our position. Our priority is to get the payments made. I hope he will not mind if I pick him up for referring to the "dire" state of the agricultural industry. Although just across the Pennines, I am sure that he is as avid a reader as I am of the *Yorkshire Post* and will have seen this week's report of the important information that UK agricultural industry total borrowing had fallen by £253 million in the quarter to March—

Sir Nicholas Winterton: They have gone out of business.

David Miliband: No, I am sorry but the Bank of England report shows that to claim that the whole of the UK agricultural industry is in a "dire" state is not backed up by the facts. Particular parts, notably livestock and especially dairy, are having a hard time. However, I gently say to the hon. Gentleman—I am sure he will agree—that it is not right to paint a picture of UK agriculture across the piece as being in a "dire" state. Many parts are prospering and winning in world markets.

Mr. Nigel Evans (Ribble Valley) (Con): If the Secretary of State is to visit Chorley, perhaps he could leave a little time in his diary to come next door into the Ribble Valley, where he may hear a different story. One of my farmers wrote to me:

"how can any business plan for the future, or even a month ahead, without knowing when monies owed to their businesses is going to be paid? Farming is hard enough, with livestock prices the same, or even less than they were twenty years ago."

That is the point. If people who work for the Rural Payments Agency were told that they were only going to get part payment of their salaries and that they would not know when they were to receive it, would that focus their attention on ensuring that the moneys that farmers are owed are paid on time?

David Miliband: The hon. Gentleman could actually be quoting from what I said when I first came to this job last year about the imperative of giving farmers confidence about how much money they will get and when. I completely agree that they are absolutely right to say that basic business planning depends on basic competence on the part of DEFRA and all its agencies. I am in complete agregment with him about that. This year, as promised, farmers received 70 per cent. of total funds paid out by the middle of March, compared to 15 per cent. last year, but they are right to continue to want 100 per cent. as fast as possible and the hon. Gentleman will not be able to outbid me in the rhetoric he applies to the importance of getting that done. As for future campaign visits to Ribble Valley, I look forward to taking on many of the marginal Conservative seats in a future election.

Mr. Andrew Robathan (Blaby) (Con): May I—unusually—commend Lord Rooker for his excellent and welcome policy of holding meetings for Members of Parliament? I am a farmer, an interest which I declare, and receive the single farm payment, so two weeks ago I telephoned the Rural Payments Agency in Newcastle where a charming young lady told me, "I'm afraid there's a huge backlog of pre-populated forms for the single farm payment yet to go out, so I'll send you an empty one." I eventually received my form but it was only half filled in, so I am afraid that the Secretary of State must acknowledge that the RPA system remains poor. I know the process is not easy, but the system remains poor so I hope he will tell the House that he will examine it very carefully.

David Miliband: I shall certainly draw to Lord Rooker's attention the hon. Gentleman's kind remarks. My noble Friend's surgery meetings for Members of this place and of the House of Lords are an excellent innovation. I completely agree with the hon. Gentleman that there are real issues to be tackled, in respect of not just the pre-population of the forms but the other data, which are constantly being updated and some of which I referred to in my written statement on Tuesday. We will not be satisfied until we have a system that accurately delivers stable, reliable, competent payments to farmers at the right time of year. That is what we are trying to deliver.

Mr. Peter Ainsworth (East Surrey) (Con): Even though I come from south of Watford, I, too, am an avid reader of the *Yorkshire Post*. The Secretary of State may have overlooked the front page headline in yesterday's edition: "British farmers £90 million worse off in subsidy fiasco".

When the Secretary of State took over his role about a year ago, he brought to it a refreshing candour. He started going round apologising for the rural payments fiasco—but we have recently learned that the Government's performance during the year that he has been in charge has actually got worse. If he goes on like that, he will be Foreign Secretary by July. Does he remember telling the Royal Show last year that he would find it difficult to look farmers in the eye until the single payment scheme was properly sorted out? When does he expect to look farmers in the eye? To put it another way, when does he expect to be able to start using the gents toilets at farmers' events rather than the

ladies—for fear of meeting angry farmers in the gents—and, finally, does not the fact that he does so show how little he understands the nature of farmers' wives?

David Miliband: I know that a special unit has been set up at Tory central office to track my activities—clearly it is being taken to rather ridiculous lengths—but since the hon. Gentleman asks, and although this may be shocking to the House, at the National Farmers Union I actually used the gents toilets. As it happens, at the gents toilet I met a farmer from Wales who subsequently entered into correspondence with me—*[Laughter.]*

David Taylor (North-West Leicestershire) (Lab/Co-op): Was he a Tory peer?

David Miliband: He was not, but for the sake of completeness, I should point out that he was concerned that he did not have long enough in the gents toilets to put his points to me.

I am afraid that I would urge the hon. Member for East Surrey (Mr. Ainsworth) to stick to matters of fact and policy for the future, although his question has helped to enliven the proceedings. The population at Environment, Food and Rural Affairs questions can only increase on the back of what he said.

I wish I could remember rather more accurately what the hon. Gentleman actually asked. He alleged that the situation now is worse than it was a year ago. I utterly refute that. Given that 70 per cent. or so of payments were paid by mid-March compared with 15 per cent. last year, I do not understand how he can describe that as a step backwards.

Carbon Emissions

8. **Jessica Morden** (Newport, East) (Lab): What proposals he has for enabling individuals to measure their own carbon emissions. [137593]

The Minister for Climate Change and the Environment (Ian Pearson): We have a range of policies and practical measures to help individuals adopt lower carbon lifestyles. We will soon be launching a web-based CO_2 calculator, which will allow people and households to find out their CO_2 footprint.

Jessica Morden: I very much welcome the Minister's response. It is important that we as individuals are encouraged to monitor our carbon footprint and to reduce it by doing things such as recycling, but it is also important that we know the impact and the effectiveness of different recycling methods. Will the Minister support the campaign for real recycling in its calls for an audit of the different recycling schemes in use across the country?

Ian Pearson: We are constantly trying to improve the quality of recycling in the United Kingdom. The current recycling effort is roughly equivalent to taking 3.5 million cars off the road. We have made significant progress over the past 10 years, but we need to do more. The waste strategy, when it is published shortly, will take significant further steps forward.

Sir Peter Soulsby (Leicester, South) (Lab): Does the Minister agree that the key to individuals' action on these issues is individuals' understanding of them, and that the concepts of carbon footprints and carbon emissions are quite difficult for many people to comprehend? Does he agree that the fact that the terms carbon dioxide, carbon, and greenhouse gas emissions are used interchangeably by his Department and others does not add to people's understanding of the issues? Does he agree that there is a need for consistency in the use of terminology and in the use of measurement?

Ian Pearson: My hon. Friend has a point when he says that the Government talk sometimes about carbon, sometimes about CO_2 and sometimes about greenhouse gases. It would be helpful if we could have more consistency and talk about carbon dioxide. Interestingly, the research work that we have done tends to suggest that people understand the concept of CO_2 and a carbon footprint. That is why we have launched the "Act on CO_2" campaign. The work that we did before we launched it confirmed that that has a resonance with people, but my hon. Friend is right to say that we need to take steps to make it easier for people to measure their CO_2 footprint. That is what the new web-based calculator that we are launching soon will do.

Climate Change

9. **Gordon Banks** (Ochil and South Perthshire) (Lab): What recent discussions he has had with the Indian government about joint Anglo-Indian action to tackle climate change. [137594]

The Secretary of State for Environment, Food and Rural Affairs (David Miliband): In January, I visited New Delhi and Mumbai and met the Minister of Environment and Forests. We discussed how to strengthen our bilateral co-operation on climate change and issues relating to future climate change agreements. I am pleased to say that that Minister also attended the G8 plus 5 Potsdam conference on biodiversity and climate change in March, where I had a further opportunity to discuss these issues with him.

Gordon Banks: I thank the Minister for his response. Does he agree that international agreements are the only way forward when it comes to our goal of tackling climate change? Does he also agree that the UK has a responsibility to ensure that the developing nations do not go down the same faulty road that we did when our economies were developing? Does he accept that the opportunities offered by climate change technology allow a great possibility of a boom in the UK economy?

David Miliband: My hon. Friend makes an important point—a point that I have discussed with him before—about the potential for new industry and new employment in the environmental sector. Perhaps it is not well known that India is one of the top promoters of renewable energy—especially wind energy. I hope that we can take forward our work on technology transfer to developing countries. I know that that is one of the top five issues that the Prime

Minister has put on the table for the G8 plus 5 summit in Germany, which the Indian Prime Minister will attend.

Village Halls

11. **Ms Angela C. Smith** (Sheffield, Hillsborough) (Lab): What support his Department gives to rural communities for the maintenance and improvement of village halls and community centres. [137996]

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Barry Gardiner): Support is provided in many ways, both for the fabric of rural community buildings, including village halls, and for those who are responsible for running them. Over the past five years, through a variety of DEFRA programmes, including the rural social and community programme, the aggregates levy fund and the rural enterprise scheme, DEFRA has invested more than £10 million to support a wide range of rural community assets.

Ms Smith: I thank my hon. Friend for that answer, not least because I have an unusually high number of village halls and community centres in my largely rural constituency. They are used by a variety of voluntary and community groups, who are often nowadays the lifeblood of their communities. Will my hon. Friend give a commitment to the House that he will work with the Cabinet Office to ensure that those groups can continue their valuable work, thereby ensuring that they make full use of the investment that has been made in our community centres and village halls?

Barry Gardiner: I am very glad to be able to reassure my hon. Friend that we intend to continue to do precisely that. The rural social and community programme provides funding for a diverse range of local projects in the manner that she suggested. Of course, in the light of recent announcements, we may need to look afresh at how best we can maintain other community facilities such as former grammar school buildings, for which the Conservative party no longer seems to have a use.

Business of the House

11.31 am

Mrs. Theresa May (Maidenhead) (Con): May I ask the Leader of the House to give us the forthcoming business?

The Leader of the House of Commons (Mr. Jack Straw): The business of the House for the week commencing 21 May will be as follows:

MONDAY 21 MAY—Second Reading of the Further Education and Training Bill *[Lords]*. There is also expected to be a statement on the planning White Paper.

TUESDAY 22 MAY—Conclusion of remaining stages of the Local Government and Public Involvement in Health Bill, followed if necessary by consideration of Lords Amendments.

WEDNESDAY 23 MAY—Opposition Day [12th Allotted Day], there will be a debate entitled "Independent Inquiry into the Conduct of the Scottish Parliamentary Elections", followed by a debate entitled "Effectiveness of the DTI". Both debates arise on an Opposition motion. There is also expected to be a statement on the energy White Paper.

THURSDAY 24 May—Motion on the Whitsun recess Adjournment.

FRIDAY 25 MAY—The House will not be sitting.

The provisional business for the week commencing 4 June will include:

MONDAY 4 JUNE—Second Reading of the Legal Services Bill [*Lords*].

TUESDAY 5 JUNE—There will be a debate on Darfur on a motion for the Adjournment of the House.

I want to make two brief statements. First, I draw Members' attention to the fact that the House agreed last night the dates appointed for the tabling and answering of written questions and for any written ministerial statements in September. We will remind the House about that in due course, but questions can be tabled on 3, 5 and 10 September for answer on 10, 12 and 17 September respectively.

Last week, in answer to a question from my hon. Friend the Member for Walsall, North (Mr. Winnick) on freedom of information, I made comments in which I said that

"the way that some journalists and the Information Commissioner are acting means that"

the intention of the Freedom of Information Act

"is not being met in practice".—[*Official Report*, 10 May 2007; Vol. 460, c. 298.]

Those remarks reflected a general concern that I have about the scope of some of the decisions interpreting the Act, but my comments were ambiguous and could have implied that the Information Commissioner had made rulings on the issue of MPs' correspondence or that he was acting in some way beyond his statutory responsibilities. He has not done that in any way, and he has made no rulings in respect of MPs' correspondence.

If I may say so, the commissioner, Richard Thomas, does a difficult job very well. I would like to offer my sincere apologies to him.

Mrs. May: I thank the Leader of the House for giving us the future business.

I note that the right hon. Gentleman says that a statement on the energy White Paper is expected on Wednesday, the day of an Opposition debate. As he knows, Government statements should not be made in Opposition time, so will he look again at the timing of that statement?

This week, John Howard instructed Australia's cricket team not to tour Zimbabwe. That firm decision contrasts with the lack of direction from this Government when England's last tour went ahead. The right hon. Gentleman was then Foreign Secretary. England is due to play Zimbabwe later this year, in 2008 and in 2009. Meanwhile, the appalling crisis in that country is getting worse. Will the Foreign Secretary make a statement to clarify the Government's position?

On Tuesday, the Department for International Development published its first annual report to include the requirements of the International Development (Reporting and Transparency) Act 2006. Many hon. Members want the report to be debated every year on the Floor of the House, and last week, in response to the right hon. Member for Coatbridge, Chryston and Bellshill (Mr. Clarke), the Leader of the House said that he would give "active consideration" to the idea of a debate. Can he now give a date for the debate?

Can we have a debate on standards in government? The Secretary of State for International Development owns shares in a company that works for his Department. That appears to be in breach of the ministerial code. Almost a month ago, I wrote to the Chancellor—

Mr. Speaker: Order. Has the right hon. Lady informed the right hon. Gentleman of her concern and that she would be raising the matter today?

Mrs. May: I apologise, Mr. Speaker; I have not informed the right hon. Gentleman.

Mr. Speaker: Order. We will move on to something else.

Mrs. May: In that case, can we have a debate on police targets? While more serious crimes go unpunished, Home Office targets are forcing the police to arrest more people. A bride was arrested on her wedding day for criminal damage after crashing into a car park barrier, a child was arrested for throwing buns at a bus, and a man was cautioned for being in possession of an egg with intent to throw—presumably the police were called before the Deputy Prime Minister could get to him.

Can we have a debate on the relationship between the trade unions and Government policy? It is reported today that the trade unions will effectively decide the Labour party leadership and in return, a union official has revealed, they expect a successor to the Warwick agreement. That agreement led to taxpayers' money being given to unions, which in turn, of course, give money to the Labour party. We need a debate.

The average accident and emergency unit serves 250,000 people, but an NHS report says that an A and E department needs to be supported by between 450,000

[Mrs. May]

and 500,000 people. That would mean the closure of A and E departments across the country. The Health Secretary denies responsibility, but that report was described as national guidance. When it suits her, the Health Secretary says that she is in control of the NHS; when it does not, she says that she is not responsible. Will the right hon. Lady come to the House to clarify the Government's position, and can we have a debate on the meaning of ministerial responsibility?

It is now certain that the Chancellor will be the next Prime Minister, but because of Labour party rules we have to wait weeks for him to take office, with the country and the Cabinet in limbo. Who will make prime ministerial statements in this House for the next few weeks? [HON. MEMBERS: "The Prime Minister."] Which one? The pensions system is in crisis, the NHS is in deficit, and the Prime Minister will negotiate a European treaty that the Chancellor spins he will reject. Is it not time for the Prime Minister to go, and go now?

Mr. Straw: On the right hon. Lady's first point about the energy White Paper statement being on the same day as an Opposition day debate, as she knows, my right hon. Friend the Chief Whip does her best to avoid such clashes and generally succeeds. The success of Government Chief Whips over the past 10 years in avoiding such clashes compares extremely well with the practice during my 18 years in opposition—

Mr. Andrew Robathan (Blaby) (Con): Too short.

Mr. Straw: The hon. Gentleman says, "Too short"—but time and again during that period, when we announced Opposition days, additional statements were prepared by the Government to blot out all prospect of any coverage for our business. We have tried to avoid clashes, and I hope that the right hon. Member for Maidenhead (Mrs. May) concedes that we now give advance notice of statements so that everybody can prepare for them.

We will have a debate on Zimbabwe—I promised that to the House and it will happen. As for suggestions that the Government should ban a cricket tour, I made it clear in 2004 that we disapproved of the England team touring Zimbabwe and that we would have preferred the England and Wales Cricket Board not to have gone ahead with the tour, but this is a democracy and we do not have any power—[HON. MEMBERS: "So is Australia."] Australia's Government obviously have different powers; we do not have any power to direct the behaviour of a separate, voluntary organisation. Not once during our debates in 2004 did I hear any suggestion to the contrary, nor did I hear of any power that I or any other Minister had that could have led to such a ban.

As for holding a debate on the Department for International Development report, of course we will look at that carefully. I simply say that we are the first Government to have such a proud record on international development, and it is only thanks to my right hon. Friend the Member for Coatbridge, Chryston and Bellshill (Mr. Clarke) that the requirement for an annual report is now law.

In respect of police targets, there is no requirement on the police to prosecute or arrest trivial offenders and to ignore serious offenders. The Government's overall record on crime is outstanding. Crime is down 35 per cent., but it doubled under the Conservatives. I say to the right hon. Lady that I have learned, over many years, that it is always rash to go to a newspaper headline for the real truth about any allegation of crime.

Mr. Speaker: Order. We are not talking about the matter that I asked the right hon. Member for Maidenhead (Mrs. May) not to mention.

Mr. Straw: No, Mr. Speaker. I was talking about the allegation made by the right hon. Member for Maidenhead that the police were chasing trivial criminal acts. I crossed the other matter off my list the moment that you ruled it out of order.

It must be remembered that in one case, a fatal accident involving a bus was caused by a person doing something apparently trivial, namely, throwing something at a bus and distracting the driver. The scare stories that appear in the newspapers are not always as they seem.

On trade unions and Government policy, I am sure that I heard the right hon. Lady say that the trade unions would decide the Labour party leadership. Well, that is wrong—Members of Parliament have, in practice, decided the Labour party leadership, and if I may do so from a position of total independence, I offer my congratulations to our right hon. Friend the Chancellor of the Exchequer on the overwhelming vote of confidence that he received.

I have two last points, one of which concerns the issue that has been raised about accident and emergency departments. That is a Conservative scare story that has no basis in fact. What the right hon. Lady needs to understand is that accident and emergency provision is changing because medicine is changing. There is more care closer to home, wherever that is safely possible. For example, in emergency care, practitioners from ambulance trusts are treating people at home, rather than those people having to go to accident and emergency departments. Some care takes place in specialist centres, and those centres have a far better record in dealing with people who face serious conditions such as stroke and heart attacks. The question for the whole House is whether we want to freeze the existing confederation of accident and emergency provision services in the knowledge that patients will suffer, or whether we want to ensure more local accident and emergency service provision, but some specialist centres, too. There is no national plan whatever.

Finally, the right hon. Lady said that the Government were now in limbo, and asked who would make decisions and statements as Prime Minister. My right hon. Friend the Member for Sedgefield (Mr. Blair) is the Prime Minister and will stay Prime Minister until 27 June, when there will be a transfer. The right hon. Lady often leads with her chin; today is not the day to talk about a party being in limbo or disarray, because the disarray caused to the Conservative party by yesterday's announcement on grammar schools is quite extraordinary. It has been

damned as a rehashed announcement by the former Opposition leader, the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), and damned again by an Opposition Front-Bench spokesman, the hon. Member for Altrincham and Sale, West (Mr. Brady), who said,

"I have always supported more grammar schools".

It has been condemned by the hon. Member for North Thanet (Mr. Gale), who said that the announcement was unforgivable—

Mr. Speaker: Order. I am trying to work out what that has to do with the business for next week. Perhaps the Leader of the House can help me.

Mr. Straw: I am about to offer the Conservatives a debate in Government time on the disarray in the Conservative party. [HON. MEMBERS: "Very generous."] Yes, we are very generous.

May I make two final points? The hon. Member for North Thanet asked a very important question of Conservative members of the shadow Cabinet that should be included in this debate. He said:

"I ask every Conservative member of the shadow Cabinet who has endorsed Mr. Willetts' view whether they will give a clear undertaking that they are not sending and will not send their own children or grandchildren to public schools."

That is a very important question. No wonder *The Spectator*—the house magazine of the Conservative party—is saying in this week's edition that the Conservative party is now "in the grip of" Tory "toffs".

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Will my right hon. Friend provide time for a debate on early-day motion 1466, which stands in my name and those of other Members, so that this House can debate the crooked activities of SCS, unit 2, the Peel Centre, Stockport, in cheating a constituent of mine out of £2,000 and failing to honour a warranty that does not expire until 2009? It states:

[That this House warns potential customers to steer clear of S.C.S., Unit 2, the Peel Centre, Stockport, and Valspar Industries, Abingdon, which crooked traders have between them cheated a constituent of the right hon. Member for Manchester, Gorton who bought furniture costing 1,998 from S.C.S., found it damaged, and has been refused recompense from Valspar Industries even though she spent another 200 on a five-year warranty which is not due to expire until 6th March 2009; believes that such cheats should not be allowed to be in business; and calls on the Office of Fair Trading to investigate their activities with a view to providing justice for the right hon. Member's constituent.]

Will my right hon. Friend also refer the matter to the director general of fair trading?

In the light of what the right hon. Member for Maidenhead (Mrs. May) said about cricketers going to Zimbabwe, will my right hon. Friend also provide time for a debate on a previous Conservative Government's record in allowing a rogue English cricket team to go to apartheid South Africa, in refusing to impose any sanctions on that country, and in the then Prime Minister calling Nelson Mandela a terrorist?

Mr. Straw: I have always wished to accept the advice of my right hon. Friend and on the latter point, I am warming to two debates in Government time: one on the Conservative party's disarray and another on the record of previous Conservative Governments. That would be to the benefit of the whole House, and especially to the preparation of the Opposition party for government, because it is not very far down that road at the moment.

I accept that the matter dealt with in early-day motion 1466 is very serious, and I will certainly refer my right hon. Friend's concerns to my right hon. Friend the Secretary of State for Trade and Industry, so that he can consider a reference to the Office of Fair Trading. We will of course look for an opportunity for the matter to be debated.

Mr. David Heath (Somerton and Frome) (LD): I suppose that it is appropriate to offer congratulations to the right hon. Gentleman, in his role as campaign manager, on finally winning the "marginal seat" through the vote of the hon. Member for Thurrock (Andrew Mackinlay), which, as I understand it, secured victory.

I thank the right hon. Gentleman for notice of the statements on the planning and energy reviews, consistent with what he said earlier. It is however a great shame that we were not given proper notice of the statement following business questions today on the Post Office review. We all knew that it would happen some time this week, but Members, who have a great interest in this matter, were not given proper notice of it. Is it not therefore inevitable that we need a debate on the Post Office review, as well as the statement? Apparently, the review will involve the closure of 2,500 post offices, a disproportionate number of which are located in rural areas such as mine. We want our opportunity to have a proper debate on the consequences.

If the Leader of the House had been here earlier for questions to the Department for Environment, Food and Rural Affairs, he would have heard a lively exchange on excess packaging. May we have a debate on that issue, and not only on the absurdities that we hear about such as coconuts and swedes being wrapped in plastic and a melon being labelled as "produce of more than one country"? Is there not at least a suspicion that a lot of such excess packaging is based on a commercial imperative of making people purchase more of a product than they actually need? That being the case, may we have a debate, and will the right hon. Gentleman give parliamentary time for the Retail Packaging (Recycling) Bill introduced by my hon. Friend the Member for Hazel Grove (Andrew Stunell), which will give us the parliamentary opportunity to do something about it?

Like the right hon. Gentleman, I was disappointed that the right hon. Member for Maidenhead (Mrs. May) did not ask for a debate on education, but as the right hon. Gentleman rather did the subject to death, I shall not pursue it. However, we ought to give an opportunity to Conservative Back Benchers to have their say about the change in the policy on grammar schools.

Lastly, I do not know whether the right hon. Gentleman noticed the perplexing comment by the Deputy Prime Minister yesterday—*[Interruption.]* Indeed, there were many, and let us hope that we never have another session quite like that. He said at one point that he was hoping to delay time. That opens up a new future for him as a time lord.

[Mr. David Heath]

If the Government are in the process of delaying time during the interregnum when we have two Prime Ministers, one in office and one waiting, is it not an opportunity for the Leader of the House to clear the decks and enact some of the thoughts that he has been putting forward to improve the performance of Parliament, in addition to the U-turn on the royal prerogative that he announced last week? One of the interesting things about U-turns is what is left washed up on the beach when the tide comes in. In this case it was the Lord Chancellor who was left washed up. Can the Leader of the House find time for a review of parliamentary procedures on a wider scale, so that we can make this Parliament more effective and more relevant? He has the time to do it. Will he make sure that it happens?

Mr. Straw: In respect of the Post Office, we are doing our best to give advance notice of statements. Sometimes that is not possible. It has been well known that there would be a statement about the Post Office at some stage. My right hon. Friend the Secretary of State for Trade and Industry will make it shortly. The issue is one for the whole House, not just the Government, because it reflects changes in the circumstances in which the Post Office has to trade.

The hon. Gentleman asked for a debate on excess packaging. To some extent I thought I had already announced a debate—my offer of a debate on the disarray in the Conservative party. Part of the Conservatives' problem is an excess of packaging of their policies and an insufficiency of content. We are also working on a statement on waste strategy. There will be one shortly.

On education, the hon. Gentleman said he thought that I had exhausted the subject of education with reference to the Conservative party. That is quite wrong. Had I had the opportunity, I would have drawn attention to the astonishing number of improvements that have taken place in the constituency of the right hon. Member for Maidenhead since 1997—203 additional or refurbished classrooms, three schools where 50 per cent. to 80 per cent. of the area has been refurbished and one where more than 80 per cent. has been refurbished.

On the hon. Gentleman's last point about delaying time, I shall let him into a secret. My right hon. Friend the Deputy Prime Minister had in mind that interesting discussion in Stephen Hawking's book, "A Brief History of Time", about how, the further one goes from an area of gravity, the more slowly time goes.

Helen Southworth (Warrington, South) (Lab): Will my right hon. Friend heed the call from 216 Members of the House who signed early-day motion 866 in my name to find time to debate and give a Second Reading to my Safeguarding Runaway and Missing Children Bill?

[That this House believes that protecting vulnerable children is core business of Government; notes research by the Children's Society indicates that 100,000 children each year runaway or go missing from home or care, of whom 12 per cent. are running from abuse and around eight per cent. are hurt or harmed while away; further notes the contents of the Ten minute Rule Bill which would safeguard runaway or missing children; and calls on the Government to seek a legislative opportunity for the House to consider the Bill at an early date.]

The Bill comes before the House tomorrow in its second attempt to get a Second Reading. I hope my right hon. Friend will look carefully to find time, so that we can achieve essential progress on the Bill and protect vulnerable children who need us to be professional and speedy in response to their needs.

Mr. Straw: First, I put on the record our appreciation of all the work that my hon. Friend has been doing over many years in respect of missing children and the need to provide better safeguards. I know that she is to meet our right hon. Friend the Secretary of State for Education shortly. I will take full account, as will my right hon. Friend the Chief Whip, of what she has just said.

Mike Penning (Hemel Hempstead) (Con): On a serious note, the Leader of the House knows that on 11 December 2005 my constituency in southern England was rocked by the explosions at Buncefield. The following day the Deputy Prime Minister kindly came to the House and gave a full statement. He promised to keep the House fully informed. We are 18 months on. An inquiry is going on behind closed doors. While that is happening, my community is suffering with blight, yet the Government have proposed 18,000 new homes around the Buncefield site, whether it is rebuilt or not. We have a water shortage and our hospital is about to close. May we have a statement on Buncefield to tell us exactly what is happening?

Mr. Straw: All of us understand the horrific nature of that fire. I remember flying very close to it. It was appalling. I will certainly pass on the hon. Gentleman's remarks and look at whether a statement—perhaps a written statement—could be provided to the House to update him and the House as a whole on progress.

Mrs. Madeleine Moon (Bridgend) (Lab): May we have a debate on the increased teaching and use of British Sign Language? Last week I visited Archdeacon John Lewis primary school in my constituency and was pleased to see children as young as three and up to the age of 11 not only singing in English and Welsh, but using British Sign Language, along with all their teachers. As there are two profoundly deaf children in the school, all at the school have taken responsibility for learning British Sign Language. Is that not a subject that we should be rolling out throughout our schools?

Mr. Straw: As someone who takes a close interest in matters related to the deaf, I applaud my hon. Friend's interest and will certainly look for an opportunity for a debate, possibly on the Adjournment or in Westminster Hall.

Mr. Andrew Mackay (Bracknell) (Con): As, at last night's deputy leadership hustings, all six candidates, five of whom are senior Ministers, pledged an inquiry into the war in Iraq, is it not time next week for the Prime Minister to come to the Dispatch Box and tell us when that will happen?

Mr. Straw: We said that there would be an inquiry at an appropriate time, and that remains the Government's position.

Angela Eagle (Wallasey) (Lab): Today is the international day against homophobia. Will my right hon. Friend find Government time for us to debate the great progress that we have made in restoring and giving civil rights to gay, lesbian and bisexual people in the past 10 years, and also to debate the fact that in 75 countries being gay is illegal, and that in nine countries the penalty is death?

Mr. Straw: I should be delighted to do so and will look for an opportunity. My hon. Friend may be aware that some of us were at a private function earlier in the week at which Mr. Stephen Fry spoke with fantastic eloquence of what we, in the past 10 years, have been able to achieve on behalf of gay and lesbian people. It is one of the great prides that I have in the record of this Government.

Several hon. Members *rose—*

Mr. Speaker: Order. I see that the hon. Member for East Dunbartonshire (Jo Swinson) is standing, but I noticed that she was not in the Chamber for the statement. Even though she is my own Member of Parliament, I cannot do her any favours. She must hear the statement. I call the hon. Member for Hertsmere (Mr. Clappison).

Mr. James Clappison (Hertsmere) (Con): Thank you, Mr. Speaker. Is the Leader of the House aware that last Thursday was the fifth anniversary of the Potters Bar derailment, which took place in my constituency? Is he aware that since then there has been no public inquiry? A coroner's inquest is still awaited and some of the families have experienced grave difficulty in obtaining proper compensation. We have had a number of Adjournment debates on the subject. Can the right hon. Gentleman find time for a fuller debate on the Floor of the House on railway safety and the compensation system?

Mr. Straw: I am well aware, not least because of the representations that were made to me a few weeks ago about legal aid in respect of a rail crash elsewhere, of the problems that have arisen with the inquests in Potters Bar and the delays, which are extremely distressing to the bereaved relatives. I shall take up the hon. Gentleman's suggestion about the case for a debate, and in any event I will draw his concerns to the attention of my right hon. Friends the Lord Chancellor and the Secretary of State for Transport.

Mr. Jim McGovern (Dundee, West) (Lab): May we have an urgent debate in Government time about the current state of the manufacturing sector? In the past couple of weeks in my constituency another 50 jobs have been lost due to a local employer deciding to relocate to Hungary. Such a debate would allow us to discuss how best we can safeguard the jobs that remain and how we can maximise the assistance we give to people who lose their jobs as a result of this worrying trend.

Mr. Straw: We will look for an opportunity to debate that; it may have to be in Westminster Hall or on the Adjournment. All of us who have a manufacturing base in our constituencies know that our constituents sometimes suffer from redundancies, which we do all that we can to avoid. My hon. Friend the Member for Wallasey (Angela Eagle) raised this the other day in her Standing Order No. 24 application. Although there has been a fall of 54,000 in manufacturing employment in the year to February 2007, which is greatly to be regretted, that is very much lower than the drops in manufacturing jobs of the 1980s and 1990s. For example, there were 673,000 redundancies in 1981 and 422,000 10 years later.

Dr. Julian Lewis (New Forest, East) (Con): In a spirit of magnanimity, will the Leader of the House agree that when a truly great occupant of No. 10 Downing street has ceased to be Prime Minister, broadcasting the legacy is important? May we therefore have a debate on early-day motion 1367, which was tabled by my hon. Friend the Member for Aldershot (Mr. Howarth) and 24 other MPs from all parties?

[That this House welcomes the recent transmission by the BBC on Radio 4 of the outstanding Falklands Play by Ian Curteis; and calls on the BBC to transmit the film version of the play on BBC1 at prime time on 14th June to mark the 25th anniversary of the liberation of the Falkland Islands and as a tribute to those, both military and civilian, who worked to restore freedom to the Islanders and uphold British sovereignty.]

The EDM calls on the BBC at last to broadcast in prime time in June on BBC1 its excellent "The Falklands Play" as a tribute not only to those who fought in the campaign but to the great Prime Minister who initiated it?

Mr. Straw: I would like it to be re-broadcast. I backed the military action against the Argentines in the debate on 3 April 1982, and that was my consistent position throughout the conflict. I applaud the courage and fortitude of the then Prime Minister, Margaret Thatcher.

David Taylor (North-West Leicestershire) (Lab/Co-op): In 41 days' time, my right hon. Friend the Prime Minister will drive to the palace with the seals of office and a letter of resignation—not, I hope, including an honours list associated with that resignation, on lavender paper or otherwise. Has No. 10 asked for an opportunity, as an alternative, to make a statement in this place to express gratitude and to describe the special contributions that people have made to the 3,708 days of this Administration? Would not that be a more economical and satisfactory way of acknowledging their special contribution?

Mr. Straw: I will pass on my hon. Friend's suggestion to my right hon. Friend the Prime Minister, but there is no reason why he cannot do both.

Sir Nicholas Winterton (Macclesfield) (Con): The Leader of the House has already mentioned Zimbabwe, with particular reference to a possible cricket tour at some time in the future. Will he give me an assurance, here and now, that while he is Leader of the House there will be a full debate on Zimbabwe in Government time on the Floor of the House?

[Sir Nicholas Winterton]

On a second very important point, the Leader of the House referred, in an apology to the House, to freedom of information. Does he accept that the Freedom of Information Act 2000 is not working, that private confidential correspondence between Members of Parliament and Ministers is being released, and that we need some assurances if we are to carry out our job as people expect us to?

Mr. Straw: On the first point, let me make it clear that I have said, on behalf of the Government, that there will be a debate on Zimbabwe before the summer recess. I am happy to tell him that I have been discussing this with my right hon. Friend the Minister for Trade to ensure a date that is acceptable and convenient to the House and to him.

On the second matter, I am aware of the profound concerns of many right hon. and hon. Members about the risk that their correspondence might be disclosed, thereby compromising their relationship with their constituents. That will of course be the subject of debate tomorrow.

Mr. David Winnick (Walsall, North) (Lab): It is characteristic of the Leader of the House to apologise whenever he considers it appropriate, and I welcome what he said at the beginning of his statement. However, is it not rather strange that the Government are doing all that they can—including three-line Whips, "unofficial" though they may be, to get Parliamentary Private Secretaries to come in—to support a Tory Member's Bill that is completely inappropriate, given that MPs' correspondence is already well protected? [HON. MEMBERS: "It is not."] I suggest that hon. Members who disagree read the Data Protection Act 1998 and today's edition of *The Times*. Does my right hon. Friend really believe that the reputation of this House would be enhanced by our taking special privileges to exempt ourselves from a law that applies, and will continue to apply, to every other public body? It is a grubby little Bill, and it should be thrown out.

Mr. Straw: First, I thank my hon. Friend for his opening remarks. Secondly, there is no whipping, official or unofficial, on either side of the House, in respect of the Bill, which is a private Member's Bill. There is an issue here. My hon. Friend has expressed one point of view; many Members on both sides of the House have expressed a contrary point of view. I simply put it on the record that the matter was first raised with me by two Members—they happened to be Conservative Members, but they could have been from any other part of the House—who wrote to me, in my capacity as Leader of the House, to express their profound concern about the possible imminent release of correspondence in such circumstances.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): Given that a majority in the Scottish Parliament now supports further powers for the Scottish Parliament, may we have a debate on the advantages of devolving to the Scottish Parliament more, or indeed everything, pertaining to Scotland, with the aim of ensuring that Scotland can catch up with nations such as Norway, Iceland and Ireland? They are smaller than Scotland but have greater gross domestic products per capita than the UK.

Mr. Straw: The Scottish Parliament and Executive have certain functions in respect of the economy; that is a matter for them. The United Kingdom Parliament and Government have other functions. It might help if I state that the terms of the devolution settlement have been altered neither by the election results in Scotland or Wales nor by the election of a new First Minister in Scotland yesterday. It has always been recognised in the devolution settlement, not least because of proportional representation, that parties different from the Westminster Government can and will hold office. For example, over recent years mechanisms have allowed Liberal Democrat shadow Ministers to work effectively with their Labour counterparts at Westminster.

Martin Salter (Reading, West) (Lab): The Leader of the House has just heard that opponents of the Freedom of Information (Amendment) Bill are claiming that MPs' correspondence on behalf of constituents is not subject to disclosure thanks to the Data Protection Act 1998. Will he confirm that that is wrong? In fact, Members on both sides of the House have already found that their correspondence to a public authority has been revealed to a third party, which is completely unacceptable.

Mr. Straw *rose—*

Mr. Speaker: Order. Members should not enter into a debate that is due tomorrow.

John Penrose (Weston-super-Mare) (Con): In his answer to the question from my right hon. Friend the Member for Maidenhead (Mrs. May) about our having two Prime Ministers, the Leader of the House gave a technical, black-letter lawyer's answer, which I am sure was procedurally absolutely correct. Does he accept, however, that there is a wider constitutional question about what may happen, for example, if during the next six weeks there is some kind of crisis—national or international—and the Chancellor of the Exchequer and the Prime Minister disagree on what must be done? Who will be in charge, and how are we to avoid paralysis?

Mr. Straw: I do not accept that for a moment. There have often been such transitions. There has been a change of Prime Minister between general elections on five previous occasions, four of which happened to take place under Conservative Administrations. *[Interruption.]* The period was shorter, but it was not non-existent. No problems arose then, and I do not anticipate any problems arising this time.

Mrs. Ann Cryer (Keighley) (Lab): May we have a debate on the non-implementation of electoral law? I refer specifically to Bradford metropolitan district council and to early-day motion 1435.

[That this House congratulates the individuals and organisations, secular and religious, who have over many years worked assiduously towards community cohesion and integration in Keighley; but condemns in the strongest terms the behaviour of certain Keighley Conservatives who, under the direction of their candidate Zafar Ali, used the tactics of intimidation, threatening and discriminatory propaganda to secure electoral victory in Keighley Central

ward on 3rd May 2007; further condemns the failure of officers of Bradford Metropolitan District Council to take action against such activities; expresses the hope that no authority in future will allow such activity to take place; and urges the Government to review electoral law as it applies in these circumstances with a view to tightening up regulations and providing for sanctions in future.]

It raises complaints about the Conservative campaign in Keighley Central ward on and before 3 May, and mentions

"intimidation, threatening and discriminatory propaganda",

in which the electorate were invited to vote for their "Muslim brother." Would it be appropriate for my right hon. Friend and me to invite our electorates to vote for their "Christian sister or brother"? I believe it would be inappropriate.

Mr. Straw: I know of my hon. Friend's serious concern and I hope that all parties in the House treat such practices as unacceptable. We are making arrangements to draw to the Electoral Commission's attention the unacceptable practices that took place in her constituency and several others.

Mr. Philip Hollobone (Kettering) (Con): May we have a statement from the Transport Secretary on the future of the driving test centre in Kettering? I wrote to the chief executive of the Driving Standards Agency but have yet to receive a substantive reply. I have written to the Minister of State for Transport this week. I raised the matter with the Leader of the House on 26 April, when he kindly said that he would draw it to the attention of the Secretary of State for Transport, but I have heard nothing.

Mr. Straw: I am sorry if that is the case, because I drew the matter to my right hon. Friend's attention. He was pretty busy for a time—he is double hatted—but I shall follow it up immediately.

Keith Vaz (Leicester, East) (Lab): As my right hon. Friend knows, discussions about the German presidency's final summit are well advanced. Hon. Members are finding out what is going on in them through leaks to newspapers—yesterday's *Financial Times* had a long article about the justice and home affairs section. Should we not have an earlier debate before the summit, so that hon. Members can be informed of the Government's proposals, instead of the usual debate that takes place the day before the summit? That does not genuinely give us an opportunity to know the Government's position in advance and to inform them of the House's position on those important issues.

Mr. Straw: I note my right hon. Friend's point. There is always a debate before the biannual European Councils. I accept that it normally happens on a Wednesday and the meetings start on the Thursday. I cannot make promises, but we will consider whether we can bring the debate forward.

Mr. Mark Prisk (Hertford and Stortford) (Con): Is the Leader of the House aware of the increasing concern in the construction industry—in my constituency and elsewhere—about the Department of Trade and Industry's continued delay on late payments? The House was promised an answer, and proposals, in September, then December, then January and then March. I now have a written answer, which says, "Well we haven't got a date, but we'll have a second consultation on the previous consultation." Does the Leader of the House agree that the construction industry deserves far better? Will he undertake to speak directly to the Secretary of State for Trade and Industry—preferably before that title and office are abolished by the right hon. Member for Kirkcaldy and Cowdenbeath (Mr. Brown)?

Mr. Straw: There is a big, continuing problem, which I shall draw to the attention of my right hon. Friend the Secretary of State for Trade and Industry—*[Interruption.]* Here he is, bearing good news as ever. The matter is not directly the Government's responsibility but, of course, we will follow it up.

May I congratulate the hon. Member for Hertford and Stortford (Mr. Prisk) and other members of the Parliament Choir on being in great voice at yesterday's performance of Mozart's "Requiem", and say how well he delivered the bouquet to one of the fine singers at the front?

Mr. Iain Wright (Hartlepool) (Lab): Will my right hon. Friend find time for a debate on the system whereby pubs are tied to a specific company or brewer? Under the tied system, Marston's is stopping pubs in my constituency selling a locally brewed beer, Cameron's Strongarm, which happens to be the best beer in the world. The tied system restricts choice for consumers and limits access to markets. Will my right hon. Friend find time to debate that feudal system?

Mr. Straw: I should be delighted to do so, but my hon. Friend is wrong about the best beer, which is, unquestionably, Thwaites, brewed in Blackburn. My right hon. Friend the Secretary of State for Trade and Industry has heard the question and will follow it up.

Jeremy Wright (Rugby and Kenilworth) (Con): Will the Leader of the House reconsider the request of my right hon. Friend the shadow Leader of the House for a debate on policing priorities? The right hon. Gentleman told the House that there is no requirement for the police to arrest for trivial offences, and he is right about that, but does he none the less accept that there is pressure on them to do so because of targets that the Government impose? As perhaps a future—certainly a former—Home Secretary, the Leader of the House knows that the police do their job only with the public's consent. Does he accept that that consent may be damaged by the perception that I have described? That is why we need a debate.

Mr. Straw: The hon. Gentleman is out of touch with the public's feelings about so-called trivial offences, which might explain Conservative Members' reluctance to back the Crime and Disorder Act 1998 and their pouring scorn on antisocial behaviour orders. All the evidence—from the United States, here and other countries—shows that so-called low-level crime must be nipped in the bud. What might be trivial to the hon. Gentleman, living away from estates, can be serious for the people who suffer from those crimes. Police officers make the judgments and, far from their making decisions without the public's consent, pressure from the public to deal with low-level disorder is typically

[Mr. Straw]

the reason nowadays why the police, properly, arrest people. The offences might seem "trivial" to an out-of-touch Conservative Member of Parliament, but they are important to those who have to live with that stuff.

Mr. David Drew (Stroud) (Lab/Co-op): I congratulate my right hon. Friend on finding time for a debate on Darfur when we come back after the Whitsun recess. Sadly, in all the months that it has taken to arrange to hold the debate, the position has got worse. I hope that my right hon. Friends the Foreign Secretary and the Secretary of State for International Development can give some positive news on what the British Government are doing to try to bring about an effective peace settlement, given that the existing one is not worth the paper it was written on.

Mr. Straw: I express my appreciation to my hon. Friend for all his work on Darfur and the expertise that he has developed through several visits to that benighted area of the Sudan. I visited in August 2004 and again when I attended the negotiations in Abuja in January 2006, and it was bad then but there was hope for improvements. Sadly, they have not happened. My right hon. Friends the Foreign Secretary and the Secretary of State for International Development will make a full report to the House when the debate is held.

Hugh Robertson (Faversham and Mid-Kent) (Con): Will the Leader of the House ask the Secretary of State for Defence to give some thought to the media handling of individual service deployments? It is surely wrong that the deployment of any young serviceman or woman to Iraq should become a matter of public debate. If one thing emerges from the sorry events of recent months, it should be that they never happen again.

Mr. Straw: Of course, I shall pass on the hon. Gentleman's concerns; they probably enjoy the approbation of all hon. Members.

Mr. Denis MacShane (Rotherham) (Lab): May we have an early debate on relations with Russia? Many hon. Members, and the Leader of the House, will have seen the front page of *The Guardian*, which reports Russia's declaration of cyber war on an EU member state. That country has already declared economic war by not allowing trade in food products with EU member states. Energy wars have been talked about—perhaps even polonium wars, with the as yet unresolved problem of the death of Mr. Litvinenko here. I have a letter from the Duma that was sent to all hon. Members who serve on the NATO Parliamentary Assembly, which meets in 10 days. Frankly, its language of hostility to the western democracies takes us back to 1939 and 1940. I want good relations with Russia; we want open trade with Russia—my right hon. Friend worked hard as Foreign Secretary for such good relations—but something bad and sad is happening. We need to discuss it and send a clear message that good relations with Russia must be two-way.

Mr. Straw: I accept entirely the comments of my right hon. Friend, who as Minister for Europe worked hard for good relations with Russia. As I said to my right hon. Friend the Member for Leicester, East (Keith Vaz), there will be a debate in Government time on the European Council at the end of June and I hope that will be a good time to raise those concerns.

Mr. Peter Bone (Wellingborough) (Con): Last week, my father passed on. For many years, he was a distinguished public servant who frowned upon politics. A few years ago, he displayed early signs of Alzheimer's and was given a drug that reversed—well, certainly halted—the condition. He had no problems in his last few years. I understand that the drug has, unfortunately, been withdrawn and is not available to people showing early signs of Alzheimer's. Will the Government reconsider the matter?

Mr. Straw: First, I am sure that I speak on behalf of the whole House when I express my condolences to the hon. Gentleman. Secondly, we are all aware of the difficult issues associated with whether new or experimental drugs should be made generally available within the health service. My understanding is that patients who have already been prescribed this drug will continue to receive it. I do not know of any system better than the establishment of an independent clinical body, whose acronym is NICE, to make these judgments, removing them from politicians who are inappropriate to make them. Such judgments are now made on clinical grounds. They are very difficult to make and I accept that in some cases they can cause distress, but they have to be made to ensure that the drugs available to patients in the national health service—and, indeed, elsewhere—are efficacious.

Mr. Nigel Evans (Ribble Valley) (Con): I will raise a pint of Thwaites to the Leader of the House to mark his great success in the leadership election campaign, but he should clarify who now really speaks for this country. Prime Minister A will go to Germany to discuss the EU constitutional treaty, which will be handed as a fait accompli to Prime Minister B, who, we understand, might not hold the same views on European matters as Prime Minister A. Perhaps the best way to resolve the problem would be for Prime Minister B to announce that the British people will be given a referendum, as Prime Minister A promised in the first place.

Mr. Straw: The whole Cabinet promised a referendum and I was pleased to make that promise myself when the appropriate moment came—Easter 2004, I recall. The proposition is not yet clear, however, and the Government will have to take a decision on it as a whole. I reassure the hon. Gentleman, who is a constituency neighbour and has some good opinions on some things—*[Interruption.]*

Mr. Evans: Thwaites beer.

Mr. Straw: And Blackburn Rovers, so that makes two. I can reassure the hon. Gentleman that once we know what the proposition is, the House will be consulted—and that, meanwhile, the Government remain as seamless as ever!

Post Office Review

12.22 pm

The Secretary of State for Trade and Industry (Mr. Alistair Darling): With permission, Mr. Speaker, I should like to make a statement on the Post Office. Last December, I published the Government's proposals on the future of the post office network. We then consulted and received more than 2,500 responses. I am today publishing the Government's final proposals and can now set out how we intend to proceed. Copies of the Government's response to the consultation and our response to the Trade and Industry Select Committee's report are available in the Vote Office.

Post offices play an important social and economic role in the communities they serve and the Government are determined to maintain a national post office network, allowing people to have reasonable access across the whole country. New technology, changing lifestyles and wider choice of ways of getting services mean that people are using post offices less. The network's losses are now running at almost £4 million a week—double what it was two years ago—and that will increase further unless action is taken to make the network more sustainable. As the National Federation of SubPostmasters and others have recognised, the present network is unsustainable, which is why change is needed.

Without continuing public support, a purely commercial Post Office would see fewer than 4,000 branches. That cannot be allowed to happen, which is why the Government are providing substantial financial support to maintain a national network. Although the proposals I am confirming today will see the closure of about 2,500 branches, the remaining Post Office network will still be larger than all the UK's banks and building societies put together. We want to maintain a national network, so we are putting in place rules that will provide for reasonable access across the whole country. We will give Post Office Ltd the ability to shape the network for the future with clearly defined access criteria to ensure that the right post offices are in the right place to maximise their business. The rules governing access are set out in detail in the response we are publishing today and will guarantee reasonable access in both urban and rural areas, with additional protection for more deprived urban areas and some of the more remote rural areas.

People were understandably concerned that these changes should be implemented in a sensible way. So, in addition to taking into account obvious obstacles such as rivers or motorways, the Post Office will also consider, in putting forward its proposals, the availability of public transport, alternative access to key post office services and the impact on local economies. It will have to demonstrate how those factors have been considered in each local consultation.

Most respondents welcomed the proposal to extend outreach arrangements to provide postal services to small and remote communities. The Government will therefore ensure that, building on the success of mobile post offices and postal services provided in village halls, community centres and even pubs, 500 new outreach locations will be provided. In some areas, it will be possible to deliver services to people's homes. We also want to encourage community ownership. There are already some 150 thriving community-owned shops, many of which already incorporate post offices. It is clear in the comments received that there is widespread interest, so the Post Office will work with interested parties to encourage expansion. We also want the Post Office to work with credit unions to develop services further.

Key to ensuring the success of the Post Office, of course, is encouraging greater use of post offices. The Post Office will be given every opportunity to pursue Government business and the network changes will put it on a stronger footing to do so. We will encourage the Post Office to look at further scope for co-locating with other community services, including local government services. Councils will be involved in the proposed changes to the network and that should provide an opportunity to explore ways for them to play a greater role in future in deciding how best to provide post office services to the public.

In addition, the Post Office wants to expand its financial services. It is already the leading supplier of foreign currency exchange and has already increased the availability of its euro-on-demand service to 6,500 branches. It is the third largest provider of travel insurance; it insured one in 50 cars on the road last year; and one in every 25 credit cards were issued by the Post Office. The instant saver account, introduced in April last year, has 175,000 accounts with deposits totalling £1.8 billion. In addition, cash will be available through some 4,000 free-to-use ATMs being introduced at branches across the network. Paystation terminals are also now in 7,500 post offices. All those measures should encourage greater use of post offices.

The current Post Office card account contract ends in March 2010. As the House is aware, the Government have decided that a new account will succeed it after 2010. It will be available nationally and customers will be eligible for the account on the same basis as they are now. I can confirm that the Department for Work and Pensions will today invite tenders for a successor to the Post Office card account to be available nationally, and customers will be eligible for that account on the same basis as they are now. Customers using the successor product should be able to get their cash at ATMs, as well as across the counter. It is our aim that the opening of the new accounts will be streamlined and the process made simpler for customers. The Government remain committed to allowing people to get their pension or benefit in cash at the post office if they choose to do so, and there is a range of Post Office accounts available, including the Post Office card account, to make that possible.

The Post Office is determined to increase its range of products and business. I can tell the House today that the Post Office will be launching a broadband service later this year in partnership with BT. That will enable it to become a key player in the broadband-based services market, offering Post Office broadband services to the public.

The Government have invested £2 billion since 1999 to support the network. Subject to state aid approval, we will now provide a further £1.7 billion up to 2011, including support of up to £150 million a year for the social network. Beyond that, there will be a continued need for public funding of the social network. Where it

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makes sense, the Post Office will accommodate the wishes of those who want to leave, and the national federation has now come to an agreement over how the compensation package will be administered.

These measures are complemented by steps that the Post Office is taking to modernise the commercial network, returning Crown post offices to profitability and providing new products. As I told the House last year, of the 14,000 post offices in the UK, only the 458 Crown post offices are actually owned by the Post Office, which has to address the huge losses in this part of the network—£70 million last year alone. The network has always relied on other businesses to complement the postal business, so in order to keep open as many post offices as possible, it has entered into an agreement with WH Smith to transfer 70 Crown post offices into their shops. That will ensure that those post offices stay open.

The changes that I am outlining today will be implemented over an 18-month period from this summer. In order to manage the process, there will be around 50 to 60 area proposals based mostly on groupings of parliamentary constituencies, but the Post Office and Postwatch will be able to adopt different approaches where it would be better to do so. In developing its proposals for public consultation, the Post Office will develop plans together in consultation with Postwatch, sub-postmasters and local authorities.

Right hon. and hon. Members will be given advance notice of area proposals in line with the arrangements made in relation to the urban programme three years ago. That will be followed by each plan being subject to a six-week public consultation, providing people with an opportunity to give their views. After the consultation, Postwatch will consider the responses and the specific issues raised. There is also provision for further discussions and review by the Post Office and Postwatch before final decisions are reached. Final closure decisions will be made by Post Office Ltd.

I said last year that we wanted to give local authorities and devolved Administrations a greater say in shaping the future network. We will therefore work with them to consider how we can best make that happen. The majority of people in this country want us to maintain a national network of post offices. I believe that the proposals set out today will do that and I commend them to the House.

Alan Duncan (Rutland and Melton) (Con): I thank the Secretary of State for giving me advance sight of his statement. Nothing much seems to have changed since he outlined the proposals in December, and I am afraid that his statement confirms many people's worst fears that our post office network is about to be decimated. Will he tell us how many of the 2,500 responses to his consultation actually supported his proposals?

This Government already hold the record for closing post offices faster than any other, and today's announcement amounts to an acceleration of that rate of closure, shutting a further 2,500 branches over the next two years. By the time of the next election, this Government will have closed more than one third of the entire post office network. What is more, 2,500 is not even the upper limit. As the Minister confirmed last month, it is the lower limit. Will the Secretary of State confirm that 2,500 is the number of compensated closures, and that he is offering no guarantee that other post offices will not close as well, without compensation? What is his estimate of the highest number of closures that we will see by 2010?

This is a programme for compulsory closures. The design of the scheme means that even successful post offices might have to close just because of their geography. Successful sub-postmasters who have spent years building up their businesses might now be forced out by the Government. For some years, the Government have provided a subsidy to rural post offices. Today, they trumpet the continued subsidy, but it now goes to all post offices. It is therefore spread more thinly and will be far less focused on rural Britain. Is it not therefore the case that this statement signals the near-certain death of the village post office?

The Government dress the closures up as meeting their proposed access criteria. The truth, however, is that those criteria are not entirely beneficial. They are a wolf in sheep's clothing. Of course we welcome the Government's decision to include public transport considerations, but the access criteria still protect only about one third of the network, and the Government have rejected the very idea of access criteria in the past.

The Secretary of State announced 500 new outreach locations, but will he say a little more about how they will operate? Will they be anything more than just a van available for a couple of hours a week?

It is now five months since the Secretary of State's original statement that 2,500 post offices were to close, yet the Government have still not told us which ones are for the chop. When will the list of closures be announced? Will he ensure that they are not carried out in such a way as to set post office against post office?

What the Government should be announcing today is a policy of giving sub-postmasters greater freedom to find new business opportunities, encouraging local councils to see what services they can provide through post offices, and making the Post Office card account, which is so vital to the future of the network, a more flexible financial tool with much greater scope. Will the Secretary of State explain to the House why the Government have rejected those options—[Hon. Members: "They have not."] Yes, they have.

What this statement really means is the closure of more than one third of the post office network under this Government, countless villages losing their only shop, and millions of vulnerable people losing a service that they depend on. Little or no account will be taken of the needs of the elderly, the disabled or the most disadvantaged, and there is too little appreciation of the dedication of our sub-postmasters, who spend years building up their businesses and serving their communities. This announcement is a counsel of despair. This statement has no vision, and it signals the decimation of a network on which so many people depend.

Mr. Darling: The hon. Gentleman might have received my statement an hour or so ago, but he clearly did not read it. I hope that he got the formal response some time before that, but if he had read it, he would

have seen that I agree with him that we should encourage councils to consider whether they can provide services through post offices. Because they will be involved in these proposals at an early stage, they will have ample opportunity to consider that.

I said last December, and I repeated today, that we want to see a successor to the Post Office card account. Indeed, my right hon. Friend the Secretary of State for Work and Pensions has published the public invitation to tender for that new card today. In relation to the other financial services, I mentioned foreign exchange, which is a hugely successful business in post offices. I also mentioned the announcement today between the Post Office and BT—I heard the hon. Gentleman scoffing at that before he stood up to speak—which will mean that the post office network will be able to sell access to a new product: Post Office broadband. That will give people another reason to go into post offices. BT recognises the value of having a shop-front up and down the country.

Those are examples of how the Post Office, whose new chief executive is determined to open up new opportunities, is going out to find new business. The value of having a national network is that there can be national agreements to provide travel insurance, broadband services and so on, which individual postmasters could never negotiate on their own. That is something that the National Federation of SubPostmasters supports.

As I said earlier, the Post Office will make roughly 50 to 60 area proposals. The whole objective is to ensure that the right post offices are in the right place for each area. At the moment, part of the problem is that two post offices can compete for a small amount of business in the same area. Any other business would organise itself so as to maximise opportunities for business, and that is what the Post Office will do.

Yes, it is five months since I published my proposals, but it is absolutely astonishing that, in that time, the hon. Gentleman has not come up with a coherent position on behalf of the Conservatives. He has no answers to the problems. Everyone knows that the Post Office has a problem as a result of people changing their habits, having their benefits paid into a bank or building society account, or renewing their tax discs online. Something had to be done about that. We are prepared to do it and, above all, we are prepared to make money available. The hon. Gentleman's real problem is that he knows full well that he cannot promise any such additional expenditure, because the Conservatives' economic policy would require him to cut public expenditure. That is why he cannot match what we are proposing today.

Susan Kramer (Richmond Park) (LD): I thank the Secretary of State for giving me advance sight of his statement today. I regret that the consultation process has not led to a fundamental rethink. The Liberal Democrats have a fully funded rescue strategy for the Post Office—*[Interruption.]* It is most unfortunate that the consultation proposed by the Secretary of State remains brief and unwieldy. Will he at least agree to delay the abolition of Postwatch so that full and proper support can be available for constituents attempting to deal with the crisis that will confront them?

The Secretary of State has provided the number of voluntary closures, but will he confirm that I have read correctly that a post office that has closed voluntarily will not be re-opened unless it is required by the criteria? That would be incredibly bad news for many communities.

Government business is absolutely key to the survival of the Post Office. Can the Secretary of State give a commitment that no more Government business will be withdrawn from the Post Office? If not, what further losses does he estimate?

On new business, is my reading correct that Royal Mail's restriction on other delivery companies working with the Post Office will continue and has the Secretary of State's support? If not, that would remove many such new opportunities for post offices.

The Post Office card account—POCA—goes out to tender today, but will the Secretary of State confirm that there is no absolute certainty that the tender will be won by the Post Office? If it is not won by the Post Office, what contingency plan is in place?

Will the Secretary of State confirm that there is no consultation on the closure of Crown post offices and their transfer to WH Smith, but only on what type of facilities will be available in WH Smith? Does he agree that that is outrageous? Will he please use his influence to make sure that a consultation does take place?

How many small communities will lose their one remaining shop, which, essentially, survives only because of co-location with the post office? Has the Secretary of State done that work, and can he tell us the results?

What work is the Secretary of State doing with the Department for Communities and Local Government on attracting local council activity into post offices, given that, as I understand it, he has now abandoned the "Your Guide" pilot, which was his main thrust for ensuring that that process took place?

Mr. Darling: First, the hon. Lady criticised the Post Office's decision to enter into a deal with WH Smith in relation to 70 Crown post offices, which means that those post offices will stay open. She contradicted herself a few moments later by saying that it was important that rural post offices had other businesses co-located with them, to get additional business. Surely we should do everything possible to get more people through the front door of post offices. I would have thought that the proposal for 70 Crown post offices to go into WH Smith would be welcomed, as more people are likely to use those post offices, and they will stay open.

On the hon. Lady's point about access, which was also raised by the Conservative spokesman, the purpose of national criteria is to ensure that urban and rural areas have reasonable access to a post office. Therefore, if a post office closes, and the access criteria are no longer met, the Post Office will be required to open a new post office to take its place. I am trying to ensure that there is a coherent national network, which will have the opportunity to compete for Government or other business as well as providing services.

The hon. Lady asked me to promise not to abolish Postwatch and to delay its transfer into the National Consumer Council. I am happy to tell her that I will do

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everything to ensure that Postwatch can discharge the functions that I want it to discharge. She might, however, want to have a word with her predecessor as trade and industry spokesman, as he called for the abolition of Postwatch, because, he said, it was useless. Now she is calling for it to be maintained. I suppose that that typifies the Liberal Democrats' problems.

We do have to put the Post Office card account out to tender—the hon. Lady and the Liberal Democrats are good Europeans, and they would surely agree with the European requirement that such things must be put out to tender. Neither I nor my right hon. Friend the Secretary of State for Work and Pensions can simply award the contract to the person we want. A fair competition must take place.

Lastly, whatever else the Liberal Democrats have, they do not have a coherent public spending programme that would allow them to finance the Post Office. It is disingenuous of the hon. Lady to suggest that she has such a programme.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I have other important business to protect. Equally, I am aware that interest in this subject is widespread among hon. Members. May I therefore appeal for brevity in all hon. Members' contributions?

Mr. David S. Borrow (South Ribble) (Lab): If the proposals go through, many people will be concerned that if the same pressures continue on the post office network, we will back here in another five years considering the need for more public expenditure to meet the access criteria. Will my right hon. Friend guarantee that, should further pressures continue on the post office network, the access criteria laid out today will be kept, and additional public expenditure will be found to ensure that the network is maintained in the future?

Mr. Darling: First, the access criteria are important because they provide reasonable access, and I hope that those criteria will endure. Secondly, in relation to public expenditure, as I told the House, were there no public financing, about 4,000 post offices would be left. That is not likely to be acceptable to anyone in the House, so I made clear in my statement that the need for public support is likely to continue for some foreseeable time.

Peter Luff (Mid-Worcestershire) (Con): Although there are things to welcome in the Secretary of State's statement today, especially the improved access criteria, does he understand the disappointment that will be felt by the Trade and Industry Select Committee, which I chair? He has effectively rejected the majority of our recommendations by offering only a patchy response to improved entrepreneurial innovation for the network, not clarifying the future of Postwatch, diluting the social network payment, offering no safeguards on unplanned closures, sticking to a very short consultation period for local plans, and not addressing the shortcomings of the Post Office card account. I suppose that I should at least welcome the downgrading of Crown post offices—such as Worcester's Foregate street office, which will move to the first floor of WH Smith—because their total inaccessibility will mean that some offices in Worcester have a lot more custom.

Mr. Darling: I do not agree with the hon. Gentleman. I have attempted to deal with many of the suggestions in the Select Committee on Trade and Industry's report, which was quite helpful. I know that the Committee wants a longer consultation period, but I am mindful of the fact that postmasters, who have had a period of uncertainty, want to know where they stand, and understandably so. I have set out a process that allows for those matters to be considered, even after the consultation process ends.

In relation to unplanned closures, nobody can legislate against a postmaster or postmistress giving up their business. We should remember that the vast bulk of such shops are owned as private businesses. The access criteria mean, however, that if a post office closed, and the criteria were no longer fulfilled, the Post Office would have to open a new post office in its place. That is the assurance that the hon. Gentleman and his Committee sought.

In relation to other measures, such as the Post Office card account, people were understandably concerned a few months ago that we were not going to replace it. We have done so, and as I explained to the House today, there are signs that the Post Office will now aggressively pursue business, which I wish that it had done in years gone by. That is the best protection for the future.

Mr. Lindsay Hoyle (Chorley) (Lab): Given my right hon. Friend's announcement, this is a very sad day for post office users. He ought to realise the deep concern across the United Kingdom about the announcement. On average, four post offices across each constituency will close. That is bad, because the post office network is a lifeline to many pensioners. The language that he uses is about allowing the Post Office to pursue further work. Cannot we instruct and persuade Government Departments and even the BBC to use the Post Office rather than other shops? Chorley building society is meeting the Post Office tomorrow to see how it can help, and whether it can franchise the building society into post offices, to keep the post office network going in Chorley. Can he use that as a good example?

Mr. Darling: That illustrates how, with a suitable degree of enterprise, the Post Office can attract new business. I ask my hon. Friend to reflect, when he has the opportunity to do so, on the problem that the Post Office has been losing business for a long time. It is not open to a Government to say to people, for example, "No, you can't have your pension paid into your current account," or, "No, you can't renew your licence from the comfort of your own home." As with so much else in the world, things are moving, and we must respond to that. The option of doing nothing makes no sense whatever.

Mr. Nicholas Soames (Mid-Sussex) (Con): I welcome the decision of the Post office to retain the Crown post

office in Haywards Heath. First, in examining proposals, will the Secretary of State consider adding to the demands on the Post Office those of demography? In my constituency, the age profile is getting older and older, and post offices are greatly valued by elderly people, and young families. Secondly, as the Government dismantle the social infrastructure in the south-east, such as accident and emergency departments, while imposing bigger and bigger unwanted developments in places such as East Grinstead, will they make sure that there are sufficient post offices to cope with the demands of young families and elderly people in the future?

Mr. Darling: As I have said, the Post Office needs to show a degree of flexibility, and to give reasons for its decisions to show that it has considered the issues. One issue that it will consider is how often post offices are used, which is a problem not just in the hon. Gentleman's constituency but elsewhere. I want to encourage people to use their local post offices, but, as the hon. Gentleman knows, eight out of 10 pensioners are now having their money paid into bank and building society accounts. I hope that other factors will encourage people to visit their local post offices, because that will help to keep them open.

Tony Lloyd (Manchester, Central) (Lab): People in my own city will strongly welcome the commitment to a role for the local authority. The Post Office does not have a good reputation for dealing properly with groups such as local authorities. In Manchester we have tried to engage in meaningful dialogue with the aim of keeping viable businesses open while also ensuring that post offices are part of the regeneration and community infrastructure of the city, but the Post Office has not been a good partner so far. Will the Secretary of State guarantee that, in the course of consultation, it will now act as that good partner?

Mr. Darling: I understand my hon. Friend's point. I know that Alan Cook, the chief executive of the Post Office, is mindful of the fact that in some parts of the country there could be much more co-operation, and I will draw his attention to what my hon. Friend has said about Manchester.

Mike Penning (Hemel Hempstead) (Con): I agree with the hon. Member for Crawley that this is a very sad day for our constituents across the country. [HON. MEMBERS: "Chorley?" "Mid-Sussex?"] It is a sad day for both Crawley and Chorley, but I apologise to the hon. Member for Chorley (Mr. Hoyle). In any event, we all agree that this is a sad day for our constituents.

The consultation period is very short. Will the Secretary of State have another look at what the Select Committee says about how long it should be? Will he also ensure that when negotiations on the closure of sub-post offices take place, sub-postmasters are not gagged as they were last time? On that occasion a penalty clause prevented them from defending the post offices they represented, because if they had done so they would have lost their money.

Mr. Darling: The hon. Gentleman asked about the consultation period. As I said earlier, the National Federation of SubPostmasters has itself pointed out that the longer uncertainty continues the more difficult things become for their businesses, and I must take account of that.

It is very easy to say "This is all too difficult: let us do nothing", but I do not think that is an option. Whichever party is in government, we must deal with a real problem. We must ensure that we put the national framework for the Post Office on a proper footing. But—as I told the Conservative spokesman, the hon. Member for Rutland and Melton (Alan Duncan)—the difference is that this Labour Government have, and are prepared to make available, the money to support that framework.

Charlotte Atkins (Staffordshire, Moorlands) (Lab): Companies such as BT and Severn Trent impose a surcharge of £4.50 a quarter on those who make payments through post offices rather than by direct debit. Is that not a real disincentive, particularly for elderly people who would otherwise be reluctant to pay by direct debit? What can the Secretary of State do to encourage such companies to reverse their decisions, and increase business at local post offices rather than reducing it?

Mr. Darling: I take my hon. Friend's point, but those are commercial arrangements between companies and the Post Office. It is not open to the Government to tell power companies, for example, what rates they should charge. However, we are all acutely aware that, especially in the case of people on low incomes, every penny matters. I shall have more to say about that when I announce the White Paper on energy next week.

Jo Swinson (East Dunbartonshire) (LD): Many of my constituents are deeply concerned about the plan to move Kirkintilloch post office to WH Smith. Given that communities have lost out in the past when Tesco and Morrisons suddenly decided to close many post offices in their stores, would it not be far better to invest in a post office network that would increase the profitability of branches than to hive them off to a large chain where the threat of mass closures will always hang over them?

Mr. Darling: The Post Office is entering into a long-term commitment with WH Smith. I know that there was great concern when Morrisons, in particular, abandoned the policy pursued by Safeway and effectively evicted the post offices, but WH Smith sees their services as complementary to the goods that it sells. The main objective must surely be to keep as many post offices open as possible. As I said earlier, the Crown post offices lost £70 million last year alone, and the Post Office must do something about that.

The Liberal Democrats—who do the same in other contexts—cannot say that they want more to be done to persuade people to walk through the front door of the post office, and then object every time a proposal comes along that would cause more customers to walk through that front door. To my mind, joint ventures and collaboration that make more people go into post offices must be a good thing.

Sir Peter Soulsby (Leicester, South) (Lab): I too am deeply concerned about the proposal of Post Office Ltd

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to close 70 Crown post offices and replace them with inadequate alternatives—in Leicester's case, in the basement of a nearby newsagent, which makes the branch far less accessible and is wholly inappropriate for such an important public service in a major city. I hope the Secretary of State will encourage Post Office Ltd not just to discuss the details of the move, but to engage in proper discussions with the local council and local people about the principle of the serious erosion of an important local service.

Mr. Darling: I understand that most of the pilots conducted with WH Smith have been warmly welcomed. Of course in some cases the service on offer will need to be improved, and if that is a particular problem in Leicester it will need to be examined. However, as I have said a number of times today, in the face of the problem that the Post Office has been losing business, any opportunity to secure new business and persuade more people to visit post offices must be a good thing. I think it odd that people are turning their backs on that opportunity, because I do not see how we can keep those 70 post office branches open otherwise. Collaboration and joint ventures must be a good way of securing additional business.

Mr. Nigel Evans (Ribble Valley) (Con): This is a bleak day, not just for the post office network but for rural villages up and down the country. The hon. Member for Chorley (Mr. Hoyle) said that an average of four post offices were closing in each constituency. If that were the case, we would at least know roughly where we stood, but I suspect that some constituencies will be left untouched while post offices in rural villages are attacked. The closures seem to be taking place on a cost basis, because the post offices are losing £4 million a week. How much money does the Secretary of State expect to save at the end of the exercise, and what protection will rural post offices be given?

Mr. Darling: I realise that the hon. Gentleman will not have had an opportunity to read the Government's final proposals—although, having heard his question, I suspect that he would probably say the same if he had read them. The proposals set out access criteria for rural and urban areas that will safeguard post offices. Safeguards have been added, partly at the suggestion of the Trade and Industry Committee, to ensure that areas are not disadvantaged. In some parts of the country—I do not think they include the hon. Gentleman's constituency—there are so few branches that the Post Office may have to open new ones to ensure that the national criteria are met. I believe that those criteria are the best way in which to guarantee access.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): My right hon. Friend has emphasised the importance of access criteria to ensuring that the Post Office has the right post offices in the right places to maximise business. In Woolwich, we have a Crown post office that is incredibly well located and extremely busy at almost all times of the day. It is difficult to envisage even a half-competent management not being able to run that post office successfully and profitably, yet out of the blue, with no prior consultation with local people, comes a proposal to move it to a far less well-located WH Smith branch that is already very crowded. The consultation proposals seem derisory to me. Will my right hon. Friend please instruct the Post Office, as part of the access criteria, not to move needlessly post offices that can operate profitably in their existing locations?

Mr. Darling: As my right hon. Friend says, the decision was made by the Post Office. As he has raised the matter, I will see whether it is possible for him to sit down with Post Office representatives and discuss the logic and the rationale behind the move, but, as the House will appreciate, I am not in a position to make detailed comments about that particular branch.

Anne Milton (Guildford) (Con): I share the deep cynicism of my constituents about any public consultation these days, believing that it rarely results in any change at all. Post offices are the social glue that holds our communities together. They offer an essential lifeline to many people and their presence keeps open many parades of small businesses. Is the Secretary of State aware that there will be devastating consequences if these proposals go ahead? Is he aware that my constituents in Guildford and Cranleigh do not believe that the public consultation will have any impact at all?

Mr. Darling: The facts that led me to come to the House to make these proposals have not changed: the Post Office is still losing £4 million a week, double what it was losing two years ago. As I have said, the option of sitting back and doing nothing is not sensible, and the National Federation of SubPostmasters has said explicitly that the present situation is unsustainable. That is why we need to do something. On consultation, many points were made, especially in relation to the criteria, on which we have strengthened the position. I hope that that will protect people in both urban and rural areas. Frankly, it is disingenuous for people to say that somehow we do not have to make any changes, and that everything will be all right. It will not.

David Lepper (Brighton, Pavilion) (Lab/Co-op): I welcome what the Secretary of State has said about the future of the Post Office card account, but the concern of many small businesses in the Lanes and North Laine area of my constituency—the main customers of the Crown office, currently in Ship street—is that its transfer to a WH Smith branch some distance away will make it less rather than more accessible for them. I believe that they are right. They are also concerned that consultation will not take place until July, on a decision that clearly has already been made.

Mr. Darling: Perhaps I should make the same offer to my hon. Friend as I made to my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford). I have probably made this point on a number of occasions but it bears repeating: the Crown office network is losing £70 million a year. We have to do something about that. If there are opportunities to get more people into the post office building, that must be good for the post office; above all, that will keep it open.

Mr. Roger Williams (Brecon and Radnorshire) (LD): I sincerely hope that the proposed consultation will be more transparent than the one on which the Secretary of State has reported today. In Wales, as well as consulting local authorities and right hon. and hon. Members, will he involve Assembly Members and the National Assembly for Wales?

Mr. Darling: Yes. The National Assembly and the devolved Administrations in Northern Ireland and Scotland will be consulted.

Chris Ruane (Vale of Clwyd) (Lab): First, I am pleased and relieved that the two Crown post offices in my constituency—in Denbigh and Rhyl—will remain open. I concur with my right hon. Friend that the challenge is to get more footfall in through the door. To this end, Welsh Labour MPs have convened a meeting next Thursday with the high street banks, the Treasury, the Wales Office and the Minister with responsibility for the Post Office, along with the Post Office and the National Federation of SubPostmasters, to see whether we can look at best practice within the industry and spread it to increase the footfall, especially in rural areas and areas of financial exclusion.

Mr. Darling: That sounds like a worthwhile initiative, and I know that the Under-Secretary of State for Trade and Industry, my hon. Friend the Member for Poplar and Canning Town (Jim Fitzpatrick) will attend that meeting.

Mr. Robert Walter (North Dorset) (Con): The Department for Work and Pensions informed me yesterday that two of three jobcentres in my constituency were closing, so it has not been a good week for Government announcements of closures. However, there is a little bit of good news. On Monday, after a long period without post office services, a new post office counter opened in the village of Hazelbury Bryan in my constituency. I hope that the announcement today will not be taken with a degree of irony by the residents of Hazelbury Bryan. Will the Secretary of State assure me that the kind of innovation that brought that post office counter to the village, involving a neighbouring sub-postmaster providing the service, could be used to save all 45 post offices in my constituency?

Mr. Darling: There are many examples of innovation that have meant that post offices will build their business and maintain branches, if not open new ones. On jobcentres, I am very much aware that that network is being reduced as well. However, I think that I am right in saying that at the last election, the hon. Gentleman stood on a platform involving the wholesale closure of jobcentres.

Mr. Mark Todd (South Derbyshire) (Lab): Perhaps the Secretary of State will turn to his ministerial colleague and warn him of the unrelenting diet of Adjournment debates that he is likely to face on this subject once the lists are announced. When will the Post Office be advised either to produce a sensible transaction offer that is competitive and would win business such as BBC licences, or to give sub-postmasters the opportunity to join the Paypoint network.

Mr. Darling: A number of branches have Paypoint. Also, the changes that I am proposing will cut some of the Post Office's costs, so it will be better placed to win contracts. The Post Office lost the BBC contract because the BBC was able to save substantial sums and, understandably, decided that it wanted to spend that money on programmes rather than transaction costs. That is one of the reasons why we need to make these changes.

Hywel Williams (Caernarfon) (PC): Plaid Cymru welcomes the intention to give the devolved Administrations a greater say in shaping the network into the future. I am sure that the Secretary of State is relishing the prospect of working with the excellent new Government established in Edinburgh yesterday. Turning to Wales, what regard will be given to the particular needs of the objective 1 areas, which have been defined objectively as areas requiring particular help in terms of economic and social needs? Will the Secretary of State work with the Administration in Cardiff to that end?

Mr. Darling: Of course the Government will work with the devolved Administrations, and as I said a few moments ago, the Post Office will do that as well, as part of the programme. I indicated earlier that there are two degrees of protection that will help Wales; one is the additional protection for people living in deprived urban areas as a result of the consultation, and the other is additional protection for the more rural areas. The hon. Gentleman is sitting next to the hon. Member for Angus (Mr. Weir)—the sole Member representing the SNP in the Chamber today—who raised this at the Select Committee, and he will be pleased to hear that in his constituency and in areas in the Highlands and Islands, there is the possibility not only of having no closures but of gaining additional post offices.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): There are 15 Crown post offices where a franchise partner is being sought but has not yet been identified, one of which is Maida Hill in the Harrow road in my constituency. This is not only an area of extreme urban deprivation, but a struggling urban high street that the local urban regeneration agencies have been working to try to turn round. Will the Secretary of State assure me that the Post Office and the Department will work with those urban regeneration partners to make sure they are fully involved in the consultation? What factors will determine whether areas of high urban deprivation face losing any of their service?

Mr. Darling: I understand my hon. Friend's point perfectly; she has already raised the matter with me. This is perhaps the other side of franchising; in this case the Post Office is having difficulty finding somebody to go into a joint venture. On her general point, it is often the case that when a post office has difficulties, the surrounding shops have difficulties too. That is something that the Post Office, the council and other agencies need to look into.

Mr. Alan Reid (Argyll and Bute) (LD): May I draw the Secretary of State's attention to today's written ministerial statement from the Department for Work and Pensions, which says that the Post Office card account will be available at personal teller outlets located throughout the UK? Could we have much more strictly defined criteria that will ensure that people can collect their pensions throughout the Highlands and Islands? When the Government gave the television licence contract to Paypoint, it meant that although there were still outlets available to my constituents, large parts of my constituency—the rural parts and the islands—lost the ability to buy a television licence over the counter. Will the POCA tender contain strict access criteria concerning the rural parts of the Highlands and Islands?

Mr. Darling: Yes, the Post Office card account will be used across post office counters, but we also want to make it usable in automated teller machines to give the card account holders more flexibility. As for the BBC licence fee, that decision was taken by the BBC. The Government do not control the BBC, as we know only too well; every morning when I get up and tune in to the "Today" programme it is pretty evident that the Government most certainly do not control the BBC. The BBC took that decision because it saw that it could save substantial sums. As my hon. Friend the Member for South Derbyshire (Mr. Todd) said a few moments ago, we must encourage the Post Office to get into a position where it can win more business, not only from the BBC but from others as well.

Kate Hoey (Vauxhall) (Lab): The Secretary of State keeps repeating the obvious: that he cannot force people to use postal services. However, does he not understand that he can ensure that Departments do everything they can to put business the Post Office's way? The public cannot understand why on one hand we are putting in investment to keep the rural network going, while on the other hand we are taking away services, which is losing the Post Office money.

Mr. Darling: At the risk of irritating my hon. Friend by stating another obvious fact, let me say that Government Departments too must have regard to the costs that they incur in providing services. In some respects I would prefer the subsidy to be more transparent, so that people could see that we are putting money into the Post Office, rather than giving it a tacit subsidy through requiring Government Departments to do something that they would not otherwise do. However, the important thing is to ensure that, regardless of how that happens, the post office network is subsidised. As I said, unless it continues to receive a public subsidy the network will shrink drastically, which no one wants.

Tony Baldry (Banbury) (Con): The Secretary of State said in his statement, "We also want to encourage community ownership. There are already some 150 thriving community-owned shops, many of which already incorporate post offices." However, there are also hundreds of thriving privately owned shops that incorporate post offices. If the Secretary of State lauds community ownership—as I am sure that we all do—why does he want to undermine privately owned shops that incorporate post offices? Yesterday I presented to this House a petition signed by hundreds of my constituents who are concerned and want the post offices and sub-post offices in their villages and in Banbury and Bicester to remain open. Why does the Secretary of State want to undermine them?

Mr. Darling: The 13,000 post offices are private businesses. They are run by postmasters and postmistresses who either operate a post office as their exclusive business or, more usually, run one in conjunction with some other business activity. Only a tiny minority are community owned. When we last discussed these matters in December and then in the parliamentary debate in January, several Members pointed out that throughout the country there are a growing number of community businesses that are hugely successful. The point I made in my statement was that we ought to support them. We want to see if we can do more in that regard. The thrust of my statement was in support of the private sector. I am sure that the hon. Gentleman would agree that £1.7 billion is a significant amount of support.

Mr. Russell Brown (Dumfries and Galloway) (Lab): The Secretary of State has made a serious attempt today to deal with this matter. We have a historical network and we also face a generational issue, in that lower percentages of young people are using post office services. Even if we are to have a new POCA run by the Post Office, can we be sure that sub-postmasters will be satisfied with the transaction amount that they receive, compared with the current situation? Also, when local consultation about a proposed closure takes place, if communities come forward with an alternative—as has happened through the rural postal pilots—will those alternatives be seriously considered by the Post Office?

Mr. Darling: The answer to that question is yes. I am aware that pilot projects have been carried out in my hon. Friend's constituency, and if people have better ideas for providing services they should be encouraged. The transaction costs and the amount that postmasters receive is a matter for commercial negotiation between the Post Office and the postmasters and postmistresses. I think that that is negotiated from time to time.

Dr. Vincent Cable (Twickenham) (LD): Page 18 of the Government response says that about half of the closures will be in urban areas. How will that be done, as the 1-mile access criterion is the same as that used in the reinvention programme, under which one third of branches have already shut?

Mr. Darling: I am not sure whether the hon. Gentleman was present earlier when I made my statement. I said that the Post Office would come forward from the summer with area plans in which it would set out its proposals. At that stage it will be possible for the hon. Gentleman and other Members to see what is being proposed, and how the criteria have been applied. In the consultation document and the response document, we set out the national criteria and defined what an urban community is. I hope that it will become clear at that later stage that I mentioned how the criteria have been applied. It will then be open to the hon. Gentleman to make whatever representations he thinks are appropriate.

Mr. Brian Jenkins (Tamworth) (Lab): My right hon. Friend said that we would give Post Office Ltd the ability to shape the network. However, he will remember that last time we were in this situation, which was to do with urban renewal, the plan involved writing to every sub-postmaster, which in the town of Tamworth resulted in all six in the south taking the option to quit and the six in the north staying put. After many months of there being no plan and no consultation—no ability for the Post Office to shape things—it was only by means of an intervention from the chairman, Allan Leighton, that I managed to break the deadlock and get a good service provided for the south of Tamworth, through a Co-op superstore. Does the Secretary of State intend to improve the Post Office's ability to co-operate and consult, or does he intend to have the chairperson—whether Allan Leighton or not—permanently on stand-by?

Mr. Darling: Lessons do need to be learned from the previous programme. It is important to ensure that consultations are carried out properly and that we get the best possible result, so that we have a post office network that is coherent and can maximise business.

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): I welcome the improvements to the access criteria for the most remote communities, but the statement will still cause profound uncertainty in the many communities across the north of Scotland that are not covered by that definition, especially if the POCA contract is not won by the Post Office. Can the Secretary of State confirm whether the new criteria concerning access to public transport mean that any community that does not have a regular, frequent, accessible public transport service will not have its post office closed?

Mr. Darling: I am glad that the hon. Gentleman welcomes the improved and strengthened criteria in relation to rural areas. The Highlands and Islands of Scotland will benefit from the proposals. In relation to the individual plans when they come forward, the Post Office has to take into account a variety of factors and most people would expect it to exercise a degree of common sense when coming up with proposals.

Lynne Jones (Birmingham, Selly Oak) (Lab): Several post offices have already closed in my constituency, leading to increases in queues with consequential reductions in business, because busy people are put off from using those that remain open. One of the closures was voluntary—in Wychall road, which is in a very deprived area. Do the measures proposed today mean that the Post Office will now have to look proactively at replacing that post office, which it previously refused to do? Will the Secretary of State also ensure that the definition of a deprived area does not exclude estates within an otherwise more affluent area?

Mr. Darling: The answer to my hon. Friend's question is yes, if somebody decided to close their post office with the result that the national criteria were not met—for a deprived area, in the case that she mentions—the Post Office would have to look to replace it. That is the whole point of having criteria. That was not the approach adopted last time; a slightly different approach was taken then. Having national criteria means that when unplanned gaps appear in the network they need to be filled so that the national criteria are met.

Mark Hunter (Cheadle) (LD): Following the announcement today that the Government intend to close a further 2,500 post offices in addition to the 4,000 that have already closed, does the Secretary of State understand the great concern and depth of feeling throughout the country about this catastrophic proposal? Furthermore, does he not recognise that the difficulties faced by the post office network have in large part come about as a direct result of this Government's policies, in particular taking business away, such as in the form of TV licences, passports, driving licences and the card account? Does he not accept the relationship between cause and effect?

Mr. Deputy Speaker: Order. That was a lengthy question.

Mr. Darling: I shall make just one point. Is the hon. Gentleman really suggesting that he should go to his constituents who are perhaps trying to renew their tax disc on line and say that they cannot do it? If he thinks for just a few minutes about what he has been saying, he will realise that there is nonsense in it.

Mr. David Drew (Stroud) (Lab/Co-op): This remains a bitter pill for some of us to swallow, in particular the potential conflation of the rural subsidy into the social network—but may I urge my right hon. Friend to support the Sustainable Communities Bill? It is good to see the Government taking this private Member's measure through. Does my right hon. Friend now see the benefits of getting the Post Office to engage with local communities to see whether there are social answers to running these services, rather than pretending that the Post Office has all the answers?

Mr. Darling: I agree with my hon. Friend on that point. It is important that the Post Office should speak to councils and others so as to collaborate wherever possible. The object is to ensure that as many people as possible come in through the front door of post offices, because that is their best guarantee for the future.

Sir Nicholas Winterton (Macclesfield) (Con): I am grateful to Post Office Ltd for keeping the Crown post office in Macclesfield as part of its network. Having sat here throughout the whole statement, I should like to know when we shall see details of the approximately 2,500 sub-post offices that are being closed. When will the list be published? As a Conservative, may I exhort the Government to use their great influence and purchasing power to help the Post Office more, because it is such an essential public service?

Mr. Darling: I am grateful to the hon. Gentleman for his support—if that is what it was. As for the timetable, from this summer the Post Office will start to publish plans for about 50 to 60 areas across the country. It is best to deal with the proposals on a manageable basis so that people can understand all the issues. I think that the process will take about 18 months, and it will start this summer.

Mr. David Kidney (Stafford) (Lab): More post offices will close than new outreach services will open. In rural areas, what factors will determine which areas get an outreach service and which do not? Will they be more than just the access criteria?

Mr. Darling: The access criteria are there to ensure that there is reasonable access to post office services across the whole country. There will be areas, more likely rural than urban, where an equal or perhaps even a better service can be provided by outreach services using community halls, and in some cases delivering services directly to people's homes. There are one or two examples of where services have been set up in pubs and seem to be working well. The object is to make post office services more flexible than they have been in the past, especially in areas where the population is spread more thinly, but equally needs access to post office services. What happens in each area will depend on the facts and circumstances of each area, so I cannot give the hon. Gentleman any specific assurances. When the Post Office publishes its proposals in respect of his area, I hope that he will look at the opportunities that there might be, and there will be ample opportunity for discussion with the Post Office to try to improve services as well as maintaining existing services.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): May I invite the Secretary of State to expand more fully on the answer that he gave to my hon. Friend the Member for Argyll and Bute (Mr. Reid) about the new Post Office card account and its availability in island communities? Our recent experience with the removal of television licences has left hundreds of my constituents with no over-the-counter services available to them. Will the right hon. Gentleman fight the Post Office's corner with the Department for Work and Pensions in this regard, and obtain a commitment that islands where people can currently use a Post Office card account will still have that service when the new card account is introduced?

Mr. Darling: It will be possible to use the Post Office card account, both now and with its successor, in post offices wherever they may be, whether in the Highlands and Islands or elsewhere. The hon. Gentleman and his hon. Friend the Member for Argyll and Bute (Mr. Reid) referred to the BBC decision in relation to Paypoint. It is true that the Paypoint network is not as widespread as the Post Office network. That is why we want to maintain a national post office network where people can use their Post Office card accounts.

David Taylor (North-West Leicestershire) (Lab/Co-op): Despite the welcome announcements on broadband, Credit Union and POCA, the bleak reality is that for hundreds of rural villages the cornerstone is being removed in the interests of saving the public purse about one twenty-fifth of one penny for every pound that is expended. My experience of sub-post offices is that those who run them are astute and creative business people, but there is a paucity of entrepreneurial flair in the upper echelons of the Post Office regional and national management. It is like putting vegetarians in charge of a butchery chain. Is my right hon. Friend confident that the right people and right structures are in place to ensure the network into the medium term?

Mr. Darling: I am not sure that the analogy is entirely appropriate. My hon. Friend is right to say that throughout the country postmasters and post mistresses show an extraordinary amount of flair and commitment. I mentioned the new chief executive of the Post Office, who is showing admirable flair and winning new business, such as broadband, to which I referred. There is always room for improvement in any organisation, and where that improvement is necessary I hope that someone will make sure that it takes place.

Mr. Geoffrey Cox (Torridge and West Devon) (Con): Does the Secretary of State understand the gloom that will descend on small rural communities throughout the south-west as a result of this announcement? What weight will be given to the availability of public transport? Most of the small post offices under threat in my constituency are in villages where the sight of a bus is as rare as a phoenix. Will that protect them? Or is that idea simply a token gesture to the isolation of those communities?

Mr. Darling: That is precisely why we strengthened the criteria as a result of the consultations carried out.

Martin Horwood (Cheltenham) (LD): Much has rightly been said about rural post offices in this discussion, but Hesters Way in my constituency is described by the Government as one of the most deprived urban neighbourhoods in the country. It is losing its local post office, located in a branch of McColl's, at almost no notice within a matter of weeks. Now we are told that Cheltenham's modern, purpose-built Crown post office is to be relocated in WH Smith. What guarantees do we have that that will not suffer the same fate?

Mr. Darling: As I said earlier, I very much hope that the arrangement with WH Smith will encourage more people to visit the post office. Judging by the pilots carried out a short while ago, that has been successful. The key to the future of the Post Office is that the more people use it, the better—and the more reasons for using it, the greater the chance for success. That is why these proposals are being made.

Local Government and Public Involvement in Health Bill (Programme) (No. 2)

1.27 pm

The Minister for Local Government (Mr. Phil Woolas): I beg to move,

That the Order of 22nd January 2007 (Local Government and Public Involvement in Health Bill (Programme)) be varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.

2. Proceedings on consideration and Third Reading shall be completed in two days.

3. Proceedings on consideration shall be taken on each of those days as shown in the first column of the Table and in the order so shown.

4. Each part of those proceedings shall (so far as not previously concluded) be brought to a conclusion at the time specified in relation to it in the second column of the Table.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.

TABLE

First Day

Proceedings	*Time for conclusion of proceedings*
New Clauses relating to the reduction of regulatory burdens, the National Partnership Scheme, and the repeal of section 99 of the Local Government Act 2003; new Clauses and amendments relating to Chapter 1 of Part 5; new Clauses and amendments relating to Part 13; new Clauses and amendments relating to Chapter 2 of Part 5; new Clauses and amendments relating to Part 8; new clauses and amendments relating to Part 1; new Clauses and amendments relating to Part 9.	The moment of interruption.

Second Day

Proceedings	*Time for conclusion of proceedings*
Remaining proceedings on consideration.	One hour before the moment of interruption.

We have a great deal to get through today, so I shall be brief. My reasons for moving the motion are straightforward and I hope that they will be welcomed in the interests of good debate.

The Bill before us is wide-ranging and important, and we have provided two days for the debate, today and next Tuesday. I believe that the debate in Committee was robust, but on the whole consensual. We have reflected on the constructive contributions of Committee members and brought forward many of the amendments on the basis of responding to the Committee. I have also looked at where most of the interest of the Committee debates lies and tried to provide time accordingly, as well as in response to the contributions of the Committee and the spread of interest across the Bill.

The motion departs from the normal order of consideration in that it allows for two days of consideration and spreads the areas of the Bill across the two days to ensure that the areas of most interest are given sufficient time for Members to contribute. The programme motion, as outlined in the five bullet points on the Order paper, amends the order that we passed on 22 January.

1.29 pm

Mr. Robert Syms (Poole) (Con): The Opposition have contributed to the Bill in a responsible, moderate and constructive manner, as befits a Conservative party that expects to be the next Government, so I have to say that I am a little disappointed that the Government's Stalinist tendencies have been reinforced in the Bill's return to the House.

We have just heard two statements on important issues. Many of the amendments are Government amendments so will take up an awful lot of time—and although my colleagues and I had the privilege of serving on the Bill Committee, the proceedings on Report should give all Members the opportunity to make a contribution, yet the consequence of the programme motion is, sadly, that ordinary Back Benchers who deserve to have their say—

Mr. Woolas: Where are they?

Mr. Syms: They are at lunch.

Ordinary Back Benchers will not have the opportunity to contribute and I fear that there are also elements of the selection list that we may not be able to discuss. We shall be as constructive as we can and will start by not dividing the House on the motion, as time is so valuable. However, I hope that the Government will reflect on the fact that tabling a programme motion on a day such as this can mean that issues of great public concern are not fully aired for the benefit of the House and the country.

With regret, we shall not divide the House, but I record our disappointment at the way the proceedings have started.

1.31 pm

Andrew Stunell (Hazel Grove) (LD): I commend the Government for their helpfulness in the progress of the Bill so far, but I have a comment on their productivity. They have added 156 amendments, 56 new clauses and two new schedules—a 28 per cent. increase in the Bill's original content—for us to discuss over a couple of days. We very much look forward to the Government quickly accepting our proposals so that we can make constructive progress to produce a better Bill.

Question put and agreed to.

Orders of the Day

Local Government and Public Involvement in Health Bill

[1ST ALLOTTED DAY]

[Relevant document: The Eleventh Report from the Joint Committee on Human Rights, Session 2006-07, Legislative Scrutiny: Fourth Progress Report, HC424.]

As amended in the Public Bill Committee, considered.

New Clause 29

REDUCTION OF REGULATORY BURDENS

'(1) The Secretary of State must—

(a) for the period of one year, beginning with the commencement of this Act, and

(b) for each year thereafter,

prepare a report on progress during the period to reduce the number of local improvement targets, plans and other regulatory burdens in the responsible authority's area.

(2) A report under this section must (in particular) deal with—

(a) ring fenced grants and funding;

(b) the volume of guidance;

(c) approval processes.

(3) The Secretary of State must lay before Parliament each report he prepares under this section.'.—*[Andrew Stunell.]*

Brought up, and read the First time.

1.33 pm

Andrew Stunell (Hazel Grove) (LD): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following:

New clause 30—*National Partnership Scheme*—

'(1) The Secretary of State shall, within one year of the coming into force of this Act, establish a body ("the Steering Group") to draw up a National Partnership Scheme ("the Scheme") between local government and national government, having regard to the European Charter of Local Self Government.

(2) The Steering Group shall comprise an equality of membership from central and local government, with an independent chair.

(3) The Scheme must set out recommendations about the respective powers and duties of local and central government in respect of (but not limited to) community engagement and participation, service delivery, finance and functions, and may set out such other matters as the Steering Group determines.

(4) The Scheme must include timetabled proposals for the transfer of functions and funding from central to local government where such transfer will—

(a) be efficient and convenient, or

(b) enhance local democratic accountability.'.

New clause 35—*Local Government Act 2003: amendment*—

'Section 99 of the Local Government Act 2003 (c. 26) (categorisation of English local authorities by reference to performance) is hereby repealed.'.

Government amendments Nos. 20 to 22.

Amendment No. 254, in clause 80, page 55, line 10, at end insert—

'(m) a registered social landlord which lets or owns houses in the area of the responsible local authority and which has been notified in writing by the responsible local authority that it is a partner authority.'.

Amendment No. 257, page 55, line 10, at end insert—

'(m) Regional Offender Managers;

(n) Probation Trusts and providers of probation services'.

Government amendments Nos. 23 to 25.

Amendment No. 255, page 55, line 32, at end insert—

'(4A) In this section, "house", "let" and "registered social landlord" have the same meanings as in Part 1 of the Housing Act 1996.'.

Government amendments Nos. 26 to 28.

Amendment No. 253, in clause 81, page 56, line 13, after 'area', insert

', including targets relating to energy efficiency standards and microgeneration, as defined by section 82 of the Energy Act 2004 (c. 20) in buildings in new developments,'.

Amendment No. 171, page 56, line 17, at end insert—

'(1A) In this Chapter "national improvement target" means a national target for improvement designated by the Secretary of State in respect of which there shall be a maximum number of 35.'.

Amendment No. 156, in clause 82, page 56, line 40, after 'authority', insert—

'(ia) other non-statutory partners to the local area agreement;'.

Amendment No. 248, page 56, line 41, at end insert '; and

(iii) recognised trades unions.'.

Amendment No. 172, page 57, line 3, leave out 'and'.

Amendment No. 173, page 57, line 4, at end insert—

'(iii) the comprehensive area assessment which shall be phased in to coincide with the commencement date for this Chapter.'.

Government amendment No. 92.

Amendment No. 174, in clause 83, page 57, line 20, at end insert

'only in respect of national improvement targets,'.

Amendment No. 175, in clause 85, page 57, line 38, leave out 'local' and insert 'national'.

Amendment No. 176, page 57, line 42, leave out 'local' and insert 'national'.

Amendment No. 177, in clause 86, page 58, line 16, leave out 'local' and insert 'national'.

Amendment No. 178, page 58, line 27, leave out 'or'.

Amendment No. 179, page 58, line 28, leave out subsection (b).

Amendment No. 180, page 58, line 31, at end insert—

'(7) The responsible local authority may in its absolute discretion, with the consent of each person to whom the target in question relates, change, remove or revise a local improvement target.'.

Amendment No. 195, in clause 87, page 58, line 39, leave out 'all' and insert 'either'.

Amendment No. 181, age 58, line 40, after 'to', insert 'national'.

Amendment No. 182, page 58, line 41, after 'of', insert 'national'.

Amendment No. 183, page 58, line 42, leave out subsection (c).

Amendment No. 184, page 59, line 2, after 'a', insert 'national'.

Amendment No. 185, page 59, line 5, leave out subsection (b).

Amendment No. 158, page 59, line 9, after 'authority', insert—

'(ia) other non-statutory partners to the local area agreement, and'.

Amendment No. 186, page 59, line 12, after 'of', insert 'national'.

Amendment No. 187, page 59, line 12, leave out ', or additional local improvement targets,'.

Amendment No. 188, page 59, line 20, after 'of', insert 'national'.

Amendment No. 189, page 59, line 20, leave out ', or additional local improvement targets,'.

Government amendment No. 93.

Amendment No. 190, in clause 88, page 59, line 42, after 'a', insert 'national'.

Amendment No. 191, in clause 89, page 60, line 8, leave out 'local' and insert 'national'.

Government amendment No. 94.

Amendment No. 157, in clause 90, page 60, line 34, after 'authority', insert

', other non-statutory partners to the local area agreement and'.

Government amendment No. 95.

Amendment No. 192, in clause 92, page 62, line 5, at beginning insert 'national'.

Amendment No. 194, in page 90, line 9, leave out clause 127.

Government amendment No. 55.

Andrew Stunell: The new clause is simple and straightforward and should be added to the Bill. The Government have repeatedly said that the torrent of targets, plans, guidance notes and approvals should be throttled back, and they have stated clearly that the Bill will do that by relieving local government of the burden of bureaucracy, red tape and financial costs and allowing it to get on with the business for which it was elected.

The new clause provides a way of measuring and taking stock of the Government's performance. Just in case their rebuttal is that it may be perverse to add yet another target to their work load when we are arguing for the reduction of targets, I simply point out that given the burden they are taking from local government and from themselves, a small diversion to measure it would not go amiss.

I draw the attention of the House to some of the views of Sir Michael Lyons in his recent report to the Government. He said:

"Over the 1980s and 1990s, there has been an increasing centralisation across a range of local public services...it has also inhibited the ability of local government to respond to local needs and preferences, and to manage financial pressures...The weight of central controls—both formal and informal—can lead to local choices being crowded out...it can stifle innovation and experiment, both of which are promoted by decentralisation."

Tom Brake (Carshalton and Wallington) (LD): Does my hon. Friend agree that Sir Michael's contention about greater centralisation is reinforced by the answer to a parliamentary question I received recently, which reveals that the ring-fencing of local government budgets has risen from £1.6 billion in 1997 to £7.2 billion in 2005?

Andrew Stunell: My hon. Friend is right—or rather the statistics from the Department for Communities and Local Government are right. The Government are more and more prescriptive about how local government should spend the money it receives.

The Minister for Local Government (Mr. Phil Woolas) *rose—*

Andrew Stunell: I am happy to give way to the Minister—I feel good news coming.

Mr. Woolas: Obviously, I was aware of the answer given to the hon. Member for Carshalton and Wallington (Tom Brake), which I considered carefully. Those figures included the dedicated schools budget, so that should be borne in mind when making a like-for-like comparison. They also showed that the recent trend is in the opposite direction.

Andrew Stunell: The Minister makes a case, but it is not a particularly good one because many local authorities believe that the prescriptive way that school funding is allocated is not good either.

I want to draw the Minister's attention to a briefing I received from the Local Government Association, which notes that the Audit Commission recently informed councils that an additional 54 performance indicators on economic regeneration should be collected "on a voluntary basis". What is a council supposed to do when the Audit Commission says that it must collect a further 54 indicators on a voluntary basis? That is a weird sort of voluntarism. We are told that additional customer satisfaction indicators are being developed and that as neighbourhood performance management develops, indicators will have to be translated to lower levels, resulting in more data to collect.

The new clause would monitor the Government's good intentions and would enable us to hear from them precisely how well they are doing—in the context not just of the point my hon. Friend the Member for Carshalton and Wallington (Tom Brake) drew to the attention of the House, nor of the LGA's report that more and more indicators seem to be required every day, but of the rumours that reach us on the civil service grapevine. We know that a number of Departments meet the DCLG's challenge to reduce their indicators and targets for local government by asking their staff to turn the indicators into sub-targets and sub-sub-targets; so there is a higher order target with, beneath it, exactly the same requirements as before—except that they are not called targets. We need to assess whether the Government's intentions as a whole—not just the Minister's good intentions—actually produce results.

[Andrew Stunell]

In Committee, the Minister affected to be somewhat heartbroken when we showed occasional signs of distrust at his protestations of good will and innocence. However, there are many local government doubting Thomases out there. Over at least 20 years, they have been trained to doubt by the actions of different Governments at the expense of local government. The Minister has only to accept the new clause and he will allay their doubts and fears. Let us make it transparent that the targets are being reduced. Let us see the tide turn and watch as the burden is lifted year by year.

On Second Reading, the Secretary of State set out her stall. On targets, she said:

"There are currently up to 1,200. We envisage reducing that to 200 indicators, with around 35 targets, plus the existing statutory education and child care targets."—[*Official Report*, 22 January 2007; Vol. 455, c. 1155.]

The new clause is designed to restore trust in the Government's commitment on targets, to cut bureaucracy and to give the Secretary of State something to boast about every year when she publishes her annual report. It follows that we will also support new clause 35, which reflects the same way of thinking. I seek your advice, Mr. Deputy Speaker, on whether it is in order for me to comment on the other new clauses and amendments in the group.

Mr. Deputy Speaker): Order. It is perfectly in order for the hon. Gentleman to comment on any of the amendments or new clauses that Mr. Speaker has grouped with the hon. Gentleman's new clause.

Andrew Stunell: Thank you very much, Mr. Deputy Speaker. In that case, I draw the House's attention to the further new clause standing in my name and that of my hon. Friends: new clause 30 on the national partnership scheme. My colleagues and I raised this matter twice in Committee, in different contexts. We are raising it again because of its tremendous importance to building a strong, healthy democracy in our country. We have an over-centralised country. It is a monolithic state with a one-size-fits-all approach to Government and local government. That issue relates strongly to the issue of targets. It is assumed that if something works in Northumberland it should work in Hackney, if it works in Hackney it should work in Plymouth, and if it works in Plymouth it should work in Braintree. Wherever one goes, the situation is supposed to be the same. We do not believe that that is the right approach for central Government to take and we want to see a much more decentralised state in the future.

Kelvin Hopkins (Luton, North) (Lab): Apropos of the hon. Gentleman's last comments, is it not important for the Government to try to ensure universality and equity across the country in the provision of services? Sometimes that might be at the expense of local freedom, but equity is important too.

Andrew Stunell: It is certainly right that there should be fair shares. I accept that. However, what many people find difficult to accept is the assumption that the way services are delivered, the volume of services, and even the price of services should be set by central diktat or regulation or be the subject of targets. The hon. Gentleman is not wrong, but there is always a tension between making sure that every person in the country gets exactly the same thing and allowing personal freedom and community choice some rein.

At the moment, there is no doubt that in comparison with western Europe, and even more so with our friends across the ocean in the United States, we have an excessively centralised country. I have sometimes used the example of Hampshire in this country and New Hampshire in the United States. The population of New Hampshire in the United States is less than the population of Hampshire in the United Kingdom, yet New Hampshire can set its own laws and taxes and can even set and vary its own criminal code up to and including the death penalty. I want to reassure hon. Members that I am not suggesting that Hampshire county councillors should have the liberty to impose the death penalty, although perhaps they would want that.

A flourishing local democracy is the way to get community and individual engagement with our society. One of the strongest factors in people's failure to participate in democracy at a local level is that they think that it does not make any difference what they do or how they vote because councillors cannot do anything. I have to say that councillors tend to reinforce that view, because if things go wrong in their area, they always say, "It's because the Government have stopped us." We need to get out of having local government in victim mode and we need to restore powers to our local communities.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab) *rose—*

Andrew Stunell: I am happy to give way to the right hon. Gentleman, who is an expert in these matters.

Mr. Raynsford: I share the hon. Gentleman's objective—and that of the Government—of giving greater discretion and autonomy to local government. That is clearly a desirable objective and I am pleased that we are moving down that route. However, I can see a problem with his new clause. He has stressed that it is inappropriate to set national targets and expect them to apply across the country because different circumstances will apply in different locations. Does he accept that, as part of a proportionate system of regulation, in some areas it might be appropriate to have rather more in the way of regulatory requirements and indicators of performance? I was conscious of that when I was responsible for improvements in local authorities. In certain areas, which we were doing badly, there was clearly a need for more focus in order to get an improvement. If he agrees with what I have said, how is that compatible with a system that simply seeks to reduce the total number of targets across the country, regardless of local variations?

1.45 pm

Andrew Stunell: I thank the right hon. Gentleman for his contribution, which sounded just like the comments of local government Ministers and former local government Ministers through the ages. Obviously, if one is in the middle and wants to see changes at the

periphery, the best way of doing that is to order people to make those changes, but that is the opposite of what a localist approach should be. New clause 30 is not specifically related to the issue of the number of targets; it is about defining the boundaries between central Government decision taking and local democracy's decision taking. The new clause is about setting up a mechanism for establishing where those boundaries should be—on an equal partnership basis between local and national representatives—and about presenting a report that would lead to a much clearer line being drawn. That would prevent some of the interference, perhaps in both directions, that is such a bind to our democratic system.

Mr. Raynsford: The hon. Gentleman said that his measure was not simply about the number of targets, plans or other regulatory burdens. However, his new clause requires the Secretary of State to

"prepare a report on progress during the period to reduce the number of local improvement targets, plans and other regulatory burdens".

That is the measure that he is adopting. How can that be compatible with the more proportionate approach that I suggested might be appropriate?

Andrew Stunell: The right hon. Gentleman is quoting from new clause 29. I am more than happy to respond, although at the moment I am speaking about new clause 30. On the point that he has just raised, of course the reduction in regulation should be proportionate to the risks and benefits. It is certainly not our view that we should simply look at an alphabetical list and leave the top 35 targets and cross the rest off. There has to be discussion and negotiation about what is needed and what is not needed, and about what targets should be decided at a much more local level. In Committee, the Minister correctly argued that in some cases it would be right for partnerships of local authorities and other public bodies in an area to decide what targets should be. I would have thought that the right hon. Gentleman would think that that was desirable.

Mr. Mike Hancock (Portsmouth, South) (LD): Does my hon. Friend believe that part of the problem is the fact that many local authorities are at a loss to understand why the targets are being set and what the end result will be if the targets are not met? The Government do not clarify what they expect and what the punishment is, or what the carrot will be. If there is to be a change, there needs to be greater co-operation between central Government and local government in evolving a set of targets that are both realistic and clearly defined, with a mechanism to give to those who achieve the target whatever end result the Government have in mind.

Andrew Stunell: I certainly agree with my hon. Friend. Many people in local government find it difficult to understand the purpose of the targets they are asked to meet. Officers know that they have to meet the targets, because if they do not it would be difficult to go to another local authority and say, "Please can I have a job? I never met any of my targets in my last job." If one is a councillor, it is difficult not to work towards achieving targets, because the council will be slagged off in the press for not having the right number of stars. Councils might even be penalised in terms of grants and freedoms. This morning, I met a group of councillors from a number of local authorities who made the point quite strongly that when the whole performance culture was introduced, a clear signal was given that those who achieved the targets would get extra power, responsibility and freedom. They said that now that they face the next generation of targets, they cannot see why they should try hard to meet them because they did not get anything worth while when they met the original targets—*[Interruption.]* The Minister will no doubt have the opportunity to explain not only what councils have had, but what they will get as the number of targets shrinks and they focus more accurately on things that matter.

New clause 30 would simply set up a mechanism for developing a proper relationship—a constitutional relationship, if you like—between local government and central Government. It could lead on to measures of decentralisation—indeed, it points in that direction—such as a cull of the quangos that take up so much of central Government spending. My hon. Friend the Member for Carshalton and Wallington referred to a parliamentary question that he had asked about ring-fencing of funding for local authorities. Another aspect of the issue is the huge amount of spending from central Government that used to be channelled through local authorities, which had some discretion over its use, but is now spent by quangos of one sort or another. The Learning and Skills Council is often cited as an example.

We have been moved to bring the proposal back to the House for yet another go because we are not at all persuaded that the Government understand the need to set that constitutional framework and to protect both central Government and local government from all the distrust and misinterpretation in the current relationship. If the Minister rejects the new clause, what exactly does he propose instead? Are the Government really serious about the good intentions that have appeared time and again in his comments and those of the Secretary of State for a while?

I do not know whether amendment No. 253 will be pressed, but my hon. Friends and I certainly support the intentions of the Bill, which are the genesis of that amendment. If the opportunity arises, we will support it.

Mr. Raynsford: Given the grouping of the amendments, I shall not follow the specific issues raised by the hon. Member for Hazel Grove (Andrew Stunell). Instead, I shall focus on my amendment No. 254, which deals with the inclusion of registered social landlords in the list of organisations that local authorities are required to consult as part of the preparation of a local area agreement.

Local area agreements are a very important part of the current local government agenda. They are a vehicle for enabling greater discretion to be devolved to a local level and, above all, for ensuring closer co-operation between a local authority and its partners in the area. That is the way forward for local government in ensuring more joined-up delivery of services and better planning, bringing together the range of organisations that contribute to a huge variety

[Mr. Nick Raynsford]

of services and strategies that impact on the local community. I strongly support local area agreements and had the privilege of introducing the concept when I was Minister with responsibility for local government.

I welcome the measures in the Bill that define more precisely the range of bodies that need to be consulted as part of the preparation of a local area agreement, but I am surprised that registered social landlords are not included, because they are hugely important to the delivery of one of the most important services to local communities—housing. They are responsible for about half the total social housing stock in the country; they are developing and improving large numbers of homes in almost every area of the country; and they have a crucial role to play as partners in a variety of initiatives that will affect local communities, not only in the provision of housing and regeneration but in other areas. I have noticed the participation of registered social landlords in my own area in various measures designed to reduce crime, to work more closely with the police and to improve health outcomes. They have an integral role to play in many different areas, and it is curious that they are not listed.

I can understand the argument, which my hon. Friend the Minister will probably use, that registered social landlords are not an authority. They are, in essence, individual bodies that do not have a statutory existence, so they should not be defined as an authority. However, given the huge range of bodies listed and the wide variety of services included, it seems odd that there is no reference to registered social landlords. I understand that this issue was raised in Committee, and I hope that my hon. Friend will give it some further thought. If he cannot accept the amendment to include registered social landlords in the list of bodies that must be consulted, I hope that some thought will be given to how local authorities will be advised to ensure that registered social landlords are not left out of an inclusive approach to better and more joined-up service delivery, to which they have a large contribution to make. I sincerely hope that my hon. Friend will give the amendment sympathetic consideration, even if he is not able to accept it.

Alistair Burt (North-East Bedfordshire) (Con): Given the wide-ranging nature of the first group of amendments, I shall not follow the remarks of the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), although I will touch on the changes being made to the partnerships included in local area agreements.

May I say to the right hon. Gentleman how welcome it is, when I am running the London marathon, that he is always there, outside his constituency office in Greenwich, cheering on the runners? He has done that for many years; it is always a welcome moment, although I wish that next time he will have some alcohol available as I run past.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): For both of us.

Alistair Burt: For my hon. Friend and me. I enjoy that contact with the right hon. Gentleman and I thank him for his support.

This is an opportunity to discuss a number of matters relating to the Bill, and I will not go on too long because time is limited and there is a lot to cover. Something has been missing, however, from the comments of Ministers, whom I welcome back to their places—we will enjoy this afternoon's proceedings, as we enjoyed the Committee—and those of the hon. Member for Hazel Grove (Andrew Stunell). I have been thinking about what it is and I have realised that this is the first opportunity we have had to discuss local government in detail since the local government elections the other week. We need to root this debate firmly in the context of what the public think about the local government performance of our respective parties.

I thought that it might assist the House if I reminded it that the Conservative party gained 39 councils at those elections and now holds 165. There were 911 councillor gains, and we now hold 5,315 council seats across the country. Labour lost eight councils and 505 councillors. The Liberal Democrats lost four councils and 246 councillors. The Conservative party is therefore the party of local government—full stop. The remarks that my colleagues and I make are bolstered by public confidence in our recent performance.

Kelvin Hopkins: The hon. Gentleman omitted to mention the fact that in our own county of Bedfordshire, Labour regained control of Luton. I am sure that he was as pleased with that as I was.

Alistair Burt: I note the hon. Gentleman's comment. What happened was balanced by the fact that I lost the only Labour councillor in my constituency, so I now have none. It was a bit of a topsy-turvy night for his party, but more turvy than topsy.

Daniel Kawczynski: My hon. Friend will know that we made big gains in Shropshire, where we were all campaigning vehemently against a unitary authority. The Government said that they would take note of the outcome of the elections. I hope that my hon. Friend agrees that it is important that the Government take that on board.

Mr. Deputy Speaker: Order. We have had an amusing little diversion, but perhaps we can return strictly to the terms of the many amendments before us.

Alistair Burt: Indeed. I am grateful for your indulgence, Mr. Deputy Speaker. My hon. Friend speaks well, and it is not the first time the people of his constituency have spoken about organisational arrangements. We will debate those arrangements later, and I do indeed share his hope that the Minister will listen to what the people have said—it covers a broad measure of public opinion, which he ought to take into account.

2 pm

To speak more directly to the amendments in the group, I welcome, and thank the Minister for, the changes proposed in the Government amendments, especially those relating to the addition of national health service trusts and public health bodies. Hon. Members on both sides of the Committee expressed

the wish that those bodies be added to the list of partners in local area agreements. We think that the amendments make that list more complete. The Minister has responded to our concerns and honoured the pledge he made in Committee, which we appreciate.

Amendment No. 257, which stands in my name and those of my hon. Friend the Member for Meriden (Mrs. Spelman) and other colleagues, proposes the possible addition of probation trusts. The Local Government Association would welcome the opportunity to include those trusts. It believes:

"A duty to cooperate on all offender management and probation services would help move reducing re-offending closer to the mainstream of local partnership activity."

I hope the Minister will take that into account.

We tabled amendments Nos. 156 to 158 in response to the National Council for Voluntary Organisations' plea that there be a specific requirement to engage properly with non-statutory partners. We discussed in Committee whether such bodies were covered by the catch-all provision that such parties as the local authority thought fit should be consulted but, for reasons that have previously been set out, the NCVO believes that ensuring that local authorities engage and consult properly with non-statutory partners would strengthen local area agreements. In its briefing, the NCVO says:

"Whilst there are many examples of local authorities working effectively with the voluntary and community sector there are also many examples of local authorities refusing to engage and consult properly."

Although we do not intend to press the amendments, I would appreciate it if the Minister considered the matter further as the Bill passes from this to another place.

If the hon. Member for Hazel Grove divides the House on new clause 29, we will support it. The relationship between central and local government and the increasing burden imposed by central Government over the years through targets, quotas, ring-fencing and the like formed much of the background to our debates in Committee and, indeed, to the interesting evidence sessions that preceded those debates, which were the first to be held on a Public Bill. I remind the Minister of the comments made by Simon Milton, who gave evidence in the first evidence session as a representative of the LGA. He commented on an amendment that we tabled in Committee and have tabled again on report. Amendment No. 171, as it now is, proposes an upper limit on the number of targets. Simon Milton said:

"We would like to see an upper limit expressed in the Bill, because there is a tendency, we suspect, despite the best wishes of Ministers at the Department for Communities and Local Government, to have target-creep over time. Therefore, we would rather have an upper limit in the Bill."—*[Official Report, Local Government and Public Involvement in Health Public Bill Committee,* 30 January 2007; c. 24.]

Andrew Stunell: Is the hon. Gentleman aware of the rumours that I have heard about civil servants actively seeking to create sub-targets to bypass any limit that might be set?

Alistair Burt: I am not, but I am not surprised to hear that. The danger is that we can set formal limits, then along come sub-clauses A, B and C and, before we know where we are, there are new targets. I think that is what Simon Milton meant when he talked about "target-creep" and it is what we have in mind when we attempt to ensure that the Minister sticks to the Department's first belief expressed in the White Paper—that there should be a maximum number of, say, 35 targets for local area agreements, rather than the unlimited number that became the norm as the Bill proceeded.

In that spirit, although we will not press amendment No. 171, we shall support new clause 29 as a symbol of the concerns of Conservative MPs and local government representatives throughout the country. The serious part of the earlier amusing diversion was to remind the House that, in terms of the number of councils and the number of seats held, the Conservative party represents more than all the other parties combined, including independents and others. When colleagues around the country speak of their concern about the burden imposed on them by central Government, they are speaking from a position of knowledge and significant authority. Taking new clause 29 as a symbol of the concerns expressed by local government about targets, burdens, regulatory creep and so on, we think it important to have a Division so that we can show our concern and, in so doing, express the hope that, as the Bill passes from this place to another, the Minister will consider further the legitimate concerns of local government representatives across the country and do more to address them.

We are well aware of the burden and impact of the targets. They imply a lack of trust that those working at local level will do their job. That affects government across the board. The misery of the Secretary of State for Health yesterday has surely been compounded by the fact that what the Government sought to do in medical training reflects their sense of not quite trusting the senior people who have been in charge of training over the years and their desire to impose a bureaucratic system instead. The stories heard over the weekend about the police chasing up insignificant offences to reach targets is a further symbol of what happens when people become motivated solely by mechanistic targets, rather than being allowed the discretion they need as professionals to judge what is important in a community.

Our aim is to attack the Government's desire to work in a centralised, directive manner in relation to local government, and we have picked new clause 29 as a symbol of that. The Minister should not mistake the fact that many of the amendments tabled reflect the concern that there is too much national and not enough local, and too much determination to make decisions centrally in Whitehall rather than rely on local government expertise and what local people think to inform decisions. That is why we want to vote in support of the new clause.

We are also interested in amendment No. 253, which stands in the name of the hon. Member for Gower (Mr. Caton) and to which several of my hon. Friends have put their name. It represents an important extension of the sense of local government devolution. The Minister knows that in Committee we discussed the relationship between this Bill and the Sustainable Communities Bill—a private Member's Bill. We believe that the latter represents genuine devolution of power, whereas the Government's Bill does not go as far as the

[Alistair Burt]

Government think it does. Representatives of Unlock Democracy gave evidence to the Public Bill Committee. Peter Facey said:

"The Bill devolves power by giving powers to parish councils, and in relation to byelaws, and that is to be welcomed. However, with respect to the powers of Westminster, and in most policy areas, it reorganises the powers of local government and gives local government the ability to administer things better, but it does not actually shift power significantly downwards to local authorities or communities."—*[Official Report, Local Government and Public Involvement in Health Public Bill Committee,* 1 February 2007; c. 69.]

We have previously debated the fact that we do not think that the Bill does what the Minister thinks it does. Amendment No. 253 provides an imaginative way for the Government to demonstrate that they really do believe in local community power by giving local authorities the ability to encourage more powerful energy conservation targets for new buildings in their area—targets that go beyond the national targets. The Government could extend discretion to the local level, enabling local people to express opinions on the vital issues of climate change and conservation.

We should bear in mind the strictures of the Minister's colleague, the Minister for Housing and Planning. When we discussed home information packs yesterday, she made the point that our lack of support for the Government's proposals on HIPs was in contrast to what we believe about energy conservation. I now put the same point to the Minister for Local Government: if he does not support amendment No. 253, which his colleague, the hon. Member for Gower, tabled, it calls into question the Government's commitment to energy conservation and the like, and rather undermines the next Prime Minister's attempt to establish eco-homes. The Chancellor is going around the country talking vehemently about the environment, which he did not start to do until very recently. We will be very interested to hear the Minister's response on amendment No. 253, which we want to be accepted.

The amendments deal with a variety of concerns about the powers of local councils and communities and their entitlement to more of a say and to be included. We welcome the extension of partnership, through local area agreements, to the bodies that have been mentioned, but we want it to be extended further. The Government have sought a couple of new powers. In Government amendments Nos. 93 and 94, there is a power to "vary or revoke" directions that was not included in the original Bill. I should be interested to know in what circumstances that power might be used. When the Minister gets a chance to reply, perhaps he will explain what is behind those powers, and say why they were introduced at this stage of the Bill, and not earlier.

I shall conclude my remarks on this group of amendments in order to give others the chance to speak. I remind the Minister that there are amendments in the group that we could have pressed to a Division, but for reasons of time, we will not do so. We back new clause 29; we see it as a symbol of the feeling in the House that although the Government believe that their centralist, directive power is being devolved in the Bill, the process has probably not gone far enough. On behalf of local government, we would like it to go much further. As I say, we will use that new clause as a symbol of the House's concern, and of the strength of the feeling among Conservative authorities and others outside the House that more needs to be done to demonstrate that the Government are truly devolutionist, and not centralist. Frankly, we just do not think that they can demonstrate that.

Mr. Martin Caton (Gower) (Lab): I rise to speak to amendment No. 253, which is in my name and that of 80 other Members from across the House. As has already been mentioned, the amendment is really the progeny of a private Member's Bill that I introduced in the Chamber on 19 January, the Local Planning Authorities (Energy and Energy Efficiency) Bill, which, coincidentally, will return to the Order Paper tomorrow. That Bill is about enabling local authorities better to contribute to tackling the problem of climate change using planning policy. If enacted, it would allow councils, if they so chose, to set higher standards for energy efficiency in their development plans than those laid down in building regulations, and it would allow them to make provision for sustainable energy and microgeneration requirements in the same document. An early-day motion supporting the Bill has now been signed by 302 Members of the House.

2.15 pm

Sadly, my Bill failed to find favour with the Government. In a number of meetings with Ministers, and in correspondence with me and other Members, we have been assured that the Government are sympathetic to its objectives, but we have been told that they will not give it a fair wind because they are consulting on their draft planning policy statement on climate change, and they think that it would be inappropriate to prejudge the outcome of that process by endorsing, implicitly or explicitly, my Bill. Secondly, they think that the subject would be better dealt with in Government legislation, rather than in a private Member's Bill.

The consultation period on the draft planning policy statement ended on 8 March, and Ministers have had a fair amount of time in which to consider the responses. We now have the opportunity in the Local Government and Public Involvement in Health Bill to deal with the central issue in Government legislation, and that is what my amendment is intended to achieve. In part 5, chapter 1, which is on local area agreements, clause 81 deals with local improvement targets. My amendment specifies that energy efficiency and sustainable energy targets can be included in local agreements.

As with my private Member's Bill, my amendment is about empowering local councils to meet the challenge of climate change, but it is also about encouraging them to act now; that is important. The clearest message to come out of the Stern review is the absolute need for urgency. We cannot afford to wait. The amendment is intended to give all local councils a green light, in every sense, to follow the lead of places such as Woking and Merton and set high environmental standards for new developments, both residential and non-residential.

I welcome the policy of all new homes being zero carbon by 2016, and I welcome the Chancellor's proposals for new eco-communities, but to turn those

concepts into reality, we need many more examples—and soon—of low and zero-carbon homes to add to the very small number of experimental buildings that exist or are about to be constructed. One way—perhaps the best way—of achieving that goal is to enable and encourage local authorities to set high standards for energy efficiency and sustainable energy generation. The Secretary of State for Communities and Local Government said that she wants

"to see a scale of new development which will deliver economies of scale and bring down costs of environmental technologies".

If the amendment were to become part of the Bill, and then the Act, it would help to stimulate exactly that scale of new development.

At the moment, there is a great deal of uncertainty in the local government family about whether local government can set the sorts of standards that I am proposing. Some councils have been allowed to specify high standards for energy efficiency and sustainable energy, but others have been slapped down by Government inspectors when they have tried to do exactly the same thing. For example, Reading was allowed to specify thermal performance requirements that were at least 12 per cent. higher than those required by building regulations. Cambridge, on the other hand, was made to water down its planning policy, which required large developers to provide evidence of how they had minimised energy consumption, maximised energy efficiency and considered the feasibility of using combined heat and power systems, even though that is surely exactly what we should be asking of developers in the face of the threat of global warming. However, the Government inspector said the policy was

"unreasonable to the extent that it imposes more onerous requirement than the building Regulations".

Cambridge is set to increase its housing stock by 40 per cent. in the next 15 years. What impact has the inspector's decision had on carbon dioxide emissions in that city?

Similarly, in its core strategy and rural issues plan, Bedford borough council wanted to reduce CO_2 emissions by 10 per cent. more than the amount set out in building regulations for certain developments. The Government office for the east of England ruled that out on the grounds that the current planning system

"does not permit the setting of energy efficiency standards."

At present, there is inconsistency and incoherence, resulting in inertia. We need clarity and positive encouragement to meet the highest feasible environmental standards. That is what the amendment is about.

Although clause 81 deals with targets in local area agreements, the only way that I can envisage targets on energy efficiency and low-carbon energy sources being met is through planning policy, and through the development plan process in particular.

Patrick Hall (Bedford) (Lab): I am following my hon. Friend's points carefully, and I certainly agree with the thrust of what he is saying, but does he not agree that the best way to achieve higher standards nationally is to amend and improve building regulations?

Mr. Caton: I agree that that is part of the answer, and the Government have a good programme leading up to 2016, but we can go further. Empowering local authorities to use the development plan process will give us the threat of good examples, as it were, and will allow us to move faster. As I just explained, some local authorities have been permitted to move faster, but others have been slapped down. Surely that inconsistency is absolute nonsense. If there are examples where local authorities have moved ahead, and it has not deterred house building in their area or had any other effect, I suggest that others could be doing so, too, and we could be moving faster.

Mr. Raynsford: Does my hon. Friend recognise that for those involved in the manufacture of building materials and those planning the construction process, it is vital to have clarity some years in advance regarding the standards that will be sought, so that the production lines can be put in place to make the products that will deliver the higher standards? The construction industry is saying that the lack of clarity that would result from my hon. Friend's proposal that local authorities have the freedom to set separate standards in separate areas would inhibit that process. Will he recognise that a balance must be struck between this perfectly proper aspiration to raise standards, and the maintenance of a nationally coherent framework that allows the industry to respond effectively?

Mr. Caton: That is certainly what the Home Builders Federation is saying. When I introduced my private Member's Bill, the HBF was the only organisation that contacted me to oppose it. The Royal Institution of Chartered Surveyors, the Royal Institute of British Architects, the Local Government Association, the Welsh Local Government Association and the various environmental groups all supported it. However, there is some substance in my right hon. Friend's argument. In my discussions with Ministers, I suggested that we establish parameters, so that everybody knows what they are doing. We have already set higher standards in social housing, so it is perfectly possible to do it, but I accept the point that we should not necessarily have a free-for-all.

David Howarth (Cambridge) (LD): I thank the hon. Gentleman—he is my hon. Friend on this matter—for giving way and I apologise for not being here at the start of his contribution, although I am sure that I agreed with every word of it.

Mr. Woolas: He attacked Cambridge.

David Howarth: I heard that bit and it was very good. Does he agree that another answer to what the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) said is that if the public sector is setting higher standards—indeed, the Chancellor is requiring much higher standards in his eco-cities—the argument that the industry needs one standard cannot possibly be right, because there are already two?

Mr. Caton: That is absolutely right.

As for the consultation on the planning policy statement on planning and climate change, to which I

[Mr. Caton]

referred earlier, we still do not know what position the Government are taking after considering all the responses, but I hope that Ministers will give weight to the issues raised by organisations such as the Association for the Conservation of Energy, which drew attention to serious weaknesses in the draft planning policy statement that, if unchanged, would effectively deter councils from trying to achieve better environmental standards. For instance, paragraph 31 of the draft PPS says:

"Planning Authorities should not need to devise their own standards for the environmental performance of individual buildings as these are set out nationally through the Building Regulations".

That is the wrong approach. Building regulations should be minimum standards. Ministers have said that they believe that building regulations should be minimum standards, yet paragraph 31 implies that in fact, the Government believe that—most of the time, at least—they should be maximum standards. Councils should be free to go for higher standards; indeed, at this time they should be encouraged to do so.

On top of this, the draft PPS sets four hurdles for councils to jump before they can set even limited higher standards. They must identify local developments or site opportunities, ruling out authority-wide policies, as in Reading; they must set out their local approach in advance in a development plan document; they have to estimate the cost to possible developers; and the content of the local development documents and the reasoning for it have to be approved by a Government inspector.

I was vice-chair of a planning committee in a previous life and I am sure that, faced with these hurdles, very few local authorities will try for higher standards. The development plan process is tortuous enough, without extra complications. A fairer, simpler, far better and more effective approach is that taken in my amendment. It recognises the vital part that councils can and should play in limiting their local carbon footprints. It seeks to free them to do that and encourages them to act. I hope that in responding, my hon. Friend the Minister will recognise its merits.

Robert Neill (Bromley and Chislehurst) (Con): I very much welcome amendment No. 253, tabled by the hon. Member for Gower (Mr. Caton), which deals with a very important issue. Many Conservative Members have much sympathy for it, and I hope that we will have the opportunity to express that in due course. Having said that, I want briefly to discuss some of the other matters dealt with in this tranche of amendments and new clauses.

Many people are concerned that we have missed an opportunity to state a broad overview of the basis of the relationship between national and local government. Of course, the United Kingdom does not have a written constitution, but in most of our continental EU partner countries, there is such a formal statement of competencies, rights and responsibilities, and a measure of respect for the competencies on each side. It would perhaps have been a good idea to take that approach, in a different way, in the Bill, as was suggested by the Local Government Association and the Local Government Information Unit. I hope that Ministers will reflect on whether something can be done to set out such a statement.

The reason for taking such an approach was highlighted by my hon. Friend the Member for North-East Bedfordshire (Alistair Burt) when he raised the issue of targets and centralism. I was in France the other Sunday for the second round of the French presidential elections. *[Interruption.]* I was very happy with the outcome, and I had the chance to catch up with a number of friends in local government in France. The point that struck many of us in our discussions, and which struck me during my time as a member of the Committee of the Regions, is that there is often a marked correlation between participation in democracy at local level and local authorities' room for manoeuvre and local discretion. It is clear across the EU that the more local discretion that is given to local authorities—including, often, fiscal devolution—the larger the turnouts at elections and the healthier the state of local democracy. Despite what has been said, the Bill does not go far enough in that direction. That is why it is very important that we deal with the targets issue.

Kelvin Hopkins: I hope that the hon. Gentleman will forgive me for mentioning this, but was it not a Conservative Government who took away the local business rate and centralised it?

Robert Neill: Yes, I am grateful for the history lesson—and some of us learn from history, which is why many Conservatives argue that the business rate should be returned to local authorities. That was my view and it always has been.

Mr. John Gummer (Suffolk, Coastal) (Con): While we are having the history lesson, would my hon. Friend like to remind the House that because of the appalling behaviour of councils such as Newcastle, John Lewis paid four times the price per square foot in council tax in Newcastle than it did in Oxford street, and that something had to be done because members of the Labour party were milking the public?

Robert Neill: I understand my right hon. Friend's point, and I am now led to conclude that I was right to adopt my old careers master's advice to become a lawyer, rather than a history professor. However, in the light of a changed set of circumstances, it is my and many others' view that the business rate can now be returned to local authorities—along with the safeguards that can sensibly be put in place in order to avoid the abuse that my right hon. Friend refers to, and which I witnessed as a London borough councillor at that time.

The targets issue is important, because micro-management through targets undermines local government's degree of discretion. I take France as an example because it is the European country that I know best. Not only are major towns there able to raise much more of their revenue locally, but they are much freer from interference by central Government in how they deliver services. I accept the need for equity on a national basis, but often that is effectively traded off

against the greater ability to choose local solutions to meet local problems and local issues. Not enough attention is paid to that.

The police are a particularly good example, referred to by my hon. Friend the Member for North-East Bedfordshire. I serve on the Metropolitan Police Authority, and when I talk to police officers of all ranks in my constituency and elsewhere in Greater London, when I talk to our partners in the crime and disorder reduction partnership locally, and when I talk to people in our police and community consultative groups, it is a recurrent theme that we have far too many centrally imposed targets. Very often these are targets for crimes, for example, which are not the top priority in our local borough, but they have to be fitted into a national template. That diverts attention from dealing with local policing issues. The same applies in a number of other areas.

A reduction in targets, as we propose in our amendments, seems not only to be right philosophically, but to go with the grain of the evidence on the ground. That is why in our amendment No. 180, which deals with locally determined improvement targets, we seek to give greater flexibility to make changes and amendments to those targets to reflect the changing situation on the ground.

2.30 pm

On local area agreements, I am grateful to Ministers for having taken on board a number of points that were raised in Committee. I hope, and I reinforce as strongly as I can the message of my hon. Friend, that they will look again at the issue of probation trusts. All of us who have been involved in local government consider that important. In Bromley, as the London assembly and Metropolitan Police Authority member, I serve on the local crime and disorder reduction partnership, of which the probation service is a part. We are anxious to have the ability to involve the probation service much more widely in the overall local area agreements. I am glad to see that the Minister for Local Government seems to respond with some sympathy to that remark. That would build on the best practice in a number of places.

The same applies to the voluntary sector. Our umbrella voluntary sector organisation, Community Links Bromley, is a valuable part of our local strategic partnership. I should like to make more progress in finding ways in which it can be linked into the local area agreements. It contributes a great deal and where there is good working, we ought to be able to encourage that and facilitate it.

A practical and sensible set of issues is raised by the Local Government Information Unit in the briefing that a number of Members will have seen. Not only should there be a statutory obligation to co-operate, but we should be able to deliver that in practice. Fortunately, in my borough people co-operate willingly and well, but the experience of many of us shows that in London and elsewhere the level of co-operation is patchy.

Mr. David Burrowes (Enfield, Southgate) (Con): Will the statutory duty to co-operate deliver what everyone wants to achieve? The example of primary care trusts appears in the commentary on the Bill. Withdrawal from the local area agreements due to a lack of funding is a problem that we face in Enfield, where the primary care trust has withdrawn a vital part of the area agreement concerning alcohol services and rehabilitation, and £80,000 has been withdrawn from alcohol screening in local accident and emergency units. Will the London health economy be able to deliver, given the problems with top-slicing of funding?

Robert Neill: My hon. Friend raises a hugely important point. Although we have not yet reached the degree of crisis that exists in Enfield, the risk applies right across London boroughs, particularly those in outer London, where I regret to say that the health economy is strained and also, for reasons that we have discussed in the Chamber, the financial settlements to local government have been hugely constrained, so any withdrawal puts the whole of service provision into considerable jeopardy. We need to consider that.

It is interesting that we have some evidence of the extent to which the duty to co-operate works in practice from the audit of crime and disorder reduction partnerships carried out by the Audit Commission. In its 2002 report, its last work on the subject, the Audit Commission noted that

"co-operation across the country was variable from probation services, health and fire services, though all of these are covered by a statutory duty to co-operate".

That did not always work on the ground. In the past, I have found that one or two of those services in my locality were not co-operating to the degree that we all wished. We were able to fix it, but it would be better if we had more tools to ensure that delivery.

It is also interesting to see a Home Office document, "Making Partnerships Work", which again highlighted concerns at the CDRP level about failure to achieve co-operation in practice on multi-agency agreements, even though those agreements had been made through the statutory partnerships. That comes close to the point raised by my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes). Clear areas of concern are flagged up by such empirical evidence as we have.

It is against that background that I hope that Ministers will consider sympathetically two suggestions by the Local Government Information Unit. First, the Bill should specify a minimum standard of 12 weeks for responding to consultation. That would apply the Cabinet Office guidelines to those partnerships. A partner that did not respond within those periods could be considered to have breached the duty to co-operate. That would give the provisions some teeth—something to pull people together and get them round the table.

Secondly, the Bill should identify a performance improvement process that could be triggered when there is a breakdown. We do not want to watch a train crash in slow motion—we want a practical means of taking matters forward. The Audit Commission will co-ordinate inspection in localities across its four inspectorate areas, so it would not be too difficult for it to co-ordinate information on breaches of duty to co-operate, which could be fed to the relevant inspectorate of the partner organisation. That would have the advantage of giving an incentive to partner organisations to co-operate, because if its own

[Robert Neill]

inspectorate was aware of failures on its part, that could be reflected in its performance assessment.

Those are two straightforward, practical and not in the least bit costly things that could be done to improve the working of local area agreements and other partnerships. I hope that Ministers will consider them sympathetically.

The broad issues raised in this part of the Bill are very significant, but they have been well outlined by my hon. Friend the Member for North-East Bedfordshire. I hope that the practical points that I have raised flesh out his principal argument.

Kelvin Hopkins: I shall speak briefly, because there is a lot of business to transact. First, I commend my hon. Friend the Member for Gower (Mr. Caton) on his powerful and compelling speech. I am pleased to be one of those who signed his amendment and hope that the Government will recognise the strength of his argument.

I wish to speak to my amendment No. 248 to clause 42, which, in essence, would insert a requirement to consult trade unions in drawing up local area agreements. I should perhaps declare an interest. I am a former employee of Unison and in receipt of a Unison occupational pension, and the union principally affected by my amendment would be Unison.

The amendment is about modernising staff consultation arrangements to keep pace with changes to public services. The Government propose the extension and formalisation of local area agreements, which do indeed have the potential to become powerful tools for transforming local services and are a welcome step towards a more joined-up approach. However, the change from single to multi-agency planning means that current arrangements for consultation of the work force will become outdated. The existing arrangements giving a voice to employees are based on the Employment Relations Act 1999, which introduced statutory trade union recognition, and the Information and Consultation of Employees Regulations 2004—the ICE regulations—which followed the private Member's Bill that I introduced after the Vauxhall closure in Luton, and which called for consultation and information rights. I am pleased that the Government have finally recognised the value of that suggestion, although at the time they were unhappy about it and did not wish to support my Bill.

All the social partners, including the TUC and the CBI, signed up to the ICE regulations, recognising that consulting the work force was vital in order to achieve high-performance workplaces. However, both pieces of legislation apply only at the level of the individual employer. A consequence of introducing planning using local area agreements is that by the time consultation occurs at individual employer level, key decisions will already have been taken and staff will be faced with a fait accompli. Their contribution to the process will be hollow and meaningless.

To maintain the current level of consultation in practice, it is essential that the Bill require that recognised trade unions—the voice of the work force—be consulted when a local area agreement is being formulated. It already requires that local authorities consult partner authorities and

"such other persons as appear to be appropriate".

However, that is inadequate, as trade unions are clearly not partner authorities, and it is possible that some councils—no doubt particularly Conservative councils—will not deem the work force "appropriate" to consult, especially if their plans are controversial, and will not consult trade unions unless they are compelled by law to do so. Nor is it sufficient for the matter to be covered in statutory guidance, which could be revoked or altered if another party came to power. The provision should be on the face of the Bill.

The amendment would require recognised trade unions to be consulted as of right, and would maintain the good practice already in place. I urge my hon. Friends on the Front Bench to accept it and include it in the Bill.

Mr. Hancock: Let me start by dealing with some of the comments of the hon. Member for North-East Bedfordshire (Alistair Burt), who claimed to speak on behalf of his party as the party of local government. I have served in local authorities for 37 years, and the Labour and Conservative parties have made that claim many times. When in opposition, they claim to be the voice of reason and supporters of local government. Sadly, when they are in government, they spend the next four or five years doing all they can to harm local government.

The Conservatives ended their time in office by not being the party of local government. Their councillors and the number of councils that they controlled had been reduced dramatically. The cycle is there for all to see. If we were unfortunate enough to have another Conservative Government, I hope that they would live up to their promise to be the voice of local government, to defend and enhance it and give it the support that it deserves.

I also remind the hon. Gentleman that his party did not have anywhere near the success that it predicted in the city of Portsmouth. Indeed, the Conservatives barely held on to what they had. He should not be too quick to gloat and praise his colleagues, because the picture that he painted does not apply universally.

Mr. David Anderson (Blaydon) (Lab): In Tory-free Gateshead, the Tories held on to what they had: they had nothing and they got nothing.

Mr. Hancock: They got no more than they deserved.

Alistair Burt: It is difficult for the hon. Gentleman, try as he might, from a position of having lost 246 councillors on the night of the elections, to pick the odd hole in our performance. Yes, we might have gained one or two more seats than the 911 that we won. However, if I were him, I would accept that I had had a bad night and leave it at that.

Mr. Hancock: I was not defending my position but attacking the hon. Gentleman's holier-than-thou gloating, the like of which I have witnessed all too often as a member of local authorities.

Alistair Burt: We won.

Mr. Hancock: Fine. I only hope that that will translate into wholehearted support for local government and what it stands for—and I hope that Conservatives will start to relate to that when in office. For too long, I have seen Conservatives take office in local authorities, claiming that they will deliver all the benefits of reform at no cost, only to be disappointed in their own efforts at the end of their term, when they are wiped out at the following election.

Alistair Burt *rose—*

Mr. Hancock: I shall give way later, if time permits. Others wish to speak and I want to deal with the amendments.

I wholeheartedly support the thrust of amendment No. 255. It is nonsense not to include social landlords in the consultation in local area agreements. Without them, many of the plans are pointless. There is not an area in the country that does not perceive the benefits of close involvement with social landlords, of working with them and including them. Registered social landlords should be part of the family that plans the future of our country. I hope that the Government will recognise the essential part that they play.

I understand, as did the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) when he presented the amendment, that the Government have a get-out clause, and could say, "They're not an authority, as such." However, in most areas, registered social landlords constitute the housing authority and will deliver the sort of houses that the Chancellor—the future leader of the Labour party and future Prime Minister—advocates now. Without their playing an active part in the planning process, we will lose out considerably. I hope that the Minister for Local Government sees merit in that argument. If the amendment were pushed to a Division, I would support it.

Again, I support the thrust of the argument of the hon. Member for Gower (Mr. Caton), who tabled amendment No. 253. He talked a lot of sense about the way in which the planning system is in denial. One authority is saying one thing and another authority is saying another, and the planning inspectorate comes up with bizarre contradictions of policy and no clear thrust about how it should operate. I am unclear whether there is any mechanism to give the planning inspectorate some sort of direction on such issues. How can their decisions be so contrary, as they are, when in some instances neighbouring local authorities with very similar applications can end up being diametrically opposed to each other? It is a bizarre situation that needs to be tackled. I, for one, will be very disappointed if that amendment is not pressed to a vote.

2.45 pm

I now come to the key debates about the main provision in the group—new clause 29. I have always been sceptical and reluctant to accept that targets are likely to enhance the relationship between central Government and local authorities. The hon. Member for North-East Bedfordshire was right to suggest that there was an element of distrust built into these targets, and that Governments of all persuasions were not prepared to give local authorities the necessary trust. I am at a loss to know whether Ministers seriously understand the cost to some local authorities of having to carry out the work necessary to meet those targets—particularly the cost of the central internal workings required for authorities to deliver. It is not untrue to say that some local authorities have had to reduce services in one area in order to pay the costs of producing the sort of data that Governments require them to produce to satisfy their targets. That is bizarre, to say the least, and the problem needs to be recognised.

Every time we set a target, a price is associated not just with delivering the target itself, but with having to prepare the data for the target to be properly assessed. How many targets are understood by the public? Could the Minister enlighten us about what his Department received in the way of public feedback on the targets set for local authorities and the costs to those authorities—ultimately, to the public themselves—in meeting them? What is the benefit to the individual when these targets are met in any one local authority, and what are the disadvantages? There is no clarity there at all.

If we must have a system of target setting, I believe that the Government must be far more transparent about how they arrive at the initial stages. As I said in my earlier intervention, they should clearly indicate to local authorities what the prize—in the sense of added power and added resource—for meeting the target will be. My knowledge of local authorities leads me to believe that even if the target is met, few additional resources will ever come along. There are plenty more responsibilities directed at authorities, but few of the necessary resources are ever made available—and if they are, they apply for a very limited period, after which the authority is expected to continue to pick up the tab. Targets are fine, but they have to be clearly recognised as delivering something worthwhile to the community. Far too many targets that have been, and continue to be, directed at local authorities have no clear purpose at all, least of all to the people who are supposed to benefit from them.

David Howarth: I rise briefly to speak in favour of amendment No. 253, mainly to put on the public record my thanks to the hon. Member for Gower (Mr. Caton) for his sterling work on this issue, seen both in today's amendment and in the private Member's Bill that he is promoting. The need for that amendment and that Bill arose originally from instances in my own constituency of Cambridge, which the hon. Gentleman accurately described in his speech.

I have heard only two arguments against the proposal. The first, put forward by the hon. Member for North-East Bedfordshire (Alistair Burt), is that it is better to act at national level than at local level. The second is the argument put forward by the former Minister, the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), which is that what really matters is building houses, that to build houses requires one to think about the supply chain, and that house builders need a guarantee of volume in order to bring down the cost of housing. Both those arguments are incorrect.

The argument about national standards misses the point about how we set good national standards. Central Government are often not in a position to

[David Howarth]

decide the best standard without first taking into account the experience of local government. The role of local government in putting forward new ideas and allowing experimentation in policy is crucial, and we should value that role. If local authorities are prepared to go further than the national standards to see what the effects might be, I believe that that is a good thing.

Alistair Burt: I did say that.

David Howarth: Absolutely.

The argument about the supply chain misses the important point that there is a difference between what happens in the public sector and what happens in the private sector. In the public sector, very high standards—much higher than in the planning system—are already being set. All housing financed by the Housing Corporation has to follow environmental standards much higher than those that are standard in the planning system. That means that there are already two standards being used. If the argument about the need for a single standard were true, the Government would have a problem, because there are already two standards. My view is that it is perfectly plausible to have two standards.

Mr. Gummer: Is it not in ignorance of the way in which housing is built that the former Minister puts forward his view? Any house builder decides on what will be done in a particular area, usually within one local authority. It is perfectly easy for that builder to build to the higher standard that the hon. Gentleman is advocating.

David Howarth: Yes, the right hon. Gentleman is going further than I was, and making the very good point that builders can adapt to different standards in different areas and have always done so.

Mr. Raynsford: For the avoidance of any doubt, I should make clear my declared interest in the Register of Members' Interests as chairman of the Construction Industry Council.

The hon. Gentleman's argument fails to take into account the fact that there is a difference between operating to two standards—a national standard adopted by the building regulations and another set by the Housing Corporation for all registered social landlords—and the possibility of some 400 different standards being set by individual local authorities, which would create uncertainty about the long-term supply of materials that are critical to the ratcheting up of standards. If the hon. Gentleman talks to people who know what is required, they will tell him that the increase in standards necessary to achieve the very high targets at level 6 in the code for sustainable homes will not be achieved unless there is absolute commitment by the entire supply chain, including the producers of the materials. If those producers are uncertain about particular elements as a result of a plethora of different requirements in different areas, there is a risk that the higher standards will not be met. Does the hon. Gentleman accept that?

David Howarth: I am afraid that I do not. That would be an argument against having different standards—level 6, level 5, level 4 and so on—in the first place. Furthermore, everyone in the industry knows in which direction this is going. We are not talking about standards that will be lower than the national standards. We are talking about standards that will be higher, and aiming towards a point at which everyone knows we will arrive in the end. I do not see how the right hon. Gentleman's proposal would work in terms of the reality of the industry.

My final point is about the Chancellor of the Exchequer's proposal for eco-cities. It has been mentioned before, and I support it. An interesting aspect of the proposal for Oakington, near Cambridge, is that the site is in public ownership. It is partly owned by the Ministry of Defence. It is also out of town, several miles from Cambridge. Were one to choose an ideal site for an eco-city experiment, it would not be there; it would be much closer to the existing built-up area. An important part of making a zero-carbon community is transport, especially public transport, and although there are proposals for public transport links between Oakington and Cambridge, they are not of the highest possible quality; they would get people from Oakington to the edge of Cambridge but no further. In contrast, Cambridge city council was attempting to apply higher standards, similar to those in the Chancellor's eco-city proposal, to developments within the city, which would have been better, environmentally, than those at the Oakington site. One of the anomalies of the present situation is that central Government can randomly decide to go forward with such proposals at sites that may not be the best, while at the same time denying local government the right to do exactly the same at much better sites.

I hope that the Government will reconsider their view of the proposal, which has all-party support, and on which the hon. Member for Gower (Mr. Caton) has done a great deal of sterling work. It deserves support today.

Mr. David Anderson: I support the comments made earlier by my hon. Friend the Member for Luton, North (Kelvin Hopkins). The whole agenda is about the modernisation of public services, and it concentrates on structures. The truth, however, is that people, not structures, make changes. Whatever we decide in the next few days, we will be reliant on ordinary working people to implement the changes and make them work for the people who send us here. We hear regularly from the Government the mantra, "What matters is what works." It will not work if the work force is not consulted and does not have ownership of what is going on. If we ignore the work force, it will not support what we try to do.

We are looking for clarity in the Bill. It should say explicitly that recognised trade unions should be consulted—not, as it currently says,

"such other persons as appear...to be appropriate".

Who will decide who appears to be appropriate? Will it be the local council or the local trust? If it is written into the Bill, there will be no ambiguity, and the people who deliver the service will be involved at all stages.

A consulted work force is a happy work force, even when faced with change. I represented social services in

Newcastle long after John Lewis was no longer paying rates there. For 15 years, from 1990, I saw massive changes. Social workers moved from local government into the health service and home care workers competed with private firms that went into people's houses at different times of day, with different people working there. Residential and day care services changed drastically. Yes, we tried to oppose the changes, but ultimately we had to work with them. Regular consultation and discussion, involving the work force and those who were being cared for, were key to that.

I make a plea to the Minister to insert into clause 82 words that would mean that recognised trade unions would be consulted at every level.

Mr. Gummer: I apologise to the House for not being present at the beginning of the debate. I had not intended to speak until I heard the intervention of the right hon. Member for Greenwich and Woolwich (Mr. Raynsford), because he raised an important issue. I declare an interest as I chair a company that does some advisory work in the building industry. I therefore know a little about the building industry, and I must disagree with the right hon. Gentleman— with whom I normally agree.

The fact is that, last year, nearly half the houses built in Britain did not meet the building standards. We have a system that does not deliver even the pathetic standards that we currently have. The reason for that is that they are input, not output, standards. We must do something about that rapidly. It would be different if the Minister said to us, "Please do not do this. We really are going to raise standards. Rather than introducing prescriptive building regulations that will never work but will merely pile Ossa on Pelion and produce an impossible system, we will set output standards. That will mean that new houses must have a thermal efficiency of *x*, and we are determined that the standard will rise in five years' time." If we knew that the Government would do that, we could take the action that the right hon. Gentleman suggests, but I do not believe that the Government will do it, so I want progressive local government to force it out of them.

3 pm

The comparator is the United States of America. My praise for the USA is not always unalloyed, but it has got one thing right: its states have been forcing the federal Government into a more sensible position on climate change by taking steps themselves. That contrasts with the autocratic, centralising Government that we have in Britain today. Here, every power is brought up to the centre, often not for the reasons given by the hon. Member for Luton, North (Kelvin Hopkins)—with whom, surprisingly, I often agree, so I hope he will not mind my saying that.

I made the point about Newcastle because I believe that the business rate ought to return to local authorities, but let me remind the hon. Gentleman why the change took place. It was because of a mechanism that enabled local authorities to precept on the taxpayer. They did that in many areas, and as a result the people who paid the bills increasingly moved out of our great northern cities. It was the change that took place in the hon. Gentleman's party—and I give all credit to his party—that provided an opportunity for the improved relationship between the centre and local authorities that exists today. In that sense we want to empower local authorities, and one way of empowering them is to make them proud of the standards that they set.

The right hon. Member for Greenwich and Woolwich said that the construction industry could not manage that. The industry gives that same excuse in every circumstance: it is always "We cannot do this" and "We cannot do that". I remind the right hon. Gentleman that in Kyoto the car manufacturing industry said that if we passed the protocol it would not be able to produce the vehicles that would fulfil its part of the bargain. Within six months, every car manufacturer in the United States had those vehicles on the market. I believe that the same is true of the construction industry. If it becomes clear that there is a movement throughout progressive local authorities, of all political parties, to raise the standards expected of buildings, the industry will say to the Government, "Please do not leave this to the local authorities; you must set the standards." Then, at long last, we shall see proper pressure being exerted on Government.

Mr. Raynsford: If the situation were as the right hon. Gentleman has depicted it, his argument would have a great deal of force. As he will know, the House Builders Federation—which in the past has not been at the forefront in advocating higher standards—has committed itself to the Government's target of reaching level 6 of the code for sustainable homes within 10 years. However, it has rightly added the caveat that meeting that objective will require certainty between now and then, rather than a proliferation of different requirements in different areas. The industry is committed, but it does not want a proliferation of targets that it cannot anticipate because they could change at any moment, destroying any chance of sensible forward planning.

Mr. Gummer: The right hon. Gentleman would have my entire support were it not for my belief that if we allow that cosy deal, not the industry but the Government will let people down. Of course, the right hon. Gentleman will not say that, but in 10 years of this Government there have been only a few pathetic improvements in the building regulations. Part L is a disgrace. *[Interruption.]* The Under-Secretary will not catch me out on part L. Let me point out that the Government initiated consultation on the new regulations for conservatories and extensions, received universal support for a raising of standards, and then not only refused to raise them but had the audacity to tell the public that they never meant to do so. So why the blazes did they initiate the consultation?

I heard the Under-Secretary's colleague the Minister for Housing and Planning utter on the radio what I must describe as the nearest thing to a terminological inexactitude that I have ever heard from a Minister. She said that they had never intended it, yet there it was in a consultation documentation that suggested that the standards should be raised. I trust the right hon. Gentleman. If he told me it, I would have no doubt that we were moving in that direction. However, we have had 10 years of failure in doing what we need to

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do if we are to have any chance of meeting the climate change obligation. That is why I find the Government so difficult— they have all the right words but they do not actually do anything.

Mr. Raynsford: I am grateful to the right hon. Gentleman for saying that he would trust me, but I was actually the responsible Minister during most of those 10 years in which he said there had been no progress. Rather than no progress, there have been substantial improvements, twice in the energy efficiency regulations, once on access for disabled people—something on which his Government had failed to act, despite pressure for a long time—and in many other building regulations that have been significantly improved in the past few years.

Mr. Gummer: Yet 48 per cent. of the houses built last year did not meet the building regulations that the right hon. Gentleman had so substantially improved. I honour him for as much as he was able to do within a Government where doing is not a particularly popular activity. What he managed to do was remarkable. What is necessary now is a very large step forward. In order for me not to support the amendment, I want the Government to say that they will bring forward the agreement that the House Builders Federation says it is prepared to go along with—that in five years' time all houses will be built to eco-standard 6. We would change only 1 per cent. a year in that way but it would be hugely important.

I want the Government to say that they will start doing something serious about the retrofitting of present houses in order that we can do something about the matter. I respect the right hon. Member for Greenwich and Woolwich enormously and I say to him simply that we do not have the time to fiddle about with the buildings of this country, given the threat of climate change. We have to act now. One could make an excuse five or 10 years ago because we were not quite sure, but we cannot do so after Stern. It is surprising that, following Stern, the Government have not proposed a range of changes to the Bill that would push us forward in a major way.

It is because they have not done so that I am bound to support the amendment. Otherwise, the hope of the right hon. Gentleman will not be fulfilled. We need a Government who are pressed on all fronts to do what is necessary in the built environment to deal with the real challenge.

Mr. Neil Turner (Wigan) (Lab): I support Government amendments Nos. 26 to 28, which rightly recognise the role of transport in local area agreements. They relate particularly to London, but clause 55 relates to the passenger transport authorities in the metropolitan areas. They are vital, particularly in the Greater Manchester area and in the 10 districts that make up the Greater Manchester passenger transport authority. At the moment, we have tremendous plans to tackle congestion—guided busways that will come into Wigan borough through Leigh, congestion charges on major routes and the light rapid transit system within Greater Manchester.

One of the plethora of Acts passed by the Conservative Government ensured that those authorities with a large majority did not abuse that by putting all of their own members on to the joint boards such as the police, fire and passenger transport authorities. I accept that; it is absolutely right that there should be places on those authorities for opposition parties.

In Greater Manchester, the passenger transport authority is about to be taken over by a Liberal Democrat group that has lost seats in the recent local elections and whose total representation of councillors amounts to just over 25 per cent. Yet because of deals that it is doing with the Conservative party and minor parties, it intends to take over the Greater Manchester PTA.

Andrew Gwynne (Denton and Reddish) (Lab): May I declare an interest in that I am a member of Tameside metropolitan borough council? My hon. Friend's point is correct. As nine out of the 10 constituent authorities in Greater Manchester are respecting the proportionality rule, it cannot be right for one council not to entertain the spirit of the rules establishing the PTA. Might an attempt be made to ensure that there is a spirit of co-operation through the local area agreements, as the PTA does not reflect either the political make-up of the 10 councils in Greater Manchester or the votes cast by the public in Greater Manchester on 3 May?

Mr. Turner: My hon. Friend anticipates the point I am about to make. As a result of the last local elections, 327 out of the 645 Greater Manchester councillors are Labour, 131 or 20 per cent. are Conservative and 162 or 25 per cent. are Liberal Democrats. Yet the Greater Manchester PTA is about to be taken over by the Liberal Democrats, even though they account for only 25 per cent. of councillors. That cannot be right. It will seriously undermine the ability of Greater Manchester PTA to work with the 10 districts to produce passenger transport arrangements that reflect not only the will of the councils, but the will of those who voted in May.

I urge my hon. Friend the Minister to examine whether, when the Bill moves on to the House of Lords, he might amend it so that the Liberals cannot subvert the democratic will of the people of Greater Manchester in this way, and so that we can have the progress that was agreed between the other two major parties in Greater Manchester in respect of essential transport measures. They should be included in our local area agreements so that we can have our busways, tramways and congestion charges, for which the vast majority of the people of Greater Manchester have voted. If we do not have them, the point of the elections will be lost.

At some point in the future we should also look into proportionality. I favour there being a strict basis for that, so that one in three councillors must be an opposition member even if one party has as much as 60, 70 or 80 per cent. of councillors. One third of representation should come from the opposition party, rather than the smaller proportion that it currently has. Perhaps we should take an overall look at proportionality.

I hope that my hon. Friend the Minister will look into this issue closely and make sure that we are not put

into the position that we appear to be about to be put into even though five of the Greater Manchester councils are Labour controlled, one is Conservative and only two are under Liberal Democrat control.

Gregory Barker (Bexhill and Battle) (Con): I apologise for not having been present for the opening of the debate.

I wish to speak briefly about my support for amendment No. 253, tabled by the hon. Member for Gower (Mr. Caton), of which I am a sponsor. I am keen to do so because I endeavoured to introduce a similar measure last year when a private Member's Bill on climate change was in Committee. Unfortunately, the Government voted it down and continue to set their face against empowering local communities to go further and faster than central Government have so far been prepared to allow them in requiring higher eco-standards in our homes.

I completely agree with my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) that it would be far better if we were to concern ourselves with outcomes rather than standards that will never be enforced. However, in the absence of a wholesale review of the system—it is unlikely that we shall get one under this Government—if we are to make standards the benchmark by which we operate, we must empower local communities to make the decisions that are right for their new developments and give local people a sense of shared responsibility for eco-friendly developments in their communities.

All too often people ask, "Why are the Government not doing more on climate change to put the Prime Minister's fine words into action where I live? Why do we struggle to see any difference in the types of development that we see springing up? We see it on the television and we hear politicians talking about it at Westminster, but when we try to do something locally, it just does not happen."

3.15 pm

This small, innocuous amendment would allow progressive councils of all colours—I readily accept that not just Conservative councils but others could take advantage of this measure—to do something outstanding. They want to set a new benchmark for eco-friendly homes, to put microgeneration into practice in their community and to encourage greater energy efficiency. They do not want to be lectured by the House Builders Federation or their lackeys.

We should listen to local people and empower local communities to do something about climate change.

Sir Peter Soulsby (Leicester, South) (Lab): I want to comment briefly on four amendments. First, I welcome the amendments in the name of my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) that recognise the role of registered social landlords. As he rightly pointed out, RSLs play an important part in the local scene in many areas and are often actively engaged in their local communities and local councils. The amendment would ensure that they were properly included in partnership working in their areas.

I must, however, fundamentally disagree with my right hon. Friend on amendment No. 253. The clause gives local councils and local communities the freedom to drive up standards in energy efficiency and microgeneration. I add my voice to those of people who feel that that is important. Local partnerships already exist in many areas and are committed to dealing with the climate change issues that challenge us all to drive standards up locally. They would warmly welcome that freedom, which could be built on. Others have referred to the United States, where local communities have led the field and induced national Government to follow.

The hon. Member for Hazel Grove (Andrew Stunell) introduced the two Liberal Democrat amendments. The mechanism proposed in new clause 30 on relations between central and local government is incredibly cumbersome. He described his approach as simple; I would say it was simplistic. It assumes that the wide range of contacts between central and local government—on community engagement, participation, service delivery and so on—can be brought together annually in a single grand scheme and subject to discussion in a single steering group. The relationships between central and local government are far more complex than the amendment implies and do not lend themselves to a single grand scheme that would seek annually to encompass all the complex relationships that exist.

Finally, although the new clause has received considerable attention from Members, I want to set it in the context of a warm welcome for the steps in the Bill that significantly reduce the burden on local government of targets and inspections. I warmly welcome the moves that the Government are taking to establish the Audit Commission as a gatekeeper for inspection, as well as the provisions that will get the Audit Commission, other inspectors and, indeed, the Government off the back of local government, enabling it get on with the job it was elected to do.

The Bill will result in a worthwhile and praiseworthy story for the Government to tell about reducing the burden of inspection on local government. The mechanism proposed in the new clause is likely to be both unnecessary and cumbersome, so when my hon. Friend the Minister responds to the debate I encourage him to consider whether there might be mechanisms for reporting the doubtless excellent progress that the Bill will ensure in reinvigorating and regenerating local government.

Mr. Woolas: I sincerely thank Members on both sides of the House for contributing to our well-informed and constructive debate, which built on our discussions in Committee. With permission, Mr. Deputy Speaker, I shall set out the context for part 5, as the hon. Member for Portsmouth, South (Mr. Hancock) asked, which deals with the relationship between central and local government.

In the light of the Lyons report, my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) made, as we would expect, a wise comment about local government finance. He said that changing the financial relationship between central and local government finance is a marathon, not a sprint. That is equally true in changing the whole relationship; although we can change structures and statutory

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frameworks, as we are under the Bill, it is—as my hon. Friend the Member for Blaydon (Mr. Anderson) said in relation to the trade union amendment—people, not structures, who change relationships.

We are trying to bring about a culture change in the mindset of central and local government, which is why I am keen to build political consensus in the Local Government Association and in the House, so I shall not respond to the party political points of Opposition Members. Suffice it to say that this year, like last year and the previous 10 to 15 years, discrepancies in local results are increasingly not following national trends; local factors are increasingly coming into play.

My second point is that the Government are criticised from all sides for the target regime—the performance regime under the best value programme and the comprehensive performance assessment. The Government's case is not that we feel it is right to reduce the number of targets because of mistakes in the past, but rather that local government performance has improved as a consequence of the performance regime, the significant extra resources provided for local government and the hard work and professionalism of local government staff and employees. That is not to say that public satisfaction with local government services, which is an entirely different point, has always improved—it varies from area to area—but objectively, as measured not by the Government but by the Audit Commission and others, the performance of local government has vastly improved.

The intervention strategies set up by my right hon. Friend the Member for Greenwich and Woolwich are used much less nowadays because of that success. The number of councils enjoying improved performance has increased remarkably. More than 100 councils are now members of the improvement partnership, which is for three and four-star councils. To go back to a party political point, it makes me laugh when Opposition spokesmen criticise the performance regime yet ensure that their leaflets include their councils' star ratings, which they pray in aid.

It is right to loosen and to devolve. That raises a central paradox that a number of the new clauses and amendments, welcome though they might be in principle, bring to light. If one accepts the premise of the Bill and its devolutionary approach—hon. Members on both sides might wish us to go faster—there is the question of whether one can support amendments that impose targets and provide standardisation across the country. As my hon. Friend the Member for Luton, North (Kelvin Hopkins) said, there is a dichotomy between equity and devolution. Hon. Members—particularly Liberal Democrat Members—will just have to accept that. The challenge we face is how we square those circles.

It is incumbent on me to put on the record the purpose of the Government amendments and to respond to the debate. I think that the other place would require me to do that, as well, but I shall do so as briefly as possible. On the whole, the amendments respond to requests made in the Public Bill Committee and arise from commitments I have given. There is consensus and I thank the hon. Member for North-East Bedfordshire (Alistair Burt) for welcoming the additions to the list, particularly in relation to the health service. Amendments Nos. 20 to 28 and amendment No. 55 will add a number of bodies to the list of partner authorities in clause 80.

Alison Seabeck (Plymouth, Devonport) (Lab): I know that my hon. Friend is in full flow, so I thank him for giving way. He mentioned the addition of partner authorities. Given the title of part 5—"Co-operation of English authorities with local partners, etc"—does he accept that it is incumbent on local authorities to work with their existing partners? Plymouth city council, which is now Conservative-led, has said that, within two weeks and without consulting local police, it will impose a curfew on all 16-year-olds.

Mr. Woolas: My hon. Friend makes a valid point and rings a bell of warning about what might be going on in the local authorities of which the Conservatives strained to gain control. She made her point effectively. I shall watch with interest to see how the 16 and 17-year-olds vote in two years' time. I can imagine that the measure will be a good way of increasing youth turnout. I can guess which way those young people will vote—and it will not be for the party of the hon. Member for North-East Bedfordshire.

I was saying that the bodies will be subject to the duty to co-operate in determining targets in local area agreements. I fear that those are dry-sounding words, but that measure, along with clause 108, which covers the duty to involve, consult and inform, changes the statutory framework within which local government operates. That is a significant development. The consultation will have regard to local area agreements. Given that a local authority prepares not just an LAA but a sustainable community strategy, there is a relationship between the Bill that we are discussing and the Sustainable Communities Bill—a private Member's Bill that is in Committee at the moment.

Agreements and strategies will be crucial to capture the vision and agreed priorities in local areas, but it is the engagement and negotiation between local partners, and the way in which they put strategies and agreed targets at the heart of their business, that will make them a success. That is a rather long way of saying, "You can bring a horse to water, but you can't make it drink"—the proof of the pudding, in other words. *[Laughter.]* That is enough metaphors. I will stick to common sense ones in future, as the Committee asked.

The duty to co-operate to determine local improvement targets will ensure that all the key partners in an area take those obligations seriously. It is therefore important that the list is comprehensive in naming the main public sector bodies that deliver or co-ordinate local services. Amendments Nos. 20 to 28 and 55 reflect a number of commitments that I made in Committee to add further bodies to the list. They also deal with other bodies, which I shall briefly discuss.

Amendments Nos. 20, 23 and 28 will add NHS trusts and foundation trusts to the list. In Committee, we enjoyed a good discussion on the merits of including those bodies in the duty to co-operate, and I made a commitment to do so through Government

amendments. I made it clear, however, that by including them we did not wish to place on them, or the responsible local authorities, any unnecessary burdens, and I am satisfied that the amendments will not do so, but will instead ensure that NHS trusts and foundation trusts are involved in negotiations only where they operate hospitals, establishments or other facilities in the area covered by the LAA—what we refer to as the Great Ormond Street problem.

3.30 pm

A further commitment that I made in Committee was to add Transport for London to the list of partner authorities, and that will be the effect of amendments Nos. 22 and 27. I made it clear that I consider that the duties of co-operation most sensibly rest on the Greater London authority's functional bodies—the Metropolitan Police Authority, the London Fire and Emergency Planning Authority, the London Development Agency and Transport for London—rather than on the authority itself, which of course has its own accountability function.

Robert Neill: I remember the discussion in Committee. The one concern that I am left with is the degree to which the Greater London assembly will properly scrutinise the work of the functional bodies when they are carrying out these arrangements. Assembly members have frequently encountered difficulty in getting as much information as they would wish from the Mayor's functional bodies. In particular, there are constraints on the summoning of the functional bodies' officials that do not apply to the summoning of GLA officials. Will the Minister look again at the matter to ensure greater transparency and accountability in the working of the arrangements?

Mr. Woolas: I will of course do as the hon. Gentleman asks. We do not want to over-burden public authorities with scrutiny. We want the right and appropriate level of scrutiny, and the Bill talks about overview and scrutiny at some length.

The amendments that I have described so far will fulfil the commitments that I made to add bodies to the list. However, I wish to add several further bodies that we did not have the opportunity to discuss in Committee. Amendment No. 21 deals with the arrangements for joint waste authorities, which might in future be established under clause 165(1), while amendments Nos. 24, 25 and 55 will add the Arts Council and the Museums, Libraries and Archives Council to the list. The amendments will ensure that all the key bodies delivering or co-ordinating waste services and cultural resources in an area are fully involved in partnership working through the negotiation of LAAs and sustainable communities strategies.

Amendments Nos. 92 to 95 are technical measures that will permit the Secretary of State to vary or revoke a direction made under clauses 82 and 87, and to revoke a direction made under clause 91, about which the hon. Member for North-East Bedfordshire asked.

I turn now to the Opposition amendments, and in particular new clause 29. As my hon. Friend the Member for Leicester, South (Sir Peter Soulsby) said, the new clause would place a highly prescriptive, unnecessary and bureaucratic burden on the relationship between central and local government. It would require the Government to produce a report every year for each local authority responsible for producing an LAA. The report's objective would be to chart the Government's progress in delivering the greater devolution promised in the White Paper. Although of course I agree with the sentiment behind the new clause—the desire to hold the Government to account—there are far better mechanisms than this prescriptive proposal.

The new clause would ensure that information on the number of local improvement targets and ring-fenced grants and on the volume of guidance and the degree of approval processes was made available to localities area by area. However, the point that I emphasise—particularly to the hon. Member for Portsmouth, South, who raised this point and whose attention I hope to get—is that the 35 targets set under the new regime will vary from one local authority area to another. They are not national targets imposed on every council, but targets selected by the local authority in agreement with its partners. Placing a duty to co-operate on the partners, as the Bill does, is the right to way to deliver the changes.

A number of hon. Members on both sides of the House supported amendment No. 253. My hon. Friend the Member for Gower (Mr. Caton) should be commended—and has been—for his work. I ask him to be patient slightly longer. We are debating a local government Bill. Although his proposals prompted a debate today, including a fascinating and revealing exchange between the right hon. Member for Suffolk, Coastal (Mr. Gummer) and my right hon. Friend the Member for Greenwich and Woolwich, they are in large part about planning as well as about the relationship between central and local government. Again, the paradox is that all the speakers who referred to the amendment welcomed the devolutionary approach, yet we are discussing the imposition of targets because they happen to be targets that we all like.

Kelvin Hopkins: Whatever is done, should we not recognise that we are a long way behind those on the continent of Europe in terms of the energy efficiency of homes in particular? Germany has 100 times more homes with solar heating panels on the roof than the UK has. Does my hon. Friend recognise that the Government must take a more forceful approach?

Mr. Woolas: The proposition is that we are a long way behind our partners in Europe. I accept that. However, my right hon. Friend the Chancellor is significantly changing that, and we have started to discuss it.

Amendment No. 253 is, in principle, supported by the Government. We too feel that energy standards and microgeneration for new buildings are key to the long-term environmental development of our communities. That is why in the last Parliament we introduced the Bill that became the Energy Act 2004. We have also stated that the Government intend to legislate to set out clearly the role of local planning authorities in improving energy efficiency and tackling climate change. That will allow us to make legislative proposals in the light of the responses to the

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consultation on the planning policy statement and within the wider context of the measures that we will set out in the planning White Paper on continuing our reforms to the planning process. That will be done shortly. We are also committed to changing from the community strategies that the Local Government Act 2000 obliges local authorities to produce to the sustainable community strategies required by the Sustainable Communities Bill—a private Member's Bill currently in Committee.

Those three measures all reflect the growing importance of sustainable development issues and emphasise the leading role that local communities have in managing their environment. I hear the words of the right hon. Member for Suffolk, Coastal about time, but the Government are making their proposals. We do not believe that it is right to bolt such measures on to the Local Government and Public Involvement in Health Bill. We believe that our proposals, when hon. Members have seen them in the round, will be warmly welcomed—especially in the beautiful constituency of Gower, represented by my hon. Friend who made such a compelling case.

Gregory Barker: I hear what the Minister says, and we understand that he is in earnest, but we have heard it all before; we have heard it said that the Government are committed in principle but wish to shelve the measure before us. The fact is that he is talking about yet more iterative consultation, and there have been no guarantees. We legislators have the ability to make a difference today. We cannot hang around waiting for things to happen when it comes to climate change; we have to act now. There is a real imperative to make changes, and this afternoon is an opportunity to do so.

Mr. Woolas: I have watched the hon. Gentleman's progress since the election with interest. He needs to learn that legislating is not writing press releases. He referred to my right hon. Friend the Member for Greenwich and Woolwich as a lackey of the building industry; my right hon. Friend wisely, and with typical generosity, did not respond to the accusation. My right hon. Friend made a point on behalf of people who know what they are talking about.

Michael Fabricant (Lichfield) (Con): What has that got to do with—

Mr. Woolas: Let me finish my point before Opposition Whips start heckling, as they usually do when a point is made that they do not like. The commencement date for the Bill is next April. The hon. Member for Bexhill and Battle (Gregory Barker) does not know what the commencement date will be for the measures introduced under planning legislation. He misses the point of the code for sustainable homes, which is perhaps not the most advanced in Europe but which the environmental lobby recognises is one of the best. It is right that when we legislate we do so in the round. It is also contradictory for him to call for further and proper consultation and the involvement of communities, only to say that we should act today. Perhaps we should consult on what we propose; that is the spirit of the Sustainable Communities Bill, which he supported.

Mr. Gummer *rose—*

Mr. Woolas: I really must make progress. The right hon. Gentleman has had his opportunity to speak, and there are a number of amendments to consider.

Alistair Burt *rose—*

Mr. Woolas: I give way to the hon. Member for North-East Bedfordshire (Alistair Burt),

Alistair Burt: I am grateful to the Minister; I know that he wants to move on, but I want to make an important point. Taking the personal exchanges out of the matter, am I right in thinking that the Minister does not intend to accept amendment No. 253 today? As my hon. Friend the Member for Bexhill and Battle (Gregory Barker) said, that would be a further example of delay, delay, delay. The Minister has the opportunity to commit the Government to a measure to which an awful lot of Members have signed up. We should bear in mind the history: some time ago, the Government killed the Local Planning Authorities (Energy and Energy Efficiency) Bill, and the amendment reflects the substance of that Bill. Putting personalities aside, surely this is the opportunity to take a clear and definite step. I will be concerned if the Minister indicates that he will not accept the amendment.

Mr. Woolas: The hon. Gentleman is a reasonable man, but on this occasion he has clearly not listened to my response on the amendment. It is a bit unfair to say that the Government are dragging their feet and not taking the opportunity before them, given that I have clearly outlined the measures that we propose to take, which include a commitment to legislation, as I have said. He is right that we are asking the House to resist the amendment if it is pushed to a Division, not because we disagree with its objective but because we want to get the measures right, using the proper processes. I do not think that he addressed the point—I apologise if he did—that planning policy and planning law is the other side of the coin.

Let me bring my remarks to a conclusion, because there are other amendments to discuss, and we have provided a generous amount of time to discuss the amendments.

My hon. Friend the Member for Wigan (Mr. Turner) mentioned Greater Manchester passenger transport authority and the commitment to balance and proportionality—principles that are sometimes found on leaflets, but sometimes not practised. I know that Liberal Democrat Members will listen carefully to this next point: my hon. Friend asked me to look into the Liberal Democrats' subversion of the democratic will of the people of Greater Manchester. I have devoted my political life to addressing that issue, so I certainly undertake to do as he says.

My hon. Friends the Members for Luton, North and for Blaydon asked about trade unions. They said that employees were key to the change, and they are. Let me make it perfectly clear that clause 108, which is the

second pillar of the change to the statutory framework, applies to trade unions. We not only welcome employee involvement and consultation, but believe that it is essential to improve services. Our attitude is that if we want to improve services, it is best to ask the people who deliver them; that is a better way of doing things. So, again, the intention behind the amendment is covered.

I think that I have dealt with all the specific issues that were raised. We have other groups of amendments and new clauses to consider, so I ask the House to resist new clause 29 and I ask my hon. Friend the Member for Gower to consider withdrawing his amendment.

3.45 pm

Tom Brake: There is much that we can welcome in what the Minister said, particularly the extension of the list of bodies to include NHS trusts and foundation trusts—they were serious omissions from the original Bill—and the Arts Council, museums, libraries and archives. However, given that such organisations were missed, I wonder whether in months to come we might find others that should have been included.

We had a passionate debate on amendment No. 253 and a number of Members made very strong cases, particularly the hon. Member for Gower (Mr. Caton). If he presses the amendment to a vote, he will receive our support and he will also receive it if it appears in another place. I think that the Minister said that the Government were already working on this issue—or that the Chancellor is, at least, in the form of eco-homes. I remind the Minister that so far, the Chancellor has issued a press release, so there is still quite a lot of work to be done. *[Interruption.]* It was doubtless an important press release—but just a press release.

New clause 30 would establish within a year a representative body from local and central Government, which is surely achievable, even given the difficulties experienced in moving matters forward apace in this place. The Minister said that there were better ways of achieving a reduction in regulation than new clause 29, but he did not outline what they were. I certainly did not get from him today the sense of urgency that we, local councils and councillors feel about the need to reduce the regulatory burden quickly. On that basis, we will press new clause 29 to a vote.

Question put, That the clause be read a Second time:—

The House divided: Ayes 146, Noes 250.

Division No. 114] **[3.47 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Carswell, Mr. Douglas
Clappison, Mr. James
Clark, Greg
Cox, Mr. Geoffrey
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Donaldson, rh Mr. Jeffrey M.
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Kawczynski, Daniel
Keetch, Mr. Paul
Kirkbride, Miss Julie
Kramer, Susan
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Mackay, rh Mr. Andrew
Malins, Mr. Humfrey
May, rh Mrs. Theresa
Mcintosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Milton, Anne
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Opik, Lembit
Osborne, Mr. George
Ottaway, Richard
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Prisk, Mr. Mark
Pritchard, Mark
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Rosindell, Andrew
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Teather, Sarah
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Whittingdale, Mr. John
Willetts, Mr. David
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Winterton, Ann
Winterton, Sir Nicholas
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Mr. Roger Williams and Mr. Tobias Ellwood

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed

Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Benn, rh Hilary
Berry, Roger
Blackman, Liz
Blizzard, Mr. Bob
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Darling, rh Mr. Alistair
David, Mr. Wayne
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Ilsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Kaufman, rh Sir Gerald
Keeley, Barbara
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Rooney, Mr. Terry
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Ward, Claire
Wareing, Mr. Robert N.
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Frank Roy and
Mr. Dave Watts

Question accordingly negatived.

Clause 80

APPLICATION OF CHAPTER: PARTNER AUTHORITIES

Amendments made: No. 20, page 54, line 31, after 'area;' insert—

'(aa) any person mentioned in subsection (2A) who provides services at or from a hospital or other establishment or facility which falls within the responsible local authority's area;'.

No. 21, page 54, line 39, at end insert—

'( ) a joint waste authority established under section 165(1);'.

No. 22, page 55, line 3, at end insert—

'(ha) Transport for London;'.

No. 23, page 55, line 10, at end insert—

'(2A) The persons referred to in subsection (1)(aa) are—

(a) a National Health Service trust;

(b) an NHS foundation trust.'.

No. 24, page 55, line 11, at end insert—

'(za) the Arts Council of England;'.

No. 25, page 55, line 16, at end insert—

'(ea) the Museums, Libraries and Archives Council;'.

No. 26, page 55, line 40, leave out 'relation to' and insert 'the case of'.

No. 27, page 55, line 41, at end insert—

'(d) in the case of Transport for London, Greater London.'.

No. 28, page 55, line 43, after '(2)' insert '(2A)'.—*[Mr. Michael Foster.]*

Clause 81

"LOCAL IMPROVEMENT TARGETS": INTERPRETATION

Amendment proposed: No. 253, page 56, line 13, after 'area', insert

', including targets relating to energy efficiency standards and microgeneration, as defined by section 82 of the Energy Act 2004 (c. 20) in buildings in new developments,'.—*[Michael Fabricant.]*

Question put, That the amendment be made:—

The House divided: Ayes 153, Noes 247.

Division No. 115] **[4.3 pm**

AYES

Afriyie, Adam
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Butterfill, Sir John
Cable, Dr. Vincent
Carswell, Mr. Douglas
Caton, Mr. Martin
Clappison, Mr. James
Clark, Greg
Corbyn, Jeremy
Cox, Mr. Geoffrey
Davey, Mr. Edward
Davies, Philip
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Donaldson, rh Mr. Jeffrey M.
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Griffith, Nia
Gummer, rh Mr. John
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holloway, Mr. Adam
Hopkins, Kelvin
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Malins, Mr. Humfrey
Maples, Mr. John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Milton, Anne
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Pelling, Mr. Andrew
Penning, Mike
Prisk, Mr. Mark
Pritchard, Mark
Reid, Mr. Alan
Robathan, Mr. Andrew
Robertson, Hugh
Rosindell, Andrew
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Teather, Sarah
Tredinnick, David
Truswell, Mr. Paul
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Whittingdale, Mr. John
Willetts, Mr. David
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Winterton, Ann
Winterton, Sir Nicholas
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Aye:
Mr. Mark Lancaster and Mr. Tobias Ellwood

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Benn, rh Hilary
Berry, Roger
Blizzard, Mr. Bob
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Darling, rh Mr. Alistair
David, Mr. Wayne
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Dowd, Jim
Drew, Mr. David

Dunwoody, Mrs. Gwyneth
Eagle, Angela
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Hayes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, Jim
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Linton, Martin
Lloyd, Tony
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Liz Blackman and Mr. Ian Cawsey

Question accordingly negatived.

Alistair Burt: On a point of order, Mr. Deputy Speaker—

Mr. Deputy Speaker (Sir Michael Lord): Order. We must deal with the amendments before points of order.

Clause 82

DUTY TO PREPARE AND SUBMIT DRAFT OF A LOCAL AREA AGREEMENT

Amendment made: No. 92, page 57, line 14, at end insert—

'( ) A direction under subsection (1) may be varied or revoked.'.—*[Mr. Woolas.]*

Clause 87

DESIGNATED TARGETS: REVISION PROPOSALS

Amendment made: No. 93, page 59, line 30, at end insert—

'( ) A direction under subsection (1)(b) may be varied or revoked.'.—*[Mr. Woolas.]*

Clause 89

DUTY TO PUBLISH INFORMATION ABOUT LOCAL AREA AGREEMENT

Amendment made: No. 94, page 60, line 26, leave out 'by a further direction under that subsection'.—*[Mr. Woolas.]*

Clause 91

HEALTH AND SOCIAL CARE: JOINT STRATEGIC NEEDS ASSESSMENT

Amendment made: No. 95, page 61, line 7, at end insert—

'( ) A direction under subsection (2)(a) may be revoked.'.—*[Mr. Woolas.]*

Clause 172

HEALTH SERVICES AND SOCIAL SERVICES: LOCAL INVOLVEMENT NETWORKS

Mr. Woolas: I beg to move amendment No. 32, page 121, line 15, at end insert—

'(aa) enabling people to monitor, and review, the commissioning and provision of local care services;'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Amendment No. 76, page 121, line 23, at end insert 'and to patients and the public'.

Government amendments Nos. 33 and 34

Amendment No. 77, page 122, line 10, clause 173, at end insert

'and who does not commission or provide local care services'.

Government amendments Nos. 35 and 36

Amendment No. 78, page 123, line 4, clause 175, leave out 'view' and insert 'inspect'.

Amendment No. 131, page 123, line 8, leave out paragraphs (a) and (b).

Government amendment No. 37

Amendment No. 132, page 123, line 17, leave out subsection (3).

Government amendment Nos. 38 and 39

Amendment No. 79, page 124, line 5, clause 176, leave out 'social'.

Government amendment Nos. 40 to 54

Amendment No. 80, page 126, line 32, leave out clause 179.

Amendment No. 81, page 127, line 24, leave out clause 180.

Amendment No. 82, page 129, line 5, clause 182, leave out 'significant'.

Amendment No. 83, page 129, line 7, leave out 'significant'.

Amendment No. 84, page 129, leave out lines 9 to 14.

Amendment No. 249, page 129, line 14, at end insert ', or

(c) the means by which the users of those services can scrutinise the provision of those services.'.

Amendment No. 85, page 129, leave out lines 15 to 20.

Amendment No. 75, page 129, line 29, at end insert—

'(1GA) A relevant English body in proposing a significant change in services delivered in a way likely to affect patients' physical access or transport to a service must consult with—

(a) the local involvement network,

(b) relevant patient groups, and

(c) the appropriate transport authority,

and report in such manner as the Secretary of State may prescribe prior to implementing those changes on the results of such consultation.

(1GB) For the purposes of subsection (1GA), a change in services is "significant" if implementation of the change would have a substantial impact on—

(a) the manner in which services are delivered to users of those services, or

(b) the range of health services available to those users.'.

4.15 pm

Alistair Burt: On a point of order, Mr. Deputy Speaker. I ask whether you have had any request from the Minister for Housing and Planning to make a statement—

Mr. Deputy Speaker: Order. I must deal with the Question that I am putting to the House. *[Interruption.]*

Mr. Woolas: Apologies, I could not hear what you said, Mr. Deputy Speaker.

Government amendment No. 32 relates to local involvement in health networks—LINKs—which were debated in full in Committee.

Alistair Burt: On a point of order, Mr. Deputy Speaker. The House has just voted on an amendment about energy efficiency that completely contradicts the position taken by the Minister for Housing and Planning yesterday, when she castigated my hon. Friend the Member for Surrey Heath (Michael Gove) for his position on—

Mr. Deputy Speaker: Order. The hon. Gentleman is attempting to start again the debate that we have just completed. We must now move on to the next business.

Alistair Burt: I tried—

Mr. Deputy Speaker: Order. The matter is one for debate. It is not a matter for the Chair to deal with at this point.

Mr. Woolas: I apologise if I contributed to the confusion, Mr. Deputy Speaker.

Part 13 fits with the overarching themes of the Local Government and Public Involvement in Health Bill, in ensuring greater opportunities for local people to influence and shape services in their areas, and to hold local authorities and service providers more accountable to them. The inclusion of the provisions tells a coherent story of the Government's efforts to promote public engagement. Part 13 has three components: first, the establishment of LINKs; secondly, the abolition of the Commission for Patient and Public Involvement in Health and patients forums; and thirdly, the clarification and strengthening of requirements to consult patients and the public.

LINKs will enable far more people to be genuinely involved than is currently the case, ensuring that local communities have a stronger voice in the commissioning and provision of health and social care, and enabling them to influence key decisions about the services that they both use and pay for. LINKs take an important step beyond the existing powers of patients forums by enabling local people to have a greater say in social care as well as health services. They will build on the good work of the forums, making possible genuine involvement in a much wider range of ways than is currently available. They will ensure that local communities have a stronger voice in the process of commissioning health and social care and becoming involved in decisions about their local health and social care services.

[Mr. Woolas]

Local authorities will have a duty to make contractual arrangements for the involvement of people in the commissioning, provision and scrutiny of health services and social care. That will allow the funding stream to go straight to the local level, ensuring that as much money as possible is available to fund front-line activity. The abolition of the Commission for Patient and Public Involvement in Health is one element of the overall drive to reduce the arm's length body sector, releasing centralised funding to the local level.

Robert Neill: I am grateful to the Minister for his courtesy, as ever, in giving way to me.

I understand the way in which the funds will reach local authorities—I see the logic behind that—but perhaps the Minister could help a constituent of mine, who feels that if the purpose of LINKs is effectively to scrutinise social services and their involvement, that will be difficult if social services departments are brought into the organisation and the setting up of the LINKs. What safeguards will be provided to ensure that that process is genuinely arm's length, and LINKs have enough robustness and capacity to ensure their independence in such circumstances?

Mr. Woolas: As ever, the hon. Gentleman has made a measured contribution. There are two answers to his question. I have thought about this a good deal.

The first answer is that the local authority establishes the host, which is independent. The host is then responsible for ensuring the existence of the LINK, so the process is at two removes. It could be argued that the existing arrangement, whereby central funds effectively fund the commission, means that it is not independent from Government, but that is not my experience. It is robust in its independence, and rightly so.

The second answer is that the same argument could be used in relation to overview and scrutiny. It could be said that local authorities hold themselves to account through overview and scrutiny committees, whose activities are funded by local authorities. I think the hon. Gentleman will just have to trust local authorities, as I do.

Robert Neill: I am grateful to the Minister for that helpful reply. The only difference, I think, is this. The people who make up the LINKs are often in the voluntary sector, and will not always have the same degree of experience and support as back-bench councillors, or the leverage that they can employ in dealing with overview and scrutiny arrangements. What safeguards can be introduced to ensure that the LINKs are not overwhelmed by the host?

Mr. Woolas: That too is a reasonable point. I think independence can be guaranteed though the active encouragement of the voluntary sector that is behind the measure. The relationship will require the local authority to establish a host, and the host will be required to ensure, through a fair process, that a LINK is established. But there is an interface, and if we are to involve the voluntary sector, as I think we all want to do, we must reconcile the issues.

Part 13 of the Bill clarifies and strengthens the current legislation on health service consultation, and requires NHS organisations to involve and consult. We intend to give primary care trusts a new statutory duty to respond to local people, explaining the activities that they are undertaking as a result of what people have said throughout the year. There will be a structured process whereby commissioners will publish regular reports of what they have done differently as a result of what they have heard, and explain why they may not have pursued some of the suggestions.

Mr. Paul Truswell (Pudsey) (Lab): My hon. Friend will be aware of concerns that the Bill diminishes and dilutes the obligation on health bodies to consult on service changes. Will he assure us that that is not the case?

Mr. Woolas: I can, and I know of my hon. Friend's interest in the matter. The Bill does the opposite; it strengthens the obligation. In developing these LINK bodies, and in the wider context of bringing together local authorities and other agencies, we are trying to provide a much stronger interface between the voluntary sector and the statutory sector. In committee, I described it as the interface between participative democracy and representative democracy. This is why I earlier described the process as a marathon, not a sprint. However, the general direction of travel is that which my hon. Friend desires.

Amendment No. 32 would add to the activities that it is proposed LINKs will be able to undertake. It will enable LINKs to monitor and review the commissioning and provision of local care services. In Committee, the hon. Member for North-East Bedfordshire (Alistair Burt) proposed that LINKs should have a role in monitoring services, much as patient forums did before. It was suggested that the role of monitoring was proactive. I agree. We have always thought that LINKs should be proactive in seeking the views of people, promoting their involvement and monitoring the commissioning and provision of services. The amendment is intended to clarify that role. LINKs will be able to monitor the range and quality of care services using the intelligence that they have gathered as well as their power to enter and view services. They will be ideally placed to make reports and recommendations to those responsible for care services.

Amendment No. 33 alters the power given to the Secretary of State in clause 172(3), so that the Secretary of State has the power only to add to the activities of a LINK and not to remove or vary those activities. I hope that Opposition and Government Members will welcome the announcement. That was one of our early champagne moments; I have not forgotten my obligation—[*Interruption*]—when we receive Royal Assent. As I said in Committee, the Department of Health will be asked to contribute.

The regulation-making power was originally included to allow adjustments to be made to the role of LINKs where necessary to reflect future changes in the nature of health and social care. We felt that it was important to have this flexibility as we know that patient forums have suffered from being too rigidly prescribed in primary legislation. That has made them, on occasion, unable to

adapt to changing circumstances around them. Again, this issue was raised in Committee. The concern was that the power could be used to restrict the role of LINKs at some future date. That was far from our intention; the clause was intended to safeguard the role of LINKs for the future while making them able to adapt.

Further, it was intended that the regulation-making power would be subject to the affirmative procedure to reassure Parliament that it would not be used without appropriate parliamentary scrutiny. In other words, we would need to get the endorsement of the House to make such a change. As this has proved to be of concern to Members, we have reconsidered the clause. We are eager to demonstrate our commitment to LINKs and we do not feel that it would be necessary or desirable to remove any of the functions of the LINKs as they are currently drafted. Therefore, we are happy to reassure hon. Members by removing the power to vary and omit these activities. The power to add to the activities of LINKs has been retained to ensure that their roles can be adapted in the future.

Amendments Nos. 34 to 54 cover two distinct, but related, areas; Nos. 34 to 41, 49 and 54 relate to what can constitute a LINK. Nos. 42 to 48 and 50 to 53 concern the annual reports. In Committee, concern was expressed that the existing clause 173(2)(b), which states that a LINK could be

"any other means put in place under the arrangements for the carrying-on in A's area of activities so specified for that area"

could allow a LINK to be an entirely virtual entity. When I first heard of that point I was amused by it, but on considering it I thought that an issue had been raised, in the context of this modern world. The amendment addresses that.

4.30 pm

The clause as drafted would allow for virtual LINKs, but it is of course not our intention that that is how their activities would be carried out. The Bill was drafted in this way to allow some flexibility and to provide a fall-back position in the unlikely scenario that there was no one in an area who wanted to participate in a LINK. It allows a local authority to contract with a host organisation and for the host to provide opportunities—or the means for people—to carry out the LINK activities. In light of the concerns that were expressed about the virtual entity possibility and given that it is not our intention that LINKs should take this form, I introduced amendment No. 34, which removes the possibility of there being "any other means" to establish a LINK. Therefore, they will be populated by people, which is of course what everybody wants—real people, as opposed to virtual people.

This proposed change has led to some significant redrafting of associated clauses; as ever, I am grateful to officials and parliamentary counsel for their diligent work. Amendments Nos. 35 to 41, 49 and 54 are all consequential amendments needed to reflect the change to clause 173(2). They remove references to "any other means".

The second group of amendments relates to LINKs annual reports. Provisions in clause 177 to do with LINKs reports have also been amended. Amendment No. 44 in particular adjusts the requirement for arrangements to make provision in respect of annual reports. The responsibility for writing the report will usually rest with the LINK. However, if the LINK does not produce that report—for instance because it has been in place for only a part of the year—it will be the host's responsibility to produce the report for any missing period. If a host has not been successful in establishing a LINK, the host will report on any activities that have been undertaken for the purpose of ensuring that there are means by which the LINK activities are carried out. It will also report on what sums it has spent in its efforts to establish a LINK.

Although the amendments might appear to take some working through, many of them are consequential amendments that aim to address the concerns expressed by Committee members that a LINK could take an entirely virtual form. They also seek to clarify who should be responsible for the annual report. That is an important point. I think that my hon. Friend the Member for Bedford (Patrick Hall) raised the issue about the timing and scheduling of the establishment of LINKs and the overlap with the existing arrangements. I hope that Members will be reassured by our proposed changes and what I have said about them.

Mr. John Baron (Billericay) (Con): I welcome some of the Minister's amendments; it is clear that the Government have, to a certain extent at least, listened in Committee, particularly in respect of amendments Nos. 32 to 34. However, it should be said that the measures in part 13 of the Bill would bring about a radical change in the NHS. They would fundamentally alter the structure of public and patient involvement in health, notably by scrapping patient forums. Therefore, it is unfortunate that these measures have been included at the fag-end of a Bill dealing with local government—a Bill that does not even have the word "patient" in the title. Some might conclude that that shows the low priority that patient and public involvement has been given under this Government.

Many would consider this yet another pointless reorganisation. Ministers abolished community health councils in the face of widespread opposition and replaced them with a myriad of costly, fragmentary bodies. Now, only four years after setting up patient forums, the Government are abolishing their own reforms at a cost of about £120 million to the taxpayer. Those figures have been audited. Hard-working volunteers up and down the country are appalled that yet another reorganisation is on the cards, believing it to represent a weakening of the patient's voice and public scrutiny. We know that they have told the Government as much, but Ministers have still not published the submissions from forums to the document, "A stronger local voice".

My remarks on the Bill, which reflect the amendments tabled, will focus on a number of key concerns. My first concern is with regard to the role of LINKs as defined in clause 172. The Government have introduced several amendments in respect of points that we raised in Committee. As I said, I welcome those, but we believe that an opportunity has been missed to make the Bill even better. Government amendment No. 32 would add the words:

"enabling people to monitor, and review, the commissioning and provision of local care services"

[Mr. John Baron]

to the list of local activities. Before that, according to the Government, LINKs would have been nothing more than a conduit for people expressing their views. As we argued in Committee, LINKs should be about much more than that, and I am pleased that the Government agree.

It was always a role of patient forums to monitor services, and that should be allowed to continue. The amendment allows the public to have a proactive role in reviewing and, ultimately, improving the quality of services. That is to be welcomed. Without that function, the right to enter and view premises would be simply another means to gather views, and not a remit to inspect and critically assess health and social services.

There is one further activity that needs to be included in the Bill, and that is what we hope to achieve with amendment No. 76. It would require LINKs to report back to local people as well as to other bodies, such as primary care trusts. The Government's view is that LINKs are primarily a conduit for local people to express their views about the commissioning and provision of services. We believe that the flow of information needs to be two-way. That is especially important if Government amendment No. 32 is passed, as it is likely to be. LINKs will then have a proactive role in monitoring and finding out about services. The findings should be brought to the attention of local people. They need to hear back about how they are being represented, while the sharing of information generally facilitates patient choice and promotes accountability in the broadest sense. I therefore invite the Minister to accept our amendment.

Government amendment No. 33 is a step in the right direction. It is another concession in response to the point that we raised in Committee, in that it denies the Secretary of State the power to restrict the activities of LINKs. Our fear was that the definition of patient and public involvement included in the Bill could be rewritten entirely by the Secretary of State without having to return to the Floor of the House. It would certainly make a mockery of our careful consideration of the Bill if the House were to approve this part in its current form.

My second concern is about the composition of LINKs, as covered by clause 173. This is one of the vaguest parts of the Bill, and has been the cause of confusion among patient volunteers about future arrangements. Government amendment No. 34 helps because, as the Minister has already highlighted, it removes the possibility of a LINK being a purely virtual arrangement—that is, one without individuals or organisations being directly involved. Clearly, that would be unacceptable. I know that the amendment has been tabled following probing by my hon. Friend the Member for North-East Bedfordshire (Alistair Burt) in Committee, and I welcome it.

The Government amendment, however, still leaves too many questions unanswered, in particular about the rules for membership and the arrangements for governance of the LINK. The Government's aspiration is clearly to get as many people as possible involved in health and social care by giving them the freedom to drop in and out of patient and user involvement. However, the larger the LINK becomes, the more infrequently some of its members are involved, and the more difficult and unwieldy it becomes for it to decide on programmes of work and undertake a proactive role in monitoring services.

Therefore, we believe that there needs to be a core group of dedicated members who have training, expenses and support to give leadership, drive and focus to the work of the LINK. Current members of patient forums are good candidates for such a role, but that is not being delivered by the legislation. At the moment, the Bill leaves such matters to chance. There will be some vague arrangement, whereby the host organisation and the LINK will somehow put such arrangements into place. In short, Parliament will vote a large sum of money to set up LINKs without knowing what we are getting in return—and that takes me to my third concern.

It is still not clear how much influence the host is meant to have over the LINK—for example, in determining the governance arrangements—which leaves the way open for a possible conflict of interest. Our amendment No. 77 would ensure that the host organisation was not a provider of local services to be monitored by the LINK; otherwise a clear conflict of interest might arise, because the host organisation would on the one hand be providing a service for the local authority, while on the other hand it would be part of an organisation whose responsibility it was to monitor the effectiveness of that service—my hon. Friend the Member for North-East Bedfordshire made a related point earlier. That would be nonsense, and the conflict of interest problem needs to be addressed. If the Government object to our amendment, it is for the Minister to explain exactly how they intend to require prospective host organisations to demonstrate an ability to manage such a conflict of interest.

In Government amendments Nos. 42 to 52, the Minister introduces the concept of non-networked activities carried out by the host organisation and requires the host to report on them annually. Exactly what are non-networked activities? It is not clear in the measure. Are they activities relating to the formation of a LINK, and if so, will the Minister confirm at the Dispatch Box that they are the only activities that host will be able to undertake independently of the LINK? If not, we shall be creating much uncertainty.

My fourth point is extremely important, and it relates to the right of LINKs to enter and inspect premises. The opinion of current forum members is particularly vexed on that subject; indeed, the Government agreed to include a limited power—to view premises—only after the Minister of State, Department of Health, the right hon. Member for Doncaster, Central (Ms Winterton) was ambushed at a meeting of irate volunteers last autumn, at which I was present. Where patient forums have been successful—for example, in putting the spotlight on cleanliness or the quality of hospital food—the power to enter and inspect premises has often been key. However, the Bill contains only a watered down version of that power—to enter and view.

Our amendment would replace the word "view" with the word "inspect", because there is a fundamental difference between the two. In our book, "to view" means that one is simply collecting information,

whereas "to inspect" suggests something more—that services are being monitored against set guidelines. The reason given in Committee for the Government's opposition to our proposal was:

"LINKs members are not inspectors or regulators as covered by the inspectorate regime."—[*Official Report, Local Government and Public Involvement in Health Public Bill Committee*, 6 March 2007; c. 545.]

A fair comment, one might think—but the Government's approach completely misses the point. I ask the Minister to address this point: there is such a thing as lay inspection, influenced by patients, which is what patient forum members around the country have been doing. They are a critical friend rather than a formal regulator; they build up relationships with members of staff and the management, and their visits are more frequent and spontaneous than those of the Healthcare Commission. That approach has worked well, so it is a shame that the Government are blind to the excellent work of patients forum members in that respect.

Mr. Burrowes: I commend my hon. Friend's case for the importance of a statutory definition of the word "inspect". In Committee, we had an interesting debate about the need to pay close attention to definitions, so should the Minister not explain why there is no such definition in the measure? He tried to reassure us that to all intents and purposes LINKs would have the power of inspection as part of their function, but why is there no definition in the Bill?

Mr. Baron: I very much agree with my hon. Friend. We probed the Government on that point in Committee, but as yet we have not had a satisfactory answer, although I hope the Minister will put that right today. In fact, I would suggest that the Government are so blind to the benefit of this approach that their own draft regulations subordinate the few inspection rights that LINKs members have to the work of the regulator—for example, by requiring LINKs to obtain the agreement of the regulator before making a visit and to co-ordinate their work.

4.45 pm

Amendments Nos. 131 and 132 might provide an opportunity to restrict the ability of the Secretary of State to impose limitations on the rights of LINKs to enter and view or inspect premises. However, there is still time for the Minister to make a commitment at the Dispatch Box not to fetter the right of LINKs to make spot checks on premises that they are entitled to enter. It is absolutely right to say that we have not had a satisfactory explanation of why the Government seem so concerned about the ability of LINKs to enter and inspect. I would welcome the Minister's response to that point.

I now turn to perhaps the most important part of the debate. Conservative amendments Nos. 80 and 81 would save patients forums from abolition. They reflect a number of concerns and observations that we have about the manner in which the Government are proceeding. There are too many questions about LINKs that the Government seem either unwilling or unable to answer. Issues such as the composition of LINKs, the potential conflict of interests and the right to inspect have not been properly addressed. For that reason, we believe that it is unwise to abolish what presently exists, and works increasingly well, and to replace it with a structure about which we have many doubts.

First, let us not be fooled by the talk of building on forums or turning forums into LINKs. The truth is that forums are being abolished and LINKs are being created from scratch. When community health councils were abolished, many hard-working volunteers were lost to the system. Too little of that expertise made the transfer to patient forums. I fear that the same mistake will bedevil LINKs. Ministers have said that they hope that patients forum members will be included in LINKs. I have heard that many times from the Minister. But such inclusion cannot be guaranteed. It is in the gift of the host organisations. We do not want to lose the body of expertise that has been built up over the last four years.

Secondly, I remain concerned that funding from the Department of Health might be prevented from reaching the front line of patient and public involvement. The money given to local councils will be targeted, but crucially, it will not be ring-fenced. The expert panel that developed or helped to develop the idea of LINKs did not propose that funding would be handled in that way. Money intended for health could end up being siphoned off by local government, which could be under financial pressure in relation to a whole range of issues. I challenge the Minister to explain, even at this late stage, how that can be guarded against. If the Government are serious about targeting the money, why should it not be ring-fenced?

Thirdly, although the focus of LINKs is understandably local, the Government have shown a complete lack of leadership on the question of a national voice for patients. Ironically, after years of delay, the patients forums have finally persuaded the Commission for Patient and Public Involvement in Health to help them to develop a national organisation, but if patients forums are abolished, it looks as if that national organisation will be abandoned. LINKs would put nothing in its place.

Finally, questions of accountability have not been answered. It is not clear what sanctions exist if the LINKs are not performing well. Patients forums are ultimately responsible to the commission, which is an independent body. I accept that we do not want to give too many organisations a lever of undue influence over the LINK or the host organisation, but clearly there must be accountability when it comes to the use of public money, and what is done in the name of local people. That accountability is sadly lacking. Patients forum volunteers up and down the country have worked hard, despite some of them being badly served by patchy administrative support and hesitant leadership from the commission. Given our reservations, I would like to test the opinion of the House on amendment No. 80.

I should say a few words about amendments Nos. 82 to 85, which seek to challenge the inclusion of the word "significant" as a qualification on the duty to consult. Our fear is that that represents a mechanism by which consultation can be restricted, rather than enhanced. Ministers have said that a threshold is needed to prevent mischievous or vexatious interpretations of the

duty and to avoid consultation fatigue on trivial changes. However, I am aware of no specific examples—none at all—of that being a problem under the current arrangements, which, as far as we are concerned, do not include such a qualification.

Indeed, it is difficult not to be a little sceptical about this measure, because the definition of what is significant is often controversial; it is a very subjective term. Some of the examples given by the Minister in Committee, such as a reduction in the number of beds in a hospital or changes to a GP's opening hours, might well be considered significant by patients, but not by the health service bureaucracy. The last thing we ought to be doing is setting the scene for legal wrangling, when the promise of the document "A stronger local voice" was to clarify the duty to consult.

In conclusion, the Government have failed to make the case for LINKs. Too many of our questions remain unanswered. There may be a need to improve patient and public involvement in health by enabling more people to get involved in more flexible ways and to join up health and social care. However, that could and should have been achieved by reforming patients forums and building on their expertise, rather than abolishing them and starting from scratch. Too much taxpayers' money is being wasted, and perhaps more importantly, too much expertise risks being wasted.

Instead, the Government seek to abolish the system that they put in place only four years ago. They are betraying the hard work and dedication of volunteers, who do not understand what they have done wrong or why they are being got rid of. If the system of patients forums has failed, it is only because Ministers have made mistakes. They should not be allowed to walk away from those mistakes without being called to account in the Division Lobbies of this House.

We have sought to improve LINKs and make them workable, and I believe that the Government's amendments would, to a certain extent, help to do that. However, key questions still have not been answered about the composition, membership and governance of LINKs, about their rights to enter and inspect premises and about the relationship between them and the host organisations. Crucially, I do not believe that LINKs represent continuity and retention of expertise within patient and public involvement in health. They represent careless reorganisation and uncertainty—something that the NHS has had far too much of in recent years. For that reason, Madam Deputy Speaker, and with your permission, my colleagues and I will call on the House to vote against the abolition of forums by supporting our amendment No. 80.

Kelvin Hopkins: I support amendment No. 249 to clause 182, in my name and those of my hon. Friends the Members for Blaydon (Mr. Anderson), for Pudsey (Mr. Truswell) and for North-West Leicestershire (David Taylor). This simple amendment is about fairness, accountability and ensuring a level playing field in consultation. In Committee there was a welcome acknowledgement by Ministers that the Government would ensure that health commissioners included clauses in contracts with independent health care providers, obliging them to allow LINKs access to premises. That is important, and we look forward to seeing the guidance that will accompany the legislation.

As we know, however, there is a difference between providing guidance and having something in black and white in the Bill. Unfortunately, the Bill does not achieve a level playing field regarding the scrutiny to which health providers will be subjected, whether by LINKs or by local authority overview and scrutiny committees. The Government's choice agenda will mean that health services are increasingly likely to be run by providers from the private and voluntary sectors. I have strenuously opposed the privatisation of our health services, and will continue to do so; nevertheless, it is happening. I want to ensure that local people can hold service providers to account, because that has never been more important.

We need to strengthen health scrutiny arrangements, not weaken them. In contrast to what my hon. Friend the Minister for Local Government said earlier, last month the Health Committee's report on patient and public involvement highlighted a number of the problems in the Bill. Arguably the most important point made by the Committee was that the Bill weakens consultation by restricting to "significant" decisions the obligation to consult local communities under section 11 of the Health and Social Care Act 2001, now section 242 of the National Health Service Act 2006.

Clause 182 concerns the definition of "significant". Two areas are already included: the manner in which services are delivered and the range of health services available. That is helpful, but it is not enough. The amendment would add a third tier to the definition: whether the ability to scrutinise services is affected. In effect, that would mean that if provision of a given health service was to be transferred to an organisation or company that was not subject to the same levels of scrutiny as the NHS, the public would have the right to be consulted on whether they wanted the change.

The Select Committee also criticised the fact that too many sham consultation exercises are carried out in the health service. Patients and the public want and need to be actively involved in the delivery of their health care, and engaged by meaningful consultation. The more that we as Members of Parliament can do to facilitate that, the better.

I, too, have been concerned about the changes in patient representation. I was more than uncomfortable about the abolition of community health councils. In Luton, we had a shop front in the town centre where patients could go in and talk to people; they did not have to write a letter or engage in any difficult communication. What they wanted to talk about was dealt with face to face over a counter in the town centre. That has now gone, replaced to some extent by the patient advice and liaison service in the hospital and by PPI forums.

Luton has a strong PPI forum, led robustly by my very good friend and constituent, Mrs. Josephine MacLean, who keeps the local health service on its toes; that is her job. However, her position is to disappear and I am concerned about that. I want to make sure that the replacement is at least as robust, and that people like Mrs. MacLean, who have the interests of patients and my constituents at heart and fight for them, will have a role in the new arrangements and will be able to take a strong position on both the remaining public sector part of the national health service and on any services that move to the private sector.

I suspect that the private sector is not keen on having strong patient representation. It does not want to be so accountable. Perhaps it prefers to rely on market forces—after all, under the choice agenda, if something does not work with one provider, one goes to another—but that is not good enough. Private providers will get away with murder unless they are held to account through some sort of local patient representation. We must have robust representation. I hope that the Government will take note of that point and accept my amendment.

Tom Brake: I shall not go over arguments made in Committee about LINKs and their funding, representation on those bodies, the fact that there is no national umbrella organisation that will be able to pull together issues that individual LINKs identify, and the fact that it appears that lessons have not been learned from the abolition of community health councils. I shall comment on our amendment No. 75, but first I confirm that if the official Opposition press amendment No. 80, which would delete the clause that provides for the abolition of patients forums, to a Division, we shall certainly join them in the Lobby to support it.

We intend to press amendment No. 75, which stands in my name and those of my hon. Friends the Members for Southport (Dr. Pugh) and for Hazel Grove (Andrew Stunell), to a Division. *The Times* today contains a topical article that refers to Conservative research on the possibility that half of all A and E units may be marked for closure. That is what our amendment is specifically about. I see the Minister shake his head to indicate that that is not the intention, but I suspect that he would confirm that, according to current Government guidance, the population figure that such units are required to cover is in the order of 450,000. Given the number of A and E departments operating today that do not have a catchment population of that size, we can extrapolate how many the Government might, in an ideal world, want to be taken out of the system.

Amendment No. 75 provides that if a significant change is proposed to health services that would affect their accessibility, all the relevant parties—LINKs, patient groups and transport authorities—should be consulted and they should report the impact in a way that the Secretary of State may determine and thereby put the focus on the impact on patients of reduced accessibility to services.

5 pm

When the Minister responds, he will no doubt refer to the debate in Committee and simply say that the matter is covered by proposed new subsection (1D)(a) of section 242 of the National Health Service Act 2006, which is set out in clause 182(2). Our amendment would ensure that there was a much greater focus on the subject, and it would mean that the issue of the accessibility of services was not hidden away in the Bill's small print. I hope that the Minister will say something positive about the amendment and will accept it; it has been put forward in a constructive manner. If he cannot or will not accept it, it is our intention to press it to a Division.

Mr. Truswell: I shall touch on three issues that hon. Members have already raised. The first is the abolition of patient forums. I am glad that we all resisted the temptation to rehearse the history of community health councils, but I share the view expressed by hon. Members on both sides of the House about the questionable wisdom of abolishing forums. To repeat a point that the Select Committee on Health spelled out clearly, now that we have abolished CHCs and are moving towards abolishing forums, I am left confused about what local involvement in health networks will be like and how they will operate in practice. I am particularly concerned about that. It was certainly true of CHCs and patient forums that people could see what they were getting. I echo the comments of my hon. Friend the Member for Luton, North (Kelvin Hopkins) about the expertise that was developed by CHCs and passed on to forums. That may be lost if we are not careful to give LINKs the sort of focus that hon. Members have talked about.

My second point is about the significance of the word "significant"—a subject that was discussed by the hon. Member for Billericay (Mr. Baron). As I tried to point out in my brief intervention earlier, there are outstanding concerns about whether there will be a great shift in emphasis, as regards both the right to be consulted and the impulsion on health bodies to carry out consultation. Like the hon. Gentleman, I fear that under this part of the Bill some issues for consultation might fall under the radar, either inadvertently or deliberately.

I crave hon. Members' indulgence while I give a recent example. Wharfedale hospital is not in my constituency, but it serves a great number of my constituents. It has existed for many years, but under the Conservative Government it deteriorated, decayed and lost services. From time to time it was earmarked for closure and we had to fight campaigns against that. Under this Government, it has been rebuilt and it is one of the great achievements that we can point to locally. The new building opened two years ago, but unfortunately, instead of it being used to maximum capacity, its progress has been characterised by the gradual withdrawal of services.

In autumn last year, a 16-bed ward for older people was closed without any consultation. The explanation given by the trust was that it could provide the same level of service to older patients with fewer beds. That may or may not be true, but in the context of the gradual removal of services, and given what local people saw as the diminution of the hospital's functions, that ward closure was an extremely significant issue for them. Back in the autumn, under existing legislation, it was questioned whether there should have been consultation on what local people regarded as a major issue, so I wonder whether use of the word "significant" in the Bill would allow such issues to drop even further below the radar.

Finally, I echo the comments of my hon. Friend the Member for Luton, North about amendment No. 249, to which my name is attached. There is a real fear that—and it will be so argued—under the Bill as it stands, the simple transfer of services to the private sector will not necessarily trigger a consultation. Let me give a hypothetical example that might become a practical one in due course. I am certainly of the view

[Mr. Paul Truswell]

that independent sector treatment centres, given their very nature, should not be introduced without major public consultation. It might be argued that that is not so, because there is a level transfer of service and no reduction in capacity. However, on looking at the proposals for an ISTC in west Yorkshire—thankfully, they were ultimately withdrawn—I was very concerned about the implications of their implementation.

The issue was not the level of patient care and capacity—that would certainly have been there—but the proposed transfer of services from the NHS acute trust in Leeds, which would almost certainly have had a wider impact. Resources would have been transferred out of the trust and there would have been implications for its ability to meet its fixed costs, so that would have been an extremely significant move. Perhaps Members can call to mind other such examples of transferring NHS services to the private sector. I therefore seek an assurance that my amendment is not necessary and that this issue, about which I am very concerned, is dealt with in the Bill.

Mr. Philip Dunne (Ludlow) (Con): I want to make two brief comments in support of the amendments of my hon. Friend the Member for Billericay (Mr. Baron). The Government have succeeded in upsetting a large body of volunteers through the manner in which they have abolished patients forums and given up the expertise that was so willingly given in the past two years. That has been a great mistake, and the Government should have recognised that and sought to build on the success of what had been established, rather than abolishing it.

Secondly, I want to support what the hon. Member for Pudsey (Mr. Truswell) said a moment ago. What is "significant" in one area might not be in another. Let me give a local example. Last year, Shropshire went through a consultation exercise, set in train by Shropshire County primary care trust, on the future of services in three of our community hospitals, all of which are in my constituency. The saving of £150,000 was sought from Bishop's Castle community hospital, which could have led to its closure. It is a small hospital, and in the context of the PCT's revenues—probably of any PCT's revenues—£150,000 is a relatively insignificant sum. However, it was hugely significant to the people of Bishop's Castle. Similarly, a saving of £300,000 was sought from Ludlow hospital, which would have resulted in the closure of half its beds and two of its wards. So, what is significant in a national context when drafting legislation, and what is significant in a local context when implementing that legislation, are very different. Amendments Nos. 82 and 83, which would delete the word "significant", are therefore entirely relevant. If they are accepted, local areas would be obliged to undertake consultation on matters relevant to them. I therefore urge the Government to accept the amendments.

Alison Seabeck: I rise to point out concerns that were drawn to my attention by my local patients forum at a recent meeting. It was a lively, extremely thoughtful meeting, and the forum acknowledged that many good measures are being introduced as part of this change. However, it still has anxieties and it has asked me to voice its concerns directly to the Minister and to seek clarification.

It needs to be borne in mind that the south-west is an enormous region, taking in Cornwall and Devon and the wider area, as well as Plymouth itself, so it is difficult for local authorities to monitor and review the commissioning of local services and their delivery in the locality. The patients forum has done good work in that area. Recently, for example, Cornwall county council scrutinised the work carried out at Derriford hospital in Plymouth. The patients forum gave evidence, but it is their belief that under the new structures that will no longer be possible because of the definition of the area. Forum members are also extremely concerned that only two of the existing members live in the Plymouth local authority area, and that other existing members of the forum will no longer be able to participate in the LINK, which will be based in and around Plymouth and around Derriford hospital, which, because of its size, meets the needs of a much wider area across the peninsula of the south-west.

The second issue is how well the patients forum is embedded in the day-to-day running of the hospital. Members of the forum are involved in the infection control committee, the valuing people group, Plymouth health and well-being overview and scrutiny panel, as well as the care standards group, the bus users forum and so on. They are proactive and therefore on the ball and able to flag up immediately issues that arise in the hospital or are linked to the hospital. They are worried that the new LINK will not be able to be as proactive and responsive because the new arrangements for access and inspection are thought to be far too formal. I would welcome the Minister's comments.

Mr. Burrowes: I shall speak particularly to amendment No. 78, moved by my hon. Friend the Member for Billericay (Mr. Baron). Without rehearsing the arguments advanced in Committee about the removal of the defined right to inspect, I shall focus on one definition that is important because it goes to the heart of the message from the Government about how they value the new LINKs.

The Minister reassured me and others in Committee when he said that it was not the intention to change any powers by removing the word "inspect". He went on to say:

> "There is no restriction, limitation or curtailment of the powers of the patients forum in connection with the word 'inspect' as opposed to the powers of LINKs in connection with the words 'view' and 'observe'."—[*Official Report, Local Government and Public Involvement in Health Bill Committee*, 6 March 2007; c. 546.]

That confirmation is helpful but, even if that is the Government's intention, it is the practice that concerns forum members and the public. People such as the present forum members of Barnet and Chase Farm and Enfield look to the Department's draft document for the guidance and how it will be followed through in constituencies such as mine.

The document states that LINKs members will not be able to visit

> "until they have written to the relevant regulator, indicating their intention to visit a facility, and received a reply—this is to ensure

that there is coordination of activity at local level; it may be that the regulator already plans a visit in which case it will have the ability to request that the LINk holds off, or just as possible joins in with its review."

One can understand the practical need to ensure co-ordination, but one can also understand why, in evidence to the Health Committee, the Commission for Patient and Public Involvement in Health expressed unhappiness with the draft document and stated:

"In effect the proposals make a mockery of the visiting rights of the new LINks. It appears that before any visit can take place, they will have to write to, and obtain a reply from the regulator, i.e. the Healthcare Commission! This gives the lie to any notion that the LINks will be able to be free and independent in the way that they work, and other proposals will severely curtail the locations which they will be permitted to enter and observe services in delivery."

The issue is the value placed on the proposed LINKs, and that is at the heart of the amendment. What has attracted hard-working members of forums in my area, and has enabled them to carry out spot inspections of cleanliness and patient management across a variety of services, is their valued freedom and independence. The essence of the Government's practical guidance is that it challenges the assurance properly given by the Minister that there will be no change in any powers. That is what people care about. That reassurance is vital if we hope to attract many of the same members who have done such sterling work in constituencies such as mine and many others.

Even at this 11th hour, I invite the Minister carefully to consider the amendment that would retain the word "inspect". It is not just a question of wording. I am worried that the operation of LINKs is being mainstreamed and absorbed, and that the value of hard-working volunteers will be lost for ever. I ask him at least to review the draft document and guidance to provide the proper freedom and independence that will allow the forums to do their sterling work.

5.15 pm

Mr. Woolas: The hon. Member for Billericay (Mr. Baron) began by saying that there were still unanswered questions. I am sorry he feels like that. Having kept a careful note, I suspect that it is not that I have not answered the questions but that I have answered them and he disagrees with some of my answers. However, if any specific points remain I undertake to follow them up.

Mr. Baron: One of the specific questions that I put to the Minister concerned conflict of interest. Under the Bill, a host organisation could provide services yet be part of a body that assesses its own effectiveness. How do the Government propose to address that conflict of interest, about which we have heard relatively little?

Mr. Woolas: There is a huge difference between the host organisation and the LINKs organisation. Were there to be a perceived conflict of interest, it would be for the local authority, in making these decisions, to rule on that. The Bill is devolutionary, because it creates a bottom-up structure that places trust in local authorities. What is important is any conflict of interest between the LINKs organisation and the host organisation. I shall give further information on that.

Mr. Baron: I accept that the local authority will have a say, but that still does not address the central issue regarding conflict of interest. An organisation that provides services may be involved in assessing the effectiveness of its services, and it must be borne in mind that the money that the local authority has been given to fund the operation is not ring-fenced. That adds a certain twist to the whole issue of conflict of interest.

Mr. Woolas: Half an hour ago, the hon. Gentleman voted for an amendment to prevent ring-fencing, yet now he is trying to provide for a ring-fenced budget. My difficulty as Minister for Local Government—I suspect that this has been the case with all my predecessors, and will be the case with all my successors, too—is that Members are happy to argue against ring-fencing in general, but that we should have it in a particular case. At last year's Local Government Association conference, the right hon. Member for Witney (Mr. Cameron) said that he would abolish all ring-fencing—I will believe that when I see it. The money is provided for the local authority. In the round, based on what we know, we believe that it is sufficient. The Government are not ring-fencing the money because we trust local authorities and believe that by not ring-fencing we will achieve better value for taxpayers' money.

I am in danger of repeating myself about conflicts of interest. Local authorities, like Governments, face the potential for conflict of interest across the piece. If we devolve more power to local councils, that increases the chances of a perception of conflict of interest. At the moment, the commission is, in effect, funded by the Government, yet its independence is not questioned. Indeed, that independence is one of the virtues that Opposition Members have cited in arguing for its retention. However, the same applies to what the hon. Member for Billericay said about local authorities.

Any organisation that bids to be a host must demonstrate that it is best equipped to win the contract. That must include being able to declare its interests and manage any potential conflicts of interest. The host will be accountable to the LINK and required to follow its direction, irrespective of its own interests. The sort of organisations that we expect to become hosts deal with such issues all the time, as do local authorities. Many of the current providers of staff support to patients forums also provide health and social care services. We know that potential conflicts of interest do not mean that support is compromised in those cases. The quality of the performance is what counts. I accept as a debating point that there may be circumstances in which there appears to be a conflict of interest. However, in practice, one has to strike a sensible balance.

There is a national body and centre of excellence to improve public and patient involvement. However, it will be open to LINKs, if they so choose—I imagine that they will—to create regional and, indeed, national bodies. Their virtue is that they will be bottom-up bodies that provide even greater independence to the national umbrella body.

My hon. Friend the Member for Plymouth, Devonport (Alison Seabeck) was worried that people who live outside a local authority area cannot join a

[Mr. Woolas]

LINK. I know that she has taken up the cudgels on their behalf and met the relevant body. A LINK is established to consider all the services that are provided in its area. Those outside can join the neighbouring LINK. Provision will be supplemented by the many interested people in Plymouth who are not currently in the forum. We described the position as the Great Ormond Street problem, whereby services are provided outside the local authority area. Our proposals are an improvement on the current situation.

My hon. Friends the Members for Pudsey (Mr. Truswell) and for Luton, North (Kelvin Hopkins) made important points, which were raised in Committee, about the word "significant" and the impact on public-private relations. A change in the service provider rather than in the service provided—for example, the contract to run a GP's surgery changing from one provider to another—would not significantly change the service. Another example of that is dealing with overcapacity, whereby—taking account of peaks and troughs—five beds are removed from a 10-bed ward in which only five are ever used. My hon. Friend the Member for Luton, North is therefore right that the definition of "significant" is important.

However, amendment is unnecessary. Significant changes include changes in: patients' convenience; availability and quality of service; and geography, thereby affecting travel arrangements, and possible eligibility. Statutory guidance, which has the power of statute, will be issued after we have consulted on the changes.

Kelvin Hopkins: Transferring a service—for example, scanning—to the private sector is what I mean by "significant change". Such a change is genuinely significant and we want to be able to consult and be consulted about that.

Mr. Woolas: I am trying to make the point that the change in the service rather than that in the service provider is important. Let me reassure my hon. Friend. One of the difficulties in the debate is that we are comparing existing scrutiny arrangements in the health service with proposals that cover health and social services. Points have been made about inspection and viewing. At the moment, patients forums do not view social services. We are talking about going into people's homes—residential, shared homes and individuals' homes. The comparison is therefore invalid.

We are trying to create a scrutiny and accountability structure that considers the patient, not the building or institution. All Members of Parliament recognise that, when constituents come to us with a problem, the interaction between public agencies and other providers most often causes the problem—for example, a stroke victim's treatment by the ambulance service, accident and emergency, the hospital, those responsible for aftercare, the benefits office and so on. We are trying to provide for accountability and scrutiny in the round in terms of patient and public involvement.

Mr. Truswell: May I take the Minister back to the example I cited of the independent sector treatment centre? The concern in west Yorkshire about such a centre was that it would be a transfer not just of services but of resources, which would undermine the ability of existing NHS trusts to provide services to other patients. The Minister seems to argue that people would not regard that as a significant change, but I have to tell him that people in west Yorkshire and Leeds would view it as a significant change.

Mr. Woolas: But that is not the argument that I am pursuing. We are not debating the entirety of how health and social care should be held to account. What we are debating is the best mechanism for looking at the provision of services from the patient's point of view. It is therefore the provision of the service, not the service provider—effectively, the interface with the patient—that we believe is important.

Time is pressing and other hon. Members want to speak—*[Interruption.]*

Mr. Baron *rose—*

Mr. Woolas: Let me make some progress and we will see whether I have failed to cover the relevant points.

Some hon. Members made a point about the difference between inspecting and viewing, but I rather think that this is dancing on a pinhead. Patients forums and the proposed LINKs are not inspectors of services in the sense that the statutory inspectorate is. Again, however, hon. Gentlemen cannot have their cake and eat it. They cannot on the one hand complain about intrusion into private life, while on the other allowing unfettered access, particularly in the area of social care, but also in respect of medical care.

Secondly, we hear complaints about over-intrusion by inspectorates. Assuming that patients forums and LINKs were inspectorates, it would be quite right and proper for them to act as gatekeepers to ensure that organisations were not over-burdened. Indeed, Conservative Members supported that proposal. One of the big themes of debate on the Bill has been the allegation—true on many occasions—that there is over-burdensome inspection. One of the measures that we have put in place is the gatekeeper role, so that the main inspectorate—for local authorities, the Audit Commission—can co-ordinate the other inspectorates. Surely the same principle has to apply to LINKs. The hon. Member for Billericay said that we had wasted £120 million in establishing patients forums and then abolishing them. The £120 million that he quotes is indeed the recurrent costs of the years of activities—not the costs of establishing the bodies, so I think that the analogy is unfair.

Mr. Baron: Let me bring the Minister back to the issue of inspections. With all due respect to him, he is creating a number of Aunt Sallies and then knocking them down. Does he not accept that where patient forums have been successful—for example, in putting the spotlight on cleanliness or quality of food—the power to enter and inspect premises has often been the key? The major concern of a number of patient forum members is that if we do not allow that power to inspect, LINKs will in many respects become toothless organisations, because they will not have the power to monitor services against set guidelines that should

apply to patient care. As many Members have argued, if we take away the inspection powers, it makes for a meaningless organisation.

Mr. Woolas: Let me make two points. First, the debate is being conducted on the false premise that patients forums are perfect organisations, yet by the hon. Gentleman's own admission the situation is patchy. I supplied figures to the Public Bill Committee and I will not delay the House further by running through them all—*[Interruption.]* That is not my whole point. The hon. Member for Billericay intervenes from a sedentary position before I have reached the conclusion of my premise. I wish that Conservative Members would listen to the argument rather than to who is saying it.

I have looked into this issue and we debated it in Committee. I strongly believe that the powers of LINKs to enter premises and look at what is going on—whether we call it inspection, observation, viewing or whatever—are still available, but I do not accept the idea that patients forums or LINKs should be inspectors in the formal sense that the Audit Commission is an inspector. They are not—and neither should they be, because they are not qualified to be. They are looking at this from the point of view of lay viewing or lay inspection—let us not have an argument about semantics. The point is that what was asked for was that LINKs should be given the right to enter premises. I can assure the hon. Gentleman that they have that right, and the right to view, observe, monitor and make reports. But we are talking about social care as well as the NHS. We are talking about people's homes. I know what fun Conservative Members have when anyone dares to suggest that a valuation officer should check that people are paying their full council tax, and it really is going too far to say that there should be unfettered access.

I reject those amendments, and I have made concessions on the points raised in Committee by tabling amendments to satisfy some of the reasonable points that have been made. It is now time to move on, to establish LINKs, to trust local authorities, to have flexibility and to create a body that can hold to account our national health service and the social services from the point of view of the patient, not the provider.

Amendment agreed to.

Amendment made: No. 33, page 121, line 25, leave out ',varying or omitting'.—*[Mr. Woolas.]*

Clause 173

ARRANGEMENTS UNDER SECTION 172(1)

Amendment made: No. 34, page 122, line 6, leave out from second 'area' to end of line 8.—*[Mr. Woolas.]*

Clause 174

DUTIES OF SERVICES-PROVIDERS TO RESPOND TO LOCAL INVOLVEMENT NETWORKS

Amendments made: No. 35, page 122, line 41, leave out from 'done' to 'activities' in line 42 and insert

'by a person who, in pursuance of arrangements made under section 172(1), is to carry on'.

No. 36, line 42, at end insert '; and

(b) it is done by that person in the carrying-on, under those arrangements, of activities so specified.'.—*[Mr. Woolas.]*

Clause 175

DUTIES OF SERVICE-PROVIDERS TO ALLOW ENTRY BY LOCAL INVOLVEMENT NETWORKS

Amendments made: No. 37, page 123, line 14, leave out from 'network' to end of line 16.

No. 38, line 35, leave out from 'network' to end of line 38.

No. 39, line 41, leave out from '172(2)' to end of line 43.—*[Mr. Woolas.]*

Clause 176

LOCAL INVOLVEMENT NETWORKS: REFERRALS OF SOCIAL CARE MATTERS

Amendments made: No. 40, page 124, line 23, leave out from 'done' to 'activities' in line 24 and insert

'by a person who, in pursuance of arrangements made under section 172(1), is to carry on'.

No. 41, line 24, at end insert '; and

(b) it is done by that person in the carrying-on, under those arrangements, of activities so specified.'.—*[Mr. Woolas.]*

Clause 177

LOCAL INVOLVEMENT NETWORKS: ANNUAL REPORTS

Amendments made: No. 42, page 125, line 5, after 'provision' insert '—

(i)'.

No. 43, line 6, after 'preparation' insert 'by the network'.

No. 44, line 9, at end insert—

'(ii) requiring the preparation by H of any report that is required, under provision included in the arrangements in pursuance of sub-paragraph (i), to be prepared by a local involvement network but is not prepared by the network; and

(iii) requiring the preparation by H, for each non-networked financial year, of a report in relation to the non-networked activities;'.

No. 45, line 12, leave out paragraph (c).

No. 46, line 26, after 'report' insert

', if it is a report required to be prepared by a local involvement network (even if actually prepared by H in compliance with provision included in the arrangements in pursuance of subsection (2)(a)(ii)),'.

No. 47, line 27, leave out 'local involvement network concerned' and insert 'network'.

No. 48, line 29, at end insert '; and

(c) that the report, if it is a report prepared by H in compliance with provision included in the arrangements in pursuance of subsection (2)(a)(iii), includes—

(i) details of the amounts spent by H in the year concerned in respect of the non-networked activities; and

(ii) details of what those amounts were spent on.'.

No. 49, line 30, leave out subsection (4).

No. 50, line 45, leave out from 'subsection' to '(so' and insert '—

(a) in the case of a report required to be prepared by a local involvement network (even if actually prepared by H in compliance with provision included in the arrangements in pursuance of subsection (2)(a)(ii)), if any activities of the network'.

No. 51, line 47, at end insert '; and

(b) in the case of a report prepared by H in compliance with provision included in the arrangements in pursuance of subsection (2)(a)(iii), if in the year concerned any of the non-networked activities are relevant to the functions of the committee.'.

No. 52, line 47, at end insert—

'(6A) In subsections (2) to (6) "the non-networked activities" means the activities specified in section 172(2) for the authority's area so far as they—

(a) are activities for whose carrying-on in the authority's area the arrangements make provision; and

(b) are not, under the arrangements, activities whose carrying-on is within the remit of a local involvement network.

(6B) For the purposes of subsection (2)(a)(iii), a financial year is "non-networked" if there is a time in the year when an activity falls (to any extent) within the definition of "the non-networked activities" given by subsection (6A).'.

No. 53, page 126, line 1, leave out '(6)' and insert '(6B)'.

No. 54, leave out lines 4 to 6.—*[Mr. Woolas.]*

Clause 179

ABOLITION OF FUNCTIONS OF PATIENTS' FORUMS

Amendment proposed, No. 80, in page 126, line 32, leave out clause 179.—*[Mr. Baron.]*

Question put, That the amendment be made:—

The House divided: Ayes 133, Noes 240.

Division No. 116] **[5.31 pm**

AYES

Afriyie, Adam
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Cox, Mr. Geoffrey
Davey, Mr. Edward
Davies, Philip
Davies, Mr. Quentin
Djanogly, Mr. Jonathan
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Fallon, Mr. Michael
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Goldsworthy, Julia
Goodman, Mr. Paul
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Hemming, John
Hendry, Charles
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Horam, Mr. John
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lamb, Norman
Lansley, Mr. Andrew
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Lidington, Mr. David
Mackay, rh Mr. Andrew
Malins, Mr. Humfrey
Maples, Mr. John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Milton, Anne
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Öpik, Lembit
Osborne, Mr. George
Pelling, Mr. Andrew
Penning, Mike
Penrose, John
Pritchard, Mark
Reid, Mr. Alan
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Rosindell, Andrew
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stunell, Andrew
Swinson, Jo
Syms, Mr. Robert
Taylor, Dr. Richard
Teather, Sarah
Tredinnick, David
Truswell, Mr. Paul
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Walter, Mr. Robert
Whittingdale, Mr. John
Willetts, Mr. David
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Young, rh Sir George

Tellers for the Ayes:
Mr. Mark Lancaster and Mr. Tobias Ellwood

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Bails, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Benn, rh Hilary
Berry, Roger
Blizzard, Mr. Bob
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
David, Mr. Wayne
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Efford, Clive

Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Fiello, Mr. Robert
Flint, Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Linton, Martin
Lloyd, Tony
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Mole, Chris
Moon, Mrs. Madeleine
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Liz Blackman and Mr. Ian Cawsey

Question accordingly negatived.

Clause 182

DUTY TO CONSULT USERS OF HEALTH SERVICES

Amendment proposed: No. 75, page 129, line 29, at end insert—

'(1GA) A relevant English body in proposing a significant change in services delivered in a way likely to affect patients' physical access or transport to a service must consult with—

(a) the local involvement network,

(b) relevant patient groups, and

(c) the appropriate transport authority,

and report in such manner as the Secretary of State may prescribe prior to implementing those changes on the results of such consultation.

(1GB) For the purposes of subsection (1GA), a change in services is "significant" if implementation of the change would have a substantial impact on—

(a) the manner in which services are delivered to users of those services, or

(b) the range of health services available to those users.'.—*[Andrew Stunell.]*

Question put: That the amendment be made:—

The House divided: Ayes 30, Noes 243.

Division No. 117] **[5.47 pm**

AYES

Alexander, Danny
Baker, Norman
Brake, Tom
Burt, Lorely
Cable, Dr. Vincent
Carmichael, Mr. Alistair
Davey, Mr. Edward
Foster, Mr. Don
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Hancock, Mr. Mike
Harris, Dr. Evan
Harvey, Nick
Heath, Mr. David
Hemming, John
Howarth, David
Hughes, Simon
Hunter, Mark
Keetch, Mr. Paul
Kramer, Susan
Lamb, Norman
Öpik, Lembit
Sanders, Mr. Adrian
Stunell, Andrew
Swinson, Jo
Taylor, Dr. Richard
Teather, Sarah
Williams, Stephen
Willott, Jenny

Tellers for the Ayes:
Mr. Alan Reid and Mr. Roger Williams

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Berry, Roger
Blizzard, Mr. Bob
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, Mr. Liam
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clarke, rh Mr. Tom
Clelland, Mr. David
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Connarty, Michael
Cook, Frank
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
David, Mr. Wayne
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Dowd, Jim
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Efford, Clive
Eitman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Gilroy, Linda
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Hendrick, Mr. Mark
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hoon, rh Mr. Geoffrey
Hopkins, Kelvin
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Khan, Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Ladyman, Dr. Stephen
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Linton, Martin
Lloyd, Tony
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Mole, Chris
Moon, Mrs. Madeleine
Morgan, Julie
Morley, rh Mr. Elliot
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Mr. Gordon
Prescott, rh Mr. John
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Seabeck, Alison
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Ian Cawsey and Liz Blackman

Question accordingly negatived.

It being after Six o'clock, MADAM DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

New Clause 8

JOINT OVERVIEW AND SCRUTINY COMMITTEES: LOCAL IMPROVEMENT TARGETS

'(1) For the purposes of this section, "group of partner authorities" means—

(a) a county council in England; and

(b) one or more district councils which are partner authorities of it.

(2) The Secretary of State may by regulations make provision under which a group of partner authorities may—

(a) appoint a joint committee (a "joint overview and scrutiny committee"); and

(b) arrange for any functions of making reports and recommendations falling within subsection (3) to be exercisable by the committee.

(3) A report or recommendation falls within this subsection if—

(a) it concerns a matter which—

(i) relates to the attainment of any local improvement target specified for the time being in a relevant local area agreement; and

(ii) is not an excluded matter; and

(b) it is made to—

(i) the county council, or

(ii) the county council and one or more district councils,

in the group of partner authorities.

(4) In subsection (3)—

(a) "excluded matter" means any matter with respect to which a crime and disorder committee could make a report or recommendations—

(i) by virtue of subsection (1)(b) of section 19 of the Police and Justice Act 2006 (c. 48) (local authority scrutiny crime and disorder matters); or

(ii) under subsection (6) of that section;

(b) the reference to a report or recommendations being made to a county council or district council is, in the case of a local authority operating executive arrangements under Part 2 of the Local Government Act 2000 (c. 22), to be read as a reference to a report or recommendations being made to the local authority or its executive.

(5) Regulations under subsection (2) may in particular—

(a) provide for arrangements to be made only in circumstances, or subject to conditions or limitations, specified by the regulations;

(b) in relation to joint overview and scrutiny committees, make provision applying, or corresponding to, any provision of—

(i) section 21(4) and (6) to (12) of the Local Government Act 2000 (c. 22),

(ii) sections 21A to 21D of that Act, or

(iii) section 246 of, and Schedule 17 to, the National Health Service Act 2006 (c. 41),

with or without modifications;

(c) make provision—

(i) as to relevant information which associated authorities must provide to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee); and

(ii) as to information which may not be disclosed by an associated authority to a joint overview and scrutiny committee (or, if the regulations make provision for the appointment of sub-committees of such a committee, to such a sub-committee).

(6) For the purposes of subsection (5)(c), in relation to a joint overview and scrutiny committee—

"associated authority" means—

(a) the county council in the group of partner authorities which appointed the joint overview and scrutiny committee; or

(b) any person which is a partner authority in relation to that council other than—

(i) a police authority; or

(ii) a chief officer of police;

"relevant information", in relation to an associated authority, means information which is relevant to a local improvement target in a relevant local area agreement which relates to the associated authority;

and section 81(2) or (3) applies for the purpose of determining whether a local improvement target relates to an associated authority.

(7) Regulations under this section may not make provision of a kind mentioned in subsection (5)(c) with respect to information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (c. 48) (guidance and regulations regarding crime and disorder matters).

(8) In this section—

(a) "relevant local area agreement", in relation to a joint overview and scrutiny committee, means a local area agreement of the county council in the group of partner authorities which appointed the committee; and

(b) "local area agreement", "local improvement target" and "partner authority" have the same meanings as in Chapter 1 of this Part.

(9) Any group of partner authorities and any joint overview and scrutiny committee must, in exercising or deciding whether to exercise any functions conferred on it by or by virtue of regulations under this section, have regard to any guidance issued by the Secretary of State.'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 9

OVERVIEW AND SCRUTINY COMMITTEES OF DISTRICT COUNCILS: LOCAL IMPROVEMENT TARGETS

'After section 21D of the Local Government Act 2000 (c. 22) (inserted by section 97) insert—

"21E Overview and scrutiny committees of certain district councils: functions with respect to partner authorities

(1) This section applies to any district council which is a partner authority in relation to a county council ("the related county council").

(2) The Secretary of State may by regulations make provision under which a district council to which this section applies may confer on their overview and scrutiny committee, or any of their overview and scrutiny committees, power to make reports and recommendations to the related county council, or that council's executive, which relate to any local improvement target which—

(a) relates to a relevant partner authority, and

(b) is specified in a local area agreement of the county council.

(3) Regulations under subsection (2) may make provision applying or reproducing any provision of section 21B, 21C or 21D (with or without modifications).

(4) For the purposes of this section—

(a) "relevant partner authority", in relation to a district council, means—

(i) the related county council, or

(ii) any other authority which are a partner authority in relation to that county council, other than—

(a) a police authority, or

(b) a chief officer of police,

(b) "local area agreement", "local improvement target" and "partner authority" have the same meanings as in Chapter 1 of Part 3 of the Local Government and Public Involvement in Health Act 2007, and

(c) section 81(2) or (3) of that Act applies for the purpose of determining whether a local improvement target relates to a relevant partner authority." '.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 10

GUIDANCE

'In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees: authorities operating executive arrangements), at the end insert—

"(16) In exercising, or deciding whether to exercise, any of its functions—

(a) an overview and scrutiny committee of a local authority in England, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State; and

(b) an overview and scrutiny committee of a local authority in Wales, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Welsh Ministers.

(17) Guidance under subsection (16) may make different provision for different cases or for different descriptions of committee or sub-committee." '.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 11

OVERVIEW AND SCRUTINY COMMITTEES: CONSEQUENTIAL AMENDMENTS

'(1) In section 21 of the Local Government Act 2000 (c. 22) (overview and scrutiny committees)—

(a) in subsection (4)—

(i) after "this section" insert ", sections 21A to 21C"; and

(ii) at the end insert "or any functions which may be conferred on it by virtue of regulations under section 21E"; and

(b) omit subsection (8).

(2) For section 32(3) of that Act (alternative arrangements) substitute—

"(3) Regulations under this section may make provision with respect to committees or sub-committees falling within subsection (1)(b), including—

(a) in the case of regulations made by the Secretary of State, provision which applies or reproduces (with or without modifications)—

(i) any provision of sections 21 to 21D or paragraphs 7 and 9 to 11 of Schedule 1,

(ii) any provision made under section 21E or 22A,

(iii) any provision of section 246 of, or Schedule 17 to, the National Health Service Act 2006, or

(iv) any provision made under section 244 of that Act, and

(b) in the case of regulations made by the Welsh Ministers, provision which applies or reproduces (with or without modifications)—

(i) any provision of section 21 or 21A(1)(a) or (b) or (2) or paragraphs 8 to 11 of Schedule 1,

(ii) any provision of Schedule 17 to the National Health Service Act 2006,

(iii) any provision of section 186 of, or Schedule 11 to, the National Health Service (Wales) Act 2006, or

(iv) any provision made under section 184 of that Act.".

(3) In section 245(3)(b) of the National Health Service Act 2006 (c. 41) (joint overview and scrutiny committees etc)—

(a) in sub-paragraph (i), for "(15)" substitute "(17)"; and

(b) after that sub-paragraph insert—

"(ia) sections 21A to 21D of that Act,

(ib) section 22A of that Act,".

(4) In section 185(3)(b) of the National Health Service (Wales) Act 2006 (c. 42) (joint overview and scrutiny committees etc)—

(a) in sub-paragraph (i), for "(15)" substitute "(17)"; and

(b) after that sub-paragraph insert—

"(ia) section 21A(1)(a) or (b) or (2) of that Act," '.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

Clause 94

REFERENCE OF MATTER BY COUNCILLOR TO OVERVIEW AND SCRUTINY COMMITTEE

Amendments made: No. 96, page 62, line 29, leave out from beginning to 'insert' in line 33 and insert 'After section 21 of the Local Government Act 2000 (c. 22)'.

No. 97, page 64, leave out line 6.—*[Mr. Alan Campbell.]*

Clause 96

POWERS TO REQUIRE INFORMATION FROM PARTNER AUTHORITIES

Amendments made: No. 98, page 64, line 38, at end insert—

'(4) The Secretary of State may also by regulations make provision, in relation to a relevant district council committee—

(a) as to information which associated authorities must provide to the relevant district council committee, and

(b) as to information which may not be disclosed by an associated authority to the relevant district council committee.

(5) In subsection (4), references to information do not include information in respect of which provision may be made in exercise of the power conferred by section 20(5)(c) or (d) of the Police and Justice Act 2006 (guidance and regulations regarding crime and disorder matters).

(6) For the purposes of subsection (4)—

"relevant district council committee" means—

(c) an overview and scrutiny committee of a district council which is not a responsible local authority ("the district council"), or

(d) a sub-committee of such a committee;

"associated authority", in relation to a relevant district council committee, means—

(e) the county council which is the responsible local authority in relation to the district council, or

(f) any person (other than the district council) which is a partner authority in relation to that county council, other than—

(i) a police authority, or

(ii) a chief officer of police;

and for this purpose, "responsible local authority" and "partner authority" have the same meanings as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007.

(7) Regulations under this section may make different provision in relation to different persons or committees or descriptions of person or committee.

(8) The power conferred by subsection (7) does not affect the power conferred by section 105(2)(b).'".

No. 99, page 64, line 39, leave out subsection (2).—*[Mr. Alan Campbell.]*

Clause 97

OVERVIEW AND SCRUTINY COMMITTEES: REPROTS AND RECOMMENDATIONS

Amendments made: No. 100, page 66, line 33, leave out 'Primary Care Trust' and insert 'health service body'.

No. 101, page 66, line 36, leave out 'Primary Care Trust' and insert 'health service body'.

No. 102, page 66, line 36, at end insert—

'( ) In subsection (5), "health service body" means—

(a) a National Health Service trust,

(b) an NHS foundation trust, or

(c) a Primary Care Trust.'.

No. 103, page 69, line 4, leave out 'local authority executives' and insert 'executives of local authorities in England'.

No. 104, page 69, line 4, at end insert

', or under any provision of regulations under section 21E which applies or reproduces (with or without modifications) any provision of section 21B,'.

No. 105, page 69, line 12, leave out subsection (3).—*[Mr. Alan Campbell.]*

Clause 98

TRANSITIONAL PROVISION

Amendment made: No. 106, page 69, line 16, after 'applies' insert

'(in addition to the cases mentioned in subsection (1) of that section)'.—*[Mr. Alan Campbell.]*

New Clause 2

REGISTERED SOCIAL LANDLORDS

'(1) In section 40(1) of the Audit Commission Act 1998 (c. 18) (studies relating to registered social landlords), omit "(other than registered social landlords in Wales)".

(2) In section 41A of that Act (inspections of registered social landlords), omit subsection (1A) (registered social landlords in Wales).

(3) After section 41B of that Act insert—

"41C Advice and assistance for registered social landlords

(1) The Commission may, if it thinks it appropriate to do so, provide advice or assistance to a registered social landlord for the purpose of the exercise by the registered social landlord of its functions.

(2) Advice or assistance under this section may be provided on such terms, including terms as to payment, as the Commission thinks fit."

(4) Omit section 42 of that Act (consultancy services relating to audit of accounts of registered social landlords).

(5) For section 43 of that Act substitute—

"43 Meaning of "registered social landlord"

In sections 40 to 41C, "registered social landlord" means a body registered as a social landlord under Part 1 of the Housing Act 1996, other than a body mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act (bodies registered in Wales).'".—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 7

REGISTERED SOCIAL LANDLORDS IN WALES

'After section 145C of the Government of Wales Act 1998 (c. 38) insert—

"145D Advice and assistance for registered social landlords

(1) The Auditor General for Wales may, if he thinks it appropriate to do so, provide advice or assistance to a registered social landlord in Wales for the purpose of the exercise by the registered social landlord of its functions.

(2) Advice or assistance under this section may be provided on such terms and conditions, including conditions as to payment, as the Auditor General for Wales thinks fit.

(3) This section has effect without prejudice to paragraph 21 of Schedule 8 to the Government of Wales Act 2006 (arrangements between Auditor General for Wales and certain bodies).

(4) In this section, "registered social landlord in Wales" means a body which is—

(a) registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996, and

(b) mentioned in any of paragraphs (a) to (c) of section 56(2) of that Act."'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

Clause 119

INTERACTION OF THE AUDIT COMMISSION WITH OTHER AUTHORITIES

Amendment made: No. 29, page 86, line 13, after 'before' insert 'the italic heading preceding'.—*[Mr. Alan Campbell.]*

Clause 124

STUDIES AT REQUEST OF PARTICULAR BODIES

Amendment made: No. 30, page 89, line 8, leave out from 'Authority)' to end of line 13.—*[Mr. Alan Campbell.]*

Clause 126

REPORTS ON ENGLISH LOCAL AUTHORITIES

Amendment made: No. 31, page 90, line 5, at end insert—

'(5) The Secretary of State may by order amend the definition of "English local authority" in subsection (4) by adding any authority or body which is a best value authority, other than—

(a) an authority or body which is a Welsh best value authority for the purposes of Part 1 of the Local Government Act 1999;

(b) a police authority for a police area in Wales.

(6) The Secretary of State may by order remove from that definition any authority or body for the time being mentioned in it.

(7) The powers in subsections (5) and (6) may be exercised to add or remove an authority or body to the extent that it acts in a capacity, or exercises functions, specified in the order.

(8) Before making an order under subsection (5) or (6) the Secretary of State must consult the best value authorities concerned or persons appearing to him to represent the best value authorities concerned.'".—*[Mr. Alan Campbell.]*

Clause 134

DISCLOSURE OF INFORMATON OBTAINED BY THE AUDIT COMMISSION OR AN AUDITOR

Ordered,

That the clause be transferred to the end of line 37, page 91.—*[Mr. Alan Campbell.]*

New Clause 3

PRE-COMMENCEMENT INVITATIONS ETC

'(1) In this section a "pre-commencement invitation" means an invitation given by the Secretary of State before the commencement of this Chapter which, after that commencement, could have been given under the power in section 2.

(2) If before the commencement of this Chapter—

(a) a pre-commencement invitation was given,

(b) guidance as to what a proposal should seek to achieve, or as to matters that should be taken into account in formulating a proposal, was given by the Secretary of State in connection with such an invitation,

(c) a proposal was made in response to such an invitation, or

(d) consultation was carried out by the Secretary of State in relation to such a proposal,

it is immaterial that the invitation or guidance was given, the proposal made, or the consultation carried out, before rather than after the commencement of this Chapter.

(3) Accordingly (and without prejudice to the generality of subsection (2))—

(a) any reference in this Chapter to an invitation under section 2 includes a pre-commencement invitation;

(b) any reference in this Chapter to a proposal made by virtue of section 2 includes a proposal (whenever made) made in response to a pre-commencement invitation;

(c) any reference in this Chapter to the Secretary of State's receiving a proposal in response to an invitation under section 2 includes his receiving before the commencement of this Chapter a proposal made in response to a pre-commencement invitation.'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

Clause 2

INVITATIONS AND DIRECTIONS FOR PROPOSALS FOR SINGLE TIER OF LOCAL GOVERNMENT

Amendment made: No. 1, page 2, line 43, at end insert—

'(9) Subsection (1) is subject to section 3(1).'.—*[Mr. Alan Campbell.]*

Clause 3

INVITATIONS, DIRECTIONS AND PROPOSALS: SUPPLEMENTARY

Amendments made: No. 2, page 3, line 2, leave out subsection (1) and insert—

'(1) A direction under section 2—

(a) may not be given after 25 January 2008; and

(b) may be given on or before that date only where the Secretary of State believes that giving the direction would be in the interests of effective and convenient local government.'.

No. 3, page 3, line 24, at end insert—

'(8) But a direction under section 2 may not be varied after 25 January 2008 if—

(a) the direction as originally given required the making of a Type A or Type B proposal; and

(b) the direction as varied would require or permit the making of a Type C or combined proposal.'.—*[Mr. Alan Campbell.]*

Clause 4

PROCEDURE ON RECEIPT OF PROPOSALS

Amendments made: No. 4, page 3, line 26, leave out from 'proposal' to 'under' in line 27 and insert

'in response to an invitation or direction'.

No. 5, page 3, line 29, leave out subsections (2) to (4).—*[Mr. Alan Campbell.]*

Clause 7

IMPLEMENTATION OR PROPOSALS BY ORDER

Amendment made: No. 6, page 5, line 30, leave out subsection (2) and insert—

'(2) But where the Secretary of State has made a request under section 4 in relation to the proposal received in response to the invitation or direction, he may not make an order or decision under this section before the end of six weeks beginning with the relevant date (as defined by section 6(7)).

(3) The Secretary of State may not in any case make an order under subsection (1)(a) implementing a proposal unless he has consulted the following about the proposal—

(a) every authority affected by the proposal (except the authority or authorities which made it); and

(b) any other person he believes to have an interest.

(4) For the purposes of this section an authority is "affected by" a proposal if it is a principal authority for an area which is, or any part of which is, in an area that the proposal suggests should have a single tier of local government.

(5) Subsection (3) does not apply if the proposal was made jointly by every authority affected by it, and in that case the Secretary of State may before making an order under subsection (1)(a) consult any other person he believes to have an interest.'.—*[Mr. Alan Campbell.]*

Clause 10

IMPLEMENTATION OF RECOMMENDATIONS BY ORDER

Amendment made: No. 86, page 7, line 21, at end insert—

'(3) Before doing as mentioned in any of those paragraphs the Secretary of State may request the Boundary Committee to provide him with additional information or advice.

(4) Where they receive such a request the Boundary Committee may provide the information or advice requested.'.—*[Mr. Alan Campbell.]*

Clause 11

IMPLEMENTATION ORDERS: PROVISION THAT MAY BE INCLUDED

Amendment made: No. 7, page 8, line 17, leave out '7' and insert '7(1)(a)'.—*[Mr. Alan Campbell.]*

Clause 16

AGREEMENTS ABOUT INCIDENTAL MATTERS

Amendment made: No. 8, page 11, line 27, at end insert—

'(6) In this section "public body" includes a parish council.'.—*[Mr. Alan Campbell.]*

Clause 20

CORRECTION OF ORDERS

Amendment made: No. 9, page 13, line 26, at end insert—

'(3) In subsection (2) "public body" includes a parish council.'.—*[Mr. Alan Campbell.]*

Clause 21

PRE-COMMENCEMENT INVITATIONS ETC.

Amendment made: No. 87, page 13, line 27, leave out Clause 21.—*[Mr. Alan Campbell.]*

New Clause 12

RESPONSIBILITIES OF COMMISSIONERS

'(1) Section 23 of the Local Government Act 1974 (c. 7) (appointment and removal of Commissioners) is amended as follows.

(2) For subsections (8) and (9) (allocation of cases by geographic area) substitute—

"(8A) The Commission must—

(a) divide the matters which may be investigated under this Part of this Act into such categories as they consider appropriate, and

(b) allocate, or make arrangements for allocating, responsibility for each category of matter to one or more of the Local Commissioners."

(3) In subsection (10)(a), for "to accept cases for which they are not responsible" substitute "to deal with matters for which they do not have responsibility pursuant to subsection (8A)".'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 13

POWER TO INVESTIGATE

'Before section 25 of the Local Government Act 1974 (c. 7) insert—

"24A Power to investigate

(1) Under this Part of this Act, a Local Commissioner may investigate a matter—

(a) which relates to action taken by or on behalf of an authority to which this Part of this Act applies,

(b) which is subject to investigation under this Part of this Act by virtue of section 26, and

(c) in relation to which subsection (2), (3) or (5) is satisfied.

(2) This subsection is satisfied if, in relation to the matter, a complaint which satisfies sections 26A and 26B has been made to a Local Commissioner.

(3) This subsection is satisfied if, in relation to the matter—

(a) a complaint which satisfies sections 26A and 26B has been made to a member of an authority to which this Part of this Act applies, and

(b) the complaint has been referred, or is treated as having been referred, to a Local Commissioner under section 26C.

(4) Any question whether subsection (2) or (3) is satisfied in relation to a matter shall be determined by a Local Commissioner.

(5) This subsection is satisfied if—

(a) the matter has come to the attention of a Local Commissioner, and

(b) section 26D applies to the matter.

(6) In determining whether to initiate, continue or discontinue an investigation, a Local Commissioner shall, subject to the provisions of this section and sections 26 to 26D, act in accordance with his own discretion.

(7) Without prejudice to the discretion conferred by subsection (6), a Local Commissioner may in particular decide—

(a) not to investigate a matter, or

(b) to discontinue an investigation of a matter,

if he is satisfied with action which the authority concerned have taken or propose to take."'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 14

AUTHORITIES SUBJECT TO INVESTIGATION

'(1) Section 25 of the Local Government Act 1974 (c. 7) (authorities subject to investigation) is amended as follows.

(2) In subsection (4), for paragraphs (b) and (c) substitute—

"(b) to a committee or sub-committee of that authority (including a joint committee or joint sub-committee on which the authority are represented),

and (for the avoidance of doubt) subsections (4ZA) to (5) apply for the purposes of this subsection."

(3) After subsection (4) insert—

"(4ZA) Any reference to an authority to which this Part of this Act applies also includes, in the case of a local authority operating executive arrangements, the executive."

(4) In subsection (4A) (Greater London Authority), omit paragraphs (b) and (c).

(5) Omit subsection (4B) (sub-committees of the London Transport Users Committee).

(6) In subsection (5)—

(a) in paragraph (c), after "constituted" insert "by the authority";

(b) in paragraph (d), after first "school" insert "maintained by the authority";

(c) in paragraph (e), after "constituted" insert "by the authority".

(7) After subsection (5) insert—

"(6) Subsection (7) has effect where an authority to which this Part of this Act applies exercise a function entirely or partly by means of an arrangement with another person.

(7) For the purposes of this Part of this Act, action taken by or on behalf of the other person in carrying out the arrangement shall be treated as action taken—

(a) on behalf of the authority, and

(b) in the exercise of the authority's function.

(8) Subsection (7) does not have effect where, by virtue of another enactment, the action would be treated as action taken by the authority."'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 15

MATTERS SUBJECT TO INVESTIGATION

'(1) Section 26 of the Local Government Act 1974 (c. 7) (matters subject to investigation) is amended in accordance with subsections (2) and (3).

(2) For subsection (1) substitute—

"(1) For the purposes of section 24A(1)(b), in relation to an authority to which this Part of this Act applies, the following matters are subject to investigation by a Local Commissioner under this Part of this Act—

(a) alleged or apparent maladministration in connection with the exercise of the authority's administrative functions;

(b) an alleged or apparent failure in a service which it was the authority's function to provide;

(c) an alleged or apparent failure to provide such a service.

(1A) Subsection (1) is subject to the following provisions of this section."

(3) Omit subsections (2) to (4) (procedure for making complaints).

(4) In Schedule 5 to that Act (matters not subject to investigation), for paragraph 3 substitute—

"3 (1) Action taken in matters relating to contractual or other commercial transactions of any authority to which Part 3 of this Act applies relating to—

(a) the operation of public passenger transport;

(b) the carrying on of a dock or harbour undertaking;

(c) the provision of entertainment;

(d) the provision and operation of industrial establishments;

(e) the provision and operation of markets.

(2) Sub-paragraph (1) does not include transactions for or relating to—

(a) the acquisition or disposal of land;

(b) the acquisition or disposal of moorings which are not moorings provided in connection with a dock or harbour undertaking.

(3) Sub-paragraph (1)(a) does not include action taken by or on behalf of the London Transport Users Committee in operating a procedure for examining complaints or reviewing decisions.

(4) Sub-paragraph (1)(e) does not include transactions relating to—

(a) the grant, renewal or revocation of a licence to occupy a pitch or stall in a fair or market, or

(b) the attachment of any condition to such a licence."'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 16

COMPLAINTS AND MATTERS COMING TO COMMISSIONERS' ATTENTION

'(1) After section 26 of the Local Government Act 1974 (c. 7) insert—

"26A Who can complain

(1) Under this Part of this Act, a complaint about a matter may only be made—

(a) by a member of the public who claims to have sustained injustice in consequence of the matter,

(b) by a person authorised in writing by such a member of the public to act on his behalf, or

(c) in accordance with subsection (2).

(2) Where a member of the public by whom a complaint about a matter might have been made under this Part of this Act has died or is otherwise unable to authorise a person to act on his behalf, the complaint may be made—

(a) by his personal representative (if any), or

(b) by a person who appears to a Local Commissioner to be suitable to represent him.

26B Procedure for making complaints

(1) Subject to subsection (3), a complaint about a matter under this Part of this Act must be made—

(a) in writing, and

(b) before the end of the permitted period.

(2) In subsection (1)(b), "the permitted period" means the period of 12 months beginning with—

(a) the day on which the person affected first had notice of the matter, or

(b) if the person affected has died without having notice of the matter—

(i) the day on which the personal representatives of the person affected first had notice of the matter, or

(ii) if earlier, the day on which the complainant first had notice of the matter.

(3) A Local Commissioner may disapply either or both of the requirements in subsection (1)(a) and (b) in relation to a particular complaint.

26C Referral of complaints by authorities

(1) This section applies where a complaint about a matter is made to a member of an authority to which this Part of this Act applies.

(2) If the complainant consents, the complaint may be referred to a Local Commissioner by—

(a) the member of the authority to whom the complaint was made,

(b) any other member of that authority, or

(c) a member of any other authority to which this Part of this Act applies which is alleged in the complaint to have taken or authorised the action complained of.

(3) Subject to subsection (4), a referral under this section must be made in writing.

(4) A Local Commissioner may disapply the requirement in subsection (3) in relation to a particular referral.

(5) If a Local Commissioner is satisfied that the complainant asked a member of an authority mentioned in subsection (2) to refer the complaint to a Local Commissioner, he may treat the complaint as if it had been referred to him under this section.

(6) In this section, references to a member of an authority include—

(a) in relation to a National Park authority, a member of any of the councils by whom a local authority member of the authority is appointed;

(b) in relation to a joint board, a member of any of the constituent authorities of the joint board;

(c) in relation to a joint authority established by Part 4 of the Local Government Act 1985, a member of a constituent council of that authority.'

26D Matters coming to attention of Local Commissioner

(1) This section applies to a matter which has come to the attention of a Local Commissioner if—

(a) the matter came to his attention during the course of an investigation under this Part of this Act,

(b) (subject to subsection (3)) the matter came to his attention—

(i) before the person affected or his personal representatives had notice of the matter, or

(ii) in any other case, before the end of the permitted period, and

(c) it appears to the Local Commissioner that a member of the public has, or may have, suffered injustice in consequence of the matter.

(2) In subsection (1)(b)(ii), "the permitted period" means the period of 12 months beginning with—

(a) the day on which the person affected first had notice of the matter, or

(b) if the person affected has died without having notice of the matter, the day on which the personal representatives of the person affected first had notice of the matter.

(3) A Local Commissioner may disapply the requirement in subsection (1)(b) in relation to a particular matter."

(2) In subsection 27 of that Act (provisions relating to complaints)—

(a) for the title substitute "Members of the public";

(b) in subsection (1), for the words before paragraph (a) substitute "In this Part of this Act, "member of the public" means an individual or a body of persons whether incorporated or not, other than—";

(c) omit subsection (2).'.—*[Mr. Alan Campbell.]*

Brought up, and read the First time and Second time, and added to the Bill.

New Clause 17

REPORTS AND STATEMENTS OF REASONS

'(1) Section 30 of the Local Government Act 1974 (c. 7) (reports on investigations) is amended as follows.

(2) For subsection (1) substitute—

"(1) If a Local Commissioner completes an investigation of a matter, he shall prepare a report of the results of the investigation and send a copy to each of the persons concerned (subject to subsection (1A)).

(1A) If, after the investigation of a matter is completed, the Local Commissioner decides—

(a) that he is satisfied with action which the authority concerned have taken or propose to take, and

(b) that it is not appropriate to prepare and send a copy of a report under subsection (1),

he may instead prepare a statement of his reasons for the decision and send a copy to each of the persons concerned.

(1B) If a Local Commissioner decides—

(a) not to investigate a matter, or

(b) to discontinue an investigation of a matter,

he shall prepare a statement of his reasons for the decision and send a copy to each of the persons concerned.

(1C) For the purposes of subsections (1) to (1B), the persons concerned are—

(a) the complainant (if any),

(b) any person who referred the matter under section 26C(2),

(c) the authority concerned, and

(d) any other authority or person who is alleged in the complaint, or who otherwise appears to the Local Commissioner, to have taken or authorised the action which is or would be the subject of the investigation."

(3) In subsection (2), for "the complaint" substitute "a complaint about the matter".

(4) In subsection (2AA)(a), for "the duty imposed by subsection (1)(c) above" substitute "the duty to send a report or statement to the Authority under subsection (1), (1A) or (1B)".

(5) In subsection (3)—

(a) after "report" (in each place) insert "or statement";

(b) for "the interests of the complainant and of persons other than the complainant" substitute "the interests of the complainant (if any) and of other persons".

(6) In subsection (3AA), after "report" insert "or statement".

(7) After subsection (3A) insert—

"(3B) Subsections (4) to (8) apply in the case of a report under subsection (1)."

(8) In subsection (7), for "the interests of the complainant and of persons other than the complainant" substitute "the interests of the complainant (if any) and of other persons".'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 18

POWER OF COMMISSIONERS TO MAKE RECOMMENDATIONS ETC

'(1) Section 31 of the Local Government Act 1974 (c. 7) (further provisions about reports on investigations) is amended as follows.

(2) For subsection (1) substitute—

"(1) This section applies where a Local Commissioner reports that there has been—

(a) maladministration in connection with the exercise of the authority's administrative functions,

(b) a failure in a service which it was the function of an authority to provide, or

(c) a failure to provide such a service."

(3) For subsection (2B) substitute—

"(2B) Where the report relates to maladministration, those recommendations are recommendations with respect to action which, in the Local Commissioner's opinion, the authority concerned should take—

(a) to remedy any injustice sustained by the person affected in consequence of the maladministration, and

(b) to prevent injustice being caused in the future in consequence of similar maladministration in connection with the exercise of the authority's administrative functions.

(2BA) Where the report relates to a failure in, or to provide, a service which it was the function of the authority to provide, those recommendations are recommendations with respect to action which, in the Local Commissioner's opinion, the authority concerned should take—

(a) to remedy any injustice sustained by the person affected in consequence of the failure, and

(b) to prevent injustice being caused in the future in consequence of a similar failure in, or to provide, a service which it is the function of the authority to provide."

(4) In subsection (3)(b), for "maladministration" substitute "the maladministration or failure".'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 19

PUBLICATION OF REPORTS ETC BY COMMISSIONERS

'After section 31A of the Local Government Act 1974 (c. 7) insert—

"31B Publication of reports etc by Commissioners

(1) A Local Commissioner may—

(a) publish all or part of a report or statement under section 30,

(b) publish all or part of a report under section 31,

(c) arrange for further publication of a statement published under section 31(2D) or (2G), or

(d) publish a summary of a matter which is the subject of a report or statement under section 30 or 31,

if, after taking into account the public interest as well as the interests of the complainant (if any) and of other persons, he considers it appropriate to do so.

(2) A Local Commissioner may—

(a) supply a copy of a report, statement or summary mentioned in subsection (1) to any person who requests it, and

(b) charge a reasonable fee for doing so.

(3) Subsection (3) of section 30 applies to a summary mentioned in subsection (1)(d) of this section as it applies to a report or statement prepared under that section."'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 20

DISQUALIFICATIONS

'(1) Schedule 4 to the Local Government Act 1974 (c. 7) (the Commission) is amended as follows.

(2) In paragraph 1(1) (disqualification for being Local Commissioner)—

(a) in paragraph (a), for "any of the authorities mentioned in section 25(1) of this Act" substitute "any authority to which Part 3 of this Act applies";

(b) in paragraph (b), omit "or is a member (by co-option) of a committee of any of those authorities".

(3) In paragraph 1(2) (restriction on Local Commissioners conducting cases), for the words from "has been a member of that authority" to the end substitute "—

(a) has been a member of that authority,

(b) has taken action on behalf of that authority in the exercise of any of their functions, or

(c) has taken action which, by virtue of an enactment, is treated as having been taken by that authority in the exercise of any of their functions."

(4) For paragraph 2 (disqualification of Local Commissioners for appointment to paid office by authority) substitute—

"2A A Local Commissioner shall be disqualified for being appointed to a paid office by an authority to which Part 3 of this Act applies—

(a) while the categories of matter for which the Local Commissioner has responsibility pursuant to section 23(8A) include—

(i) matters relating to the authority, or

(ii) matters of a description which may include matters relating to the authority, and

(b) for three years after the Local Commissioner ceases to have responsibility for such matters pursuant to section 23(8A)."'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 21

MINOR AND CONSEQUENTIAL AMENDMENTS

'Schedule (The Commission for Local Administration for England: minor and consequential amendments) (minor and consequential amendments) has effect.'.—*[Mr. Alan Campbell.]*

Brought up, read the First and Second time, and added to the Bill.

Clause 138

MAKING COMPLAINTS ETC ELECTRONICALLY

Amendments made: No. 108, page 96, line 3, leave out subsection (1).

No. 109, page 96, line 5, after '32' insert 'of the Local Government Act 1974 (c. 7)'.

No. 110, page 96, line 8, after '34' insert 'of that Act'.—*[Mr. Alan Campbell.]*

Further consideration adjourned.—*[Mr. Alan Campbell.]*

Bill, as amended in the Public Bill Committee, to be further considered tomorrow.

Norman Lamb (North Norfolk) (LD): On a point of order, Madam Deputy Speaker. Have you received any notice from the Secretary of State for Health that she intends to come to the House to make a statement to correct the record in the light of the statement made to the High Court today by Nicholas Greenfield, an official at the Department of Health, in the judicial review proceedings on the medical training application service, to the effect that one of the primary causes for the abandonment of the system for appointing junior doctors was that the IT system could not be relied upon to deal with appointments properly or effectively? In other words—the Department had no alternative but to abandon the scheme. That is a highly embarrassing fact and a key point that she omitted to mention in her written statement and in her response to this week's urgent question.

Madam Deputy Speaker (Sylvia Heal): I thank the hon. Gentleman for his point of order, but it is not something for the Chair to rule on. I have certainly not been made aware that any Minister wishes to come to the House on that matter.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees).

LORD CHANCELLOR

That the draft Lord Chancellor (Modification of Functions) Order 2007, which was laid before this House on 16th April, be approved.

REPRESENTATION OF THE PEOPLE

That the draft Representation of the People (Northern Ireland) (Amendment) Regulations 2007, which were laid before this House on 29th March, be approved.—*[Mr. Alan Campbell.]*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

DIPLOMATIC AND CONSULAR PROTECTION OF UNION CITIZENS IN THIRD COUNTRIES

That this House takes note of European Union Document No. 6192/07 and the UK response to the European Commission's Green Paper on Diplomatic and consular protection of Union citizens in third countries submitted to the Commission on 26th March 2007; joins the Government in welcoming the Commission's contribution to the ongoing debate on how to improve the efficiency and effectiveness of the consular assistance provided by Member States to one another's nationals; but notes the legal, political and practical difficulties to many of the proposals; and agrees with the Government's approach as laid out in its written response to the Commission.—*[Mr. Alan Campbell.]*

Question agreed to.

Blackwall Tunnel (Contraflow)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

6.5 pm

Robert Neill (Bromley and Chislehurst) (Con): I am delighted to have the opportunity to raise this important issue in the House. Perhaps I can briefly set out a little of the background. For 29 years, a contraflow system has operated during the morning peak hour in the Blackwall tunnel. That means that there are three lanes of traffic going northbound from south-east London and Kent into London, and one lane of traffic going south. That sensibly reflects the demands of the traffic at that time of the day. On 20 April, Transport for London, which took over responsibility for the Blackwall tunnel in 2000, with the creation of the Greater London authority, terminated that contraflow operation at something less than 48 hours notice. The effect of that was to reduce the capacity on the principal arterial route from south-east London, Kent and even the channel ports into London by one third at the busiest time of day.

Mr. John Horam (Orpington) (Con): I am grateful to my hon. Friend for giving way so early in his speech. I do not want to interrupt his flow, as Transport for London has interrupted the flow in the Blackwall tunnel. My constituents are extremely concerned—as I know his are—about the situation, and I am delighted that he has been able to bring it to the attention of the House so swiftly after the terrible event.

Robert Neill: I am grateful to my hon. Friend; he makes an important point. The issue has caused huge concern among residents in our part of south-east London. Both he and I, and my hon. Friend the Member for Bexleyheath and Crayford (Mr. Evennett), who is in his place, have received a huge number of letters and e-mails about the matter. Importantly, the issue also affects the strategic national road network—the A2, the A20 and, potentially, the Dartford crossing. It has significant implications.

The practical effects for drivers using the tunnel were well set out in the *Evening Standard* the following week, which stated:

> "Approach roads to the Blackwall Tunnel have been in 'absolute chaos' this week after a...priority scheme was scrapped...As early as 6am, drivers have been left fuming in tailbacks...Queues have tailed back three miles to the South Circular Road".

Having looked at the scene on a number of occasions, I can verify that. The change has brought chaos to the area and there have been frequent reports that it has added anything up to an hour extra to the journeys of people coming in through that key entry point to central London.

Damian Green (Ashford) (Con): I can reinforce my hon. Friend's point by saying that constituents of mine who live 40 miles from the Blackwall tunnel are having their businesses seriously damaged by the delays. This is not just a disaster for south-east London; it is a disaster all over Kent. It is particularly hurtful to those people, because they have no chance to choose the Mayor of London, who runs Transport for London. Their lives are being severely damaged and they have no say over the person who is damaging them.

Robert Neill: My hon. Friend makes two important points: first, that the issue goes well beyond the London boundary, which is why I am raising it with the Minister tonight; and secondly, that it is not just a matter of inconvenience for commuters, but does economic harm and harm to business. He also draws attention to the fact that the people who use the Blackwall tunnel at that time of day do not do so for the sake of their health, despite the rather extraordinary comment of a Transport for London official, who said that many of the people using the tunnel could choose to do otherwise. They do it because they have no alternative. That is why the issue is so important.

That importance has been reflected in correspondence and in a number of website petitions. The decision has been condemned by the AA, by the RAC Foundation, by the Association of British Drivers, by London Councils, on behalf of all the London boroughs on a cross-party basis, and by other local authorities.

Two issues arise: first, the justification for the decision itself, and secondly, the complete lack of consultation, debate or any assessment of alternatives. That second point goes to the heart of the lack of accountability of Transport for London to Londoners and their elected representatives.

Ostensibly, the decision is said to have been made on the advice of the Metropolitan police because there had been an increasing number of near misses and there was a road safety hazard. Obviously, that is something that we want to look into, but we have to remember that the scheme has been operating for the better part of 30 years, while volumes of traffic have increased, which is not likely to have happened overnight.

Very little evidence has been released by TFL to justify the decision, and such as there is is, frankly, flimsy. The material that we have so far—getting information out of TFL is like drawing teeth—indicates that there have been 99 accidents in the area of the tunnel over the last three years. I am not aware of any fatalities, or of the seriousness of any of the accidents. When we look further, however, we find that only six of them occurred during the period that the tidal flow is in operation. That is an average of two a year—hardly a significant figure, given the volume of traffic on that road. It probably compares pretty well with the figures for many of the routes coming into London at that time of day. That is a wholly inadequate evidential basis for taking such a major step.

The evidence raises a number of other questions. There is closed circuit television in the tunnel. TFL relied on evidence of near misses. As the RAC legitimately points out, if some people—a minority of drivers—are driving badly, the first thing that TFL and the police should do is prosecute those people, because they have the footage to do so. We have no evidence of any prosecutions being mounted. It is wrong to use the misbehaviour of a minority to cancel a scheme that benefits the vast law-abiding majority.

In addition, it would have been possible to consider a much more rigorous prosecution policy—to publicise the prosecutions, as has been done successfully for drink-driving and for assaults on TFL staff. Why not consider having a visible police presence at the entry and exit to the tunnel? We could look at installing much more warning signage before and inside the tunnel. We could consider having cameras showing average speeds, which are already installed in the Limehouse link, not far away. All those alternatives should have been considered before this drastic step was taken.

A second point that TFL relied on was guidance under a European directive, but when we examined that we found that it applies to the trans-European network, of which the Blackwall tunnel is not part, so that hardly stacks up either.

As for the complete lack of consultation, it has become apparent that TFL had some concerns about the issue when a report by Capita, its favourite consultant, was submitted in 2005. One might have thought from TFL's justification for the decision that it was a sudden and urgent matter, but in fact it was an issue in 2005. The obvious and responsible thing to do would have been to bring it into the public domain then, so that all those alternatives that I have just listed could have been raised with the local authorities, the Highways Agency, the Department for Transport—and, indeed, the travelling public. We could have had a sensible debate about how to resolve the problem, if there was one. None of that was done.

We have also discovered that on 12 January—the Minister kindly confirmed this for me—TFL discussed with the Highways Agency the potential cessation of the contraflow. It claims that it also discussed it with the London borough of Greenwich, which is where the tunnel comes out, although the people there are by no means the most affected by the decision. In fact, the London borough of Greenwich says it has no record of any such meeting or discussion taking place. Someone is not telling the truth—and my money is on the London borough of Greenwich being right.

There was no consultation, but if TFL was making the proposal in January, why did it not bring the matter into the public domain at that time? Still nothing was done. The decision was taken at a meeting of the Transport for London road traffic board—apparently a private meeting—on 28 March. It was recommended that a communications and consultation strategy be put in place, building up to a closure of the scheme on 30 July. In fact there was no such communication or consultation, and there was an abrupt closure on 30 April. No evidence has been adduced and no reason has ever been given for that change of tack in TFL's handling of the matter.

I regret to say that such behaviour is absolutely typical of Transport for London. It has form—form as long as your arm, to use a lawyer's phrase—in terms of operating in a high-handed fashion, keeping decisions close and within itself, and not consulting partners. Its failure to consult has been criticised by the London assembly, criticised on the Floor of the House during debates on the Greater London Authority Bill, and repeatedly criticised in the press. TFL's behaviour meant that the assembly, which is charged with oversight of London policy, had no opportunity to debate the proposal—a significant strategic matter—in advance. That was wrong. What on earth was Transport for London hiding?

We know that there are likely to be effects on the national road network. There must be a risk of effects on the Dartford crossing, through displacement, and on the new Thames Gateway bridge, which is being considered by the Department for Transport. None of that has been brought into the public domain. That is the second real rub. A decision was taken based on the most dubious and limited evidence, and no attempt was made to take public opinion along or to consult partners. On any view, that cannot be right. Such conduct certainly ignores the guidance issued under the Highways Act 1980 that there should be consultation on such matters.

I know that the Under-Secretary of State for Transport, the hon. Member for Lincoln (Gillian Merron), does not have direct managerial responsibility for this matter, and I am grateful to her for the assistance that she has given. However, she can put pressure on Transport for London and the Mayor, and can point out that there are implications that go beyond their own little bailiwick, and that other ways of dealing with the matter should be considered. I hope that she will consider whether her Department should contact the Mayor and Transport for London as a matter of urgency, and say that the issue should be reviewed.

Perhaps the Department could say that the contraflow should be reinstated until such time as there has been a proper risk assessment and public debate, all the evidence has been put in the public domain, and all the alternatives have been looked at. Then we will be able to consider the options in a mature fashion and come to a decision that has some chance of taking the travelling public with it. Unless that is done, it will inevitably be believed that Transport for London has a hidden agenda. It is ironic that only a matter of weeks before, the Mayor had to backtrack on the suggestion of introducing a congestion zone in the Greenwich area around the Blackwall tunnel. It would be in their own interests for TFL and the Mayor to be up-front with people about what is driving the decision.

I know that other hon. Members want to speak, so I shall simply say that I am grateful to have had the opportunity to raise this issue, which affects hundreds of thousands of people in London and the south-east.

6.18 pm

John Austin (Erith and Thamesmead) (Lab): I thank the hon. Member for Bromley and Chislehurst (Robert Neill) for allowing me to speak in his debate. I share his view that it is important that we have the widest possible consultation and debate on the implications of what has happened. As the hon. Gentleman said, the southern portal of the tunnel is in Greenwich, but my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) is unable to be here this evening because of an important constituency engagement.

Although I share Opposition Members' concerns about the implications of the peak hours changes for traffic flow, congestion and pollution, and about the lack of open debate and consultation, I wonder whether the hon. Gentleman has actually seen the CCTV footage of traffic in the tunnel that led the police to advise TFL to make changes on safety grounds.

Robert Neill: I assure the hon. Gentleman that I have.

John Austin: I wonder what the Opposition would be saying if Transport for London had not heeded the police advice and a head-on collision had occurred in the tunnel. The hon. Gentleman talks of near misses, but the consequences of a head-on collision would be horrendous. The evidence suggests that the emergency services would not be able to get to the scene, and there could be damage to the tunnel, which would not just affect the tidal flows but put it out of action for months, if not years.

I share the concerns that the hon. Gentleman expressed about the lack of debate, information and consultation, but my view, which is shared by my right hon. Friend the Member for Greenwich and Woolwich, is that it would have been difficult for Transport for London to ignore the clear police advice on the subject. Nevertheless, the changes present real problems, not only for neighbouring areas but for more distant ones, too, and hon. Members have referred to those problems. If my right hon. Friend were here tonight, he would argue that the changes in tidal flow highlight the importance of an urgent reappraisal of the case for a third Blackwall crossing—the Silvertown link, which he and I both supported.

As the Minister knows, I, and others in the Chamber, were objectors to the Thames Gateway bridge. I have drawn to her attention the implications for traffic flows of proposed changes to the tolls at the Dartford crossing and of changes at Blackwall. The extra traffic expected at the proposed Thames Gateway bridge is likely to mean that tolls on that bridge would have to be changed. The Minister has so far rejected my calls, and calls from the hon. Member for Old Bexley and Sidcup (Derek Conway) and my hon. Friend the Member for Eltham (Clive Efford), for the reopening of the Thames Gateway inquiry to take account of revised traffic forecasts, but I hope that she will now agree that the case has been made for reopening that inquiry to take account of the new situation, following the cessation of the peak tidal flow at Blackwall.

6.21 pm

Mr. David Evennett (Bexleyheath and Crayford) (Con): I am grateful to my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) for allowing me to make a short contribution to his Adjournment debate. I congratulate him on obtaining the debate and on his excellent speech. He has set out well the concerns about the termination of the Blackwall tunnel peak-hour contraflow, and I know that the Under-Secretary of State for Transport, the hon. Member for Lincoln (Gillian Merron), who is a rational and reasonable woman, listened avidly to what he said. I hope that she will take on board his comments and make representations to the Mayor and Transport for London after the debate.

The lack of consultation, the speed with which the change was implemented, the failure of TFL and the police to give the real facts and figures behind the termination, the consequent problems of traffic congestion and the increase in pollution are the real issues that need to be addressed, and that is what we are debating this evening. Of course, as the hon.

[Mr. David Evennett]

Member for Erith and Thamesmead (John Austin) said, we are all concerned about road safety, the consequence of accidents in the tunnel and the deteriorating standards of driving on our roads. Those are worrying issues and they need to be addressed. However, the contraflow has been in operation for nearly 30 years.

There are driving and safety issues for both tunnels, and not just during the contraflow. The behaviour of some of the drivers in the tunnel when the contraflow is not in place is quite appalling. Why are the offenders not severely punished? There should be more traffic cameras and more investment in the tunnels. The police should do more, and there could perhaps be notices warning motorists that crossing the white lines or overtaking in the tunnel will result in tough punishment. People in lorries, cars vans or motorbikes who drive dangerously, cross the white line, overtake or drive badly, or in some cases disastrously, would then face really tough punishments.

Does TFL have any long-term plans? The hon. Member for Erith and Thamesmead said that the situation needs to be improved; perhaps we should consider a bridge over the Blackwall tunnel, just as at Dartford, but we would not want it to be tolled, as the bridge at Dartford is. The costs of that toll are going up, and that will be a problem for those who have to pay the extra cost every time they cross.

In conclusion, problems include the speed with which the change was implemented, the failure to discuss and debate, and the inability of TFL and the police to get the information into the public domain. The public should know that information, so that the bodies concerned can take the public with them, whatever decisions are taken in future. In the short term, I hope that the contraflow will be reopened and that more consultation and discussion will take place on this important issue.

6.24 pm

The Parliamentary Under-Secretary of State for Transport (Gillian Merron): I congratulate the hon. Member for Bromley and Chislehurst (Robert Neill) on securing this debate on what is clearly an important matter not only for his constituents, but for many constituents of other Members present and of Members who could not be with us. I appreciate its seriousness and I also appreciate the manner in which Members have raised their concerns this evening.

As hon. Members know, responsibility for operating the Blackwall tunnel lies with Transport for London, which maintains it and takes operational decisions on its use, in conjunction with the Metropolitan police. However, the Government do of course take an interest in how TFL operates its network and the outcomes, not least because reducing congestion and improving road safety are of paramount importance to us. We work in the expectation that TFL deliver will on both those objectives.

Let me give a little of the background history. The tidal flow system was introduced in 1978 in Blackwall's southbound tunnel. During brief periods during the morning peak, one of the two lanes in the southbound tunnel was turned over to northbound traffic, which was done in response to traffic patterns at the time. The decision to run a tidal flow system in the Blackwall tunnel was never an ideal solution. Although it made more efficient use of the tunnel, it has become less efficient as traffic flows have changed. Operating a tidal flow system also introduced "head-on" traffic conditions. TFL tells me that that risk of accidents has risen under that system and is far higher than under a single-flow traffic system.

The Metropolitan police operate tidal flow at Blackwall. They observe traffic levels and take operational decisions on exactly when the tidal flow should be opened during the morning peak. It is incumbent on TFL to respect their views when making strategic decisions on the safety of the tunnel's operation, and TFL can operate the tidal flow system only with the support of the Metropolitan police, who recently approached TFL with reports of increasing levels of dangerous driver behaviour in the southbound tunnel. They were particularly concerned about the increasing number of drivers overtaking in the tunnel.

The Metropolitan police were becoming increasingly uncomfortable with having to operate the tidal flow, and the issue was brought to a head by accidents in the tunnel on 10 and 17 April. However, it was not just a question of the increasing risk of accidents. A crash in the tunnel could have appalling consequences, such as a fire, or the huge disruption that TFL was mindful might result from a major incident in the tunnel. Such an incident could mean the total closure of one tunnel, and possibly both.

TFL's safety record is impressive, and like the Government it is meeting challenging targets to reduce road casualties.

Clive Efford (Eltham) (Lab): Last Friday, Len Duvall, the Greater London authority member for Greenwich and Lewisham, and I met representatives of TFL to discuss this issue, and I can confirm the facts that my hon. Friend has just given and those given by the hon. Member for Bromley and Chislehurst (Robert Neill). Does my hon. Friend agree that the information from the police, particularly on recent incidents, is extremely compelling upon TFL? It had a lot of difficulty in sticking to the time scale that it set for holding a public consultation and informing people of this change. If a further accident had happened, there could have been some recourse to compensation from TFL, and some blame laid at its door for not taking heed of what the police had said.

Gillian Merron: I thank my hon. Friend for that contribution. All Members will agree that it would be quite wrong of TFL to dismiss any advice given to it by the Metropolitan police. I will deal in a moment with the consultation arrangements, which are well worthy of a mention.

Modelling was carried out by TFL, which of course felt compelled, as my hon. Friend the Member for Eltham (Clive Efford) has just said, to act to protect the public. The modelling showed that additional queuing on the approach roads was possible until the situation had stabilised. Analysis also showed the likely diversionary impact, and TFL was satisfied that traffic diverted to other routes could safely and efficiently

disperse across other routes. TFL did indeed, as we have heard, discuss its concerns with the Highways Agency. The agency was content that if TFL and the police decided that tidal flow could no longer be sustained, the decision would have only a negligible impact on its roads.

So what has happened? Northbound congestion has increased, as anticipated, and there is indeed a clear impact on the A2, the A102 and other northbound approach roads. Clearly, that is frustrating to drivers and residents in the area, and I appreciate that it is far from ideal. Any change to traffic flows takes time to bed down as traffic diverts and dissipates across a broad area. TFL is monitoring traffic levels and will take remedial action where necessary. Of course, there is another side to the story. The release of southbound capacity within the tunnel has had a beneficial impact on traffic conditions north of the river.

It is not for the Government to defend the individual operational decisions that TFL and the police make. I agree with hon. Members that TFL might have engaged more effectively with stakeholders, including hon. Members, and might have given earlier warning of the termination of the tidal flow. However, once the decision to withdraw the tidal flow had been made by TFL, the police took the view that there was no alternative but to implement that decision without delay. That unfortunately meant that TFL was unable to communicate the decision widely, as had been planned.

I understand that TFL has offered concerned Members of the House, as well as local councillors, the chance to be briefed in detail on the decision to end the tidal flow system. I can assure all hon. Members that the concerns that they expressed this evening will be raised directly with Transport for London, which I know will be paying close attention to the debate.

Robert Neill: I thank the Minister for the care that she has taken with her reply. Can she confirm that there was no impediment to Transport for London, had it so chosen, placing in the public domain any of the information that it received from the police, which the hon. Lady has helpfully given us?

Gillian Merron: I regret that I cannot give the hon. Gentleman such an assurance. The point that I am trying to convey is that there was no lack of will on the part of TFL, but that it acted for operational reasons. It is conscious of the fact that it did not involve hon. Members and others, as it would have liked. I am keen to ensure that I draw to the attention of TFL all the concerns that have been voiced in the House this evening.

To conclude, continuing a system that TFL, on advice from the Metropolitan police, believed to be inherently dangerous would have been irresponsible. It is not for the Government to second-guess this decision. It was rightly a matter for those two bodies to determine. However, I can give the assurance that the Government will, of course, continue to liaise with TFL on the matter, and I shall take a personal interest in it.

Question put and agreed to.

Adjourned accordingly at twenty-seven minutes to Seven o'clock.

House of Commons

Friday 18 May 2007

The House met at half-past Nine o'clock

PRAYERS

The First Deputy Chairman of Ways and Means took the Chair as Deputy Speaker, pursuant to the Standing Order.

Point of Order

9.33 am

David Howarth (Cambridge) (LD): On a point of order, Madam Deputy Speaker. At this point in the day, is it in order to move a motion that the House do sit in private? It has been almost customary for an hon. Member to do so. Today, however, a large number of petitions are before the House. Will you rule on whether it is in order to move a motion that the House do sit in private when the next business is the presentation of petitions? It seems to me that the whole purpose of presenting a petition is that it is done in public, so the two Standing Orders are in conflict—

Madam Deputy Speaker (Sylvia Heal): Order. I remind the hon. Gentleman that he is raising a point of order rather than making a speech. I will now rule on that point of order. Of course, a motion that the House do sit in private can be moved at any stage during today's debate.

Mr. Andrew Dismore (Hendon) (Lab): I beg to move, That the House do sit in private.

Question put forthwith, pursuant to Standing Order No. 163 (Motions to sit in private):—

The House proceeded to a Division.

Madam Deputy Speaker: I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 0, Noes 52.

Division No. 118] **[9.35 pm**

AYES

Tellers for the Ayes: **Jim Sheridan**
Mr. Andrew Dismore and

NOES

Baker, Norman
Baldry, Tony
Barker, Gregory
Bell, Sir Stuart
Brady, Mr. Graham
Brown, rh Mr. Nicholas
Burns, Mr. Simon
Burstow, Mr. Paul
Burt, Lorely
Cable, Dr. Vincent
Chope, Mr. Christopher
Cousins, Jim
Djanogly, Mr. Jonathan
Duddridge, James
Dunne, Mr. Philip
Ellwood, Mr. Tobias
Fabricant, Michael
Fisher, Mark
Fitzpatrick, Jim
Goldsworthy, Julia
Hammond, Stephen
Harris, Dr. Evan
Heath, Mr. David
Hollobone, Mr. Philip
Howarth, David
Hughes, Simon
Jones, Mr. Kevan
Keeble, Ms Sally
Knight, rh Mr. Greg
Mackay, rh Mr. Andrew
Maclean, rh David
MacShane, rh Mr. Denis
Maples, Mr. John
Marshall, Mr. David
McIsaac, Shona
Mudie, Mr. George
Neill, Robert
Norris, Dan
Öpik, Lembit
Pound, Stephen
Reid, Mr. Alan
Sanders, Mr. Adrian
Shepherd, Mr. Richard
Soulsby, Sir Peter
Swinson, Jo
Twigg, Derek
Vara, Mr. Shailesh
Watson, Mr. Tom
Williams, Hywel
Williams, Mr. Roger
Williams, Stephen
Winnick, Mr. David

Tellers for the Noes:
Mr. Tim Boswell and
Mark Pritchard

Question accordingly negatived.

9.50 am

Mr. David Winnick (Walsall, North) (Lab): On a point of order, Madam Deputy Speaker. On Wednesday, in response to a point of order from me regarding today's debate, Mr. Speaker said that everyone will get a voice in this Chamber, which is of course to be expected. Will there be a proper opportunity to debate fully the important issues addressed by the private Member's Bill that we are about to discuss, and which is of crucial importance to the standing of Parliament? You will have noticed, Madam Deputy Speaker, that a number of Ministers and Whips are present. That places us ordinary Back Benchers at a disadvantage—

Madam Deputy Speaker: Order. I am afraid that the hon. Gentleman is beginning to debate the Bill rather than make his point of order, which I shall respond to. As always, the occupant of the Chair will ensure that there is fair debate and will judge that on the conduct of the debate during this morning's proceedings.

Mr. Dismore: Further to an earlier point of order, Madam Deputy Speaker, as the Liberal Democrats are so keen on presenting their petitions, would it not be appropriate for them to inform the House why they were so tardy in the Lobby that we had to wait for the Serjeant at Arms to chase them out?

Madam Deputy Speaker: That is not a point of order for the Chair.

David Maclean (Penrith and The Border) (Con): On a point of order, Madam Deputy Speaker. I was going to raise the same point as the hon. Member for Hendon (Mr. Dismore). Although it has been ruled as a non-point of order, it is still a valid debating point.

Madam Deputy Speaker: Order. I shall now proceed to take petitions, to enable Members who wish to present them to do so.

Norman Baker (Lewes) (LD): I have six petitions, Madam Deputy Speaker, and I seek your guidance as to whether they should be presented in the order in which they were submitted. Is that important?

Madam Deputy Speaker: All the petitions are down to be presented at the commencement of proceedings, as provided for in the Standing Orders.

PETITIONS

Lewes Bypass

9.53 am

Norman Baker (Lewes) (LD): The first petition is from Councillor James MacCleary and others of like disposition and concerns noise from the Lewes bypass, which is a matter that affects many of my constituents and which would be eminently curable if the Department for Transport were to take action by supplying a better road surface.

The petition states:

Wherefore your Petitioners pray that your honourable House shall urge the Department for Transport to ensure that sufficient funding is made available in 2008/9 to ensure that the Lewes Bypass can be resurfaced in line with the designs resulting from technical surveys due to be carried out this financial year.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

Fingerprinting of Children

9.53 am

Norman Baker: The second petition is also from Councillor James MacCleary and others of like disposition. *[Interruption.]* The petition expresses concern about the increasingly common practice of fingerprinting children in schools. *[Interruption.]* I hope that you can hear me above the background noise, Madam Deputy Speaker.

Madam Deputy Speaker (Sylvia Heal): Order. We are trying to proceed with the petitions.

Norman Baker: Thank you, Madam Deputy Speaker.

The petition notes that an average of 20 educational establishments in each local education authority are now fingerprinting pupils and it regards that as an intrusion on basic civil liberties.

The petition states:

Wherefore your Petitioners pray that your honourable House shall urge the Department for Education and Skills to legislate in order that parental consent is required in advance of any fingerprinting of children in schools.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

Lewes-Uckfield Railway Line

9.54 am

Norman Baker: The next petition—[Hon. Members: "Which one is this?] It is the third petition, to answer the question from the Labour Benches. *[Interruption.]*

Madam Deputy Speaker: Order. Too many conversations are breaking out across the Chamber.

Norman Baker: I am grateful for your support, Madam Deputy Speaker.

The third petition is from Councillor Ann De Vecchi and others of like disposition and concerns a local matter that has had considerable cross-party support over a long period: the campaign to re-open the Lewes-Uckfield railway line which East Sussex county council closed in 1969.

The petition states:

Wherefore your Petitioners pray that your honourable House shall urge the Department for Transport to consider the immediate reinstatement of the double track railway line between Lewes and Uckfield.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

Farmers (Milk Prices)

9.55 am

Norman Baker: The fourth petition is also from Councillor Ann De Vecchi and others of like disposition and represents the concerns of the farming community in my constituency, in particular about the drop in milk prices paid to farmers.

The petition states:

Wherefore your Petitioners pray that your honourable House shall urge the Department for Environment, Food and Rural Affairs to introduce a tough, legally binding supermarket code effective for the whole food chain from farm to fork to ensure all supermarkets do not exploit suppliers, farmers or consumers and establish a Food Trade inspector with powers to investigate proactively any abuse of market power.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

Mr. Andrew Dismore (Hendon) (Lab): On a point of order, Madam Deputy Speaker. Although my eyesight might be failing slightly, as I look across from my seat at the documents that the hon. Gentleman is reading out, it appears that there are only about half a dozen names on each petition, and I suspect that the handwriting is the same on each, as are the signatures. When the hon. Gentleman reads out his petitions will he tell us how many different people have signed each of them?

Madam Deputy Speaker: Order. If the petitions are being presented today in this Chamber that means that those petitions are in order.

Seaford Drill Hall

9.56 am

Norman Baker: The fifth petition is from Councillor Jon Freeman and others of like disposition. It is concerned with the future of the Drill hall on Broad street in Seaford. The building is owned by the Ministry of Defence and it has been sitting empty for some considerable time in a dilapidated state in what is an important town centre location.

The petition states:

Wherefore your Petitioners pray that your honourable House shall urge the Ministry of Defence to clarify its position with regard to the future of the Seaford Drill Hall and to consider selling the building for local community use.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

International Whaling Commission (Japan)

9.57 am

Norman Baker: The final petition is from Councillor James MacCleary and others of like disposition and concerns the practice of the Japanese Government of influencing other countries—inappropriately, the petitioners believe—to support Japan's position in negotiations at the International Whaling Commission to end the moratorium on whaling.

The petition states:

Wherefore your Petitioners pray that your honourable House shall urge the Foreign Office and the Department of Environment, Food and Rural Affairs to make representations to the Japanese Government, and all of her client states on the International Whaling Commission, to refrain from removing the international moratorium on commercial whaling.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

David Maclean (Penrith and The Border) (Con): On a point of order, Madam Deputy Speaker. The hon. Member for Lewes (Norman Baker) has a reputation for taking a high-minded view on freedom of information. Doubt has been cast on the number of signatures on the petitions and their validity. Will he publish them or—

Madam Deputy Speaker: Order. I have already ruled on that point of order. Let me repeat the ruling: if petitions are being presented in this House, they meet all the necessary requirements.

Community Hospitals

9.58 am

Mr. Roger Williams (Brecon and Radnorshire) (LD): It gives me great pleasure to introduce two petitions representing local concerns in the Brecon and Radnorshire constituency. The first of them is from Councillor William Powell and others of like disposition and expresses concern about the possible closure of community hospitals in the area.

The petition states:

That there is unanimous support among local residents to keep open the community hospitals in Knighton, Builth Wells and Bronllys. That these hospitals provide excellent local healthcare for the very young to the very old and provide facilities for visiting specialists to deliver outpatient treatments and consultations. That the hospitals work well with the local general practitioners to provide an integrated healthcare service. That excellent care is provided for people suffering such illnesses as strokes at these locations which are accessible to the general public, and that local people look towards developing and expanding these centres of excellence, rather than their closure.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

National Lottery Funding

10 am

Mr. Roger Williams: Councillor William Powell and others of like disposition are concerned about the lack of funding for local cultural events because lottery funding has been diverted to the 2012 Olympics.

The petition states:

That, because of the awarding of the 2012 Olympics to London, national lottery funding has been largely redirected to related projects, which will starve important local organisations and community groups of much-needed core funding.

That that threatens the very survival of much-loved grass-root community events such as the Talgarth festival of the Black mountains, and similar cultural events in Wales and throughout the United Kingdom.

And your Petitioners, as in duty bound, will ever pray.

To lie upon the Table.

Madam Deputy Speaker: Further petitions stand over until immediately before the moving of the motion for the Adjournment.

Before we move to the Bill and I call the hon. Member for Lewes (Norman Baker) to continue his speech on the group of amendments for consideration, I remind the House that he has already spoken on them for well over an hour, and I am sure that he is beginning to bring his remarks to a conclusion. In any case, I do not expect him to repeat the arguments that he has already made at great length.

Mr. David Heath (Somerton and Frome) (LD): On a point of order, Madam Deputy Speaker. Those of us who were in the No Lobby just a moment ago exercising our vote were disturbed to see a substantial trip hazard. A bucket has been placed in the middle of the Lobby. Is it possible to investigate the matter and to ensure that there is no danger to Members when exercising their vote later in the morning?

Madam Deputy Speaker: I thank the hon. Gentleman for his concern. I must advise him that I have been made aware of the bucket in the No Lobby and the drip that is the reason for the bucket's being there in the first place. The matter is already being investigated, and all Members are now fully aware that the bucket is present.

Simon Hughes (North Southwark and Bermondsey) (LD): On a point of order, Madam Deputy Speaker. Mr. Speaker has selected a group of the amendments that were tabled. Could you take time to consider whether we might add two amendments—Nos. 75 and 77—to that group during the day, on the basis that they are on separate matters not dealt with in the group that are absolutely relevant to the parts of the Bill that we will be considering?

Madam Deputy Speaker: I must remind the hon. Gentleman that Mr. Speaker has already made the selection of amendments, and there is no scope now for further amendments to be added.

Mark Fisher (Stoke-on-Trent, Central) (Lab): On a point of order, Madam Deputy Speaker. You were giving advice to the hon. Member for Lewes (Norman Baker) about the length of his speech. Under what Order of the House are speeches time-limited? I was not aware that the Speaker could limit the length of time that we speak, so I am a little confused as to why you should mention it. *[Interruption.]*

Madam Deputy Speaker: Order. I am sure that the hon. Gentleman, who is an experienced Member of this House, is well aware of the rule about repetition—

[Madam Deputy Speaker]

tedious repetition. I was merely pointing that out. It is important that we continue the debate—as indeed it is for other Members who perhaps wish to catch my eye during our proceedings.

Mark Fisher: Further to that point of order, Madam Deputy Speaker. I absolutely understand the point about repetition, but it appeared to me that you were saying something about length, rather than repetition.

Madam Deputy Speaker: I am sure that the hon. Gentleman will reflect on what I have said, because I do not think that he really intends to challenge the ruling that I have just made.

Lorely Burt (Solihull) (LD): On a point of order, Madam Deputy Speaker. Unfortunately, I was unable to obtain a list of the amendments that have been selected for debate today until quite late on. I am a relatively new Member of this House, and some of us—*[Interruption.]*

Madam Deputy Speaker: Order. I must hear the point of order that the hon. Lady is making.

Lorely Burt: I am grateful, Madam Deputy Speaker. As a relatively new Member, I like to plan what I am going to say, and as my office is in the outer Hebridean equivalent of the parliamentary estate—Norman Shaw North—it is very difficult to do so when one cannot obtain the selection list until just before the debate. Will you investigate the matter and see whether the service for Members can be improved?

Madam Deputy Speaker: The amendments selected by Mr. Speaker were available yesterday, and in the appropriate offices when they opened this morning. They are also available on the internet. I must remind the hon. Lady that if Members have an interest in a particular Bill or motion before the House it is incumbent on them to make the necessary inquiries.

Orders of the Day

Freedom of Information (Amendment) Bill

As amended in the Public Bill Committee, further considered.

Clause 1

EXEMPTION OF HOUSE OF COMMONS AND HOUSE OF LORDS

Amendment proposed [20 April]: No. 2, in page 1, line 5, leave out subsection (3).—*[Norman Baker.]*

10.6 am

Question again proposed, That the amendment be made.

Madam Deputy Speaker (Sylvia Heal): I remind the House that with this we are discussing the following amendments:

No. 14, page 1, leave out lines 7 to 12 and insert—

'(1) For the purposes of section 41(1), information which—

(a) is held only by virtue of being contained in a communication between a member of the House of Commons, acting in his capacity as such, and a public authority, and

(b) consists of information relating to the personal affairs of a constituent of that member

shall, unless the contrary is indicated, be deemed to have been communicated in circumstances importing an obligation of confidence.'.

No. 40, page 1, leave out lines 7 to 12 and insert—

'(1) For the purposes of section 41(1), information which—

(a) is held only by virtue of being contained in a communication between a member of the House of Commons, acting in his capacity as such, or a member of the House of Lords, and a public authority, and

(b) in the case of a member of the House of Commons, consists of information relating to the personal affairs of a constituent of that member,

shall, unless the contrary is indicated, be deemed to have been communicated in circumstances importing an obligation of confidence.'.

No. 10, page 1, line 7, leave out from beginning to end of line 9 and insert—

'(1) Information is exempt information if—

(a) it is held only by virtue of being contained in any communication between a member of the House of Commons, acting in his capacity as such, and a public authority, and

(b) it consists of personal data relating to a constituent of that member, and

(c) the constituent has not consented to its disclosure.'.

No. 11, page 1, line 7, leave out from beginning to end of line 9 and insert—

'(1) Information is exempt information if—

(a) it is held only by virtue of being contained in any communication between a member of the House of Commons, acting in his capacity as such, and a public authority, and

(b) it consists of—

(i) personal data relating to an individual in connection with whom the member has made representations or enquiries and the individual has not consented to its disclosure, or

(ii) information relating to the personal affairs of a deceased individual.'.

No. 41, page 1, line 7, leave out from beginning to end of line 9 and insert—

'(1) Information is exempt information if—

(a) it is held only by virtue of being contained in any communication between a member of the House of Commons, acting in his capacity as such, or a member of the House of Lords, and a public authority, and, in the case of a member of the House of Commons,

(b) it consists of personal data relating to a constituent of that member, and

(c) the constituent has not consented to its disclosure.'.

No. 42, page 1, line 7, leave out from beginning to end of line 9 and insert—

'(1) Information is exempt information if—

(a) it is held only by virtue of being contained in any communication between a member of the House of Commons, acting in his capacity as such, or a member of the House of Lords, and a public authority, and

(b) if consists of—

(i) personal data relating to an individual in connection with whom the member has made representations or enquiries and the individual has not consented to its disclosure, or

(ii) information relating to the personal affairs of a deceased individual.'.

No. 12, page 1, line 9, at end insert

', except insofar as it relates to any representations which the member has made to the authority in connection with—

(a) any matter of policy which it has adopted or may adopt, or

(b) any decision which it has taken or may take other than a decision expressed in terms which affect only the personal affairs of a particular individual or individuals'.

No. 24, page 1, line 9, at end insert—

'(1A) Information is not exempt by virtue of this section if it is—

(a) contained in a communication made to or received from a public authority from whom the member receives any remuneration or benefit, and

(b) relates to that remuneration or benefit whether or not the remuneration or benefit is recorded in the Register of Members' Interests.'.

No. 44, page 1, line 9, at end insert—

'(1A) Information is not exempt by virtue of this section if it is contained in any letter between a member of the House of Commons or House of Lords and a Government minister.'.

No. 25, page 1, line 12, at end insert—

'(3) For the purposes of this section "communication" means a communication in writing, or by electronic means, made by a member to a public authority or by a public authority to a member but does not include a record of a meeting, or of a conversation, between a member and a person or persons acting on behalf of the public authority.'.

No. 26, page 1, line 12, at end insert—

'(3) This section does not apply to any communication made before the Act comes into force.'.

No. 39, page 1, line 12, at end insert—

'(3) Information is not exempt by virtue of this section if it is contained in a communication between a member of the House of Commons, acting in his capacity as such, and a public authority, relating to any proposed legislation which was before either House of Parliament at the time of the communication.

(4) In this section, "legislation" means any of the following—

(a) a public general Act or local Act (whether passed before or after the commencement of this section), or

(b) any Order in Council, order, rules, regulations, scheme, warrant, byelaw or other instrument made under an Act referred to in paragraph (a).'.

No. 45, page 1, line 12, at end insert—

'(3) For the purposes of this section "letter" means a communication in writing, made by a member to a public authority or by a public authority to a member, but does not include—

(a) exclusively electronic means of communication, or

(b) a telex, telegram or facsimile transmission.'.

No. 16, page 1, line 13, leave out subsection (4) and insert—

'(4) After section 63(1) insert—

"(1A) Information contained in a historical record cannot be exempt information by virtue of section 34A except insofar as it consists of personal data information relating to the personal affairs of a living individual who can be identified from that record or from that record and other information which is in the possession of, or is likely to come into the possession of, the public authority."'.

No. 36, title, line 2, after second 'and', insert 'certain'.

Norman Baker: I heard your comments of course, Madam Deputy Speaker, a few moments ago and I will abide by them, naturally. It is my intention not to repeat anything that was said on a previous occasion. There are many others—not least on the Liberal Democrat Benches—who wish to contribute to this debate and I am very keen that they be heard.

For the sake of clarity, I have formally moved amendment No. 2, which is the lead amendment in this group. According to column 602 of *Hansard* of 20 April 2007, I have already done so. I do not believe that I did, but for the avoidance of doubt I do so now and indicate that I wish to divide the House on this crucial amendment, as and when we reach that stage.

I should say how grateful I am to Mr. Speaker for his response to the hon. Member for Walsall, North (Mr. Winnick) on Wednesday, when he said:

"I am here to defend Back Benchers, and on Friday everyone will get a voice in this Chamber."—[*Official Report*, 16 May 2007; Vol. 460, c. 625.]

That is a splendid statement from Mr. Speaker, and I am very grateful to him for allowing that to be the case.

Mr. Kevan Jones (North Durham) (Lab): I am very interested in what the hon. Gentleman, who is speaking from the Liberal Democrat Front Bench this morning, is saying. Can he explain why, when this Bill was in Committee, Liberal Democrat Front Benchers not only did not oppose it or table any amendments to it, but actually supported it?

Norman Baker: I think that you would rule me out of order, Madam Deputy Speaker, if I re-opened what happened in Committee; I am keen to make progress this morning. In any case and for the sake of clarity, I am not on the Liberal Democrat Front Bench in terms of my role. I am simply sat here geographically, as opposed to that being the result of any appointment process.

Madam Deputy Speaker: Order. For the avoidance of any misunderstanding, may I remind hon. Members that we are debating the group of amendments to which the lead amendment is No. 2?

Norman Baker: Thank you, Madam Deputy Speaker; I am trying to.

Mr. David Heath (Somerton and Frome) (LD): On a point of order, Madam Deputy Speaker. May I seek clarification? The hon. Member for North Durham (Mr. Jones) said that Liberal Democrat Front Benchers supported the Bill in Committee. I am not quite sure how one supports a Bill at Committee stage, which looks at each clause of a Bill.

Madam Deputy Speaker: I am afraid that that is not a point of order. This is turning into a debate on other business. The business before the House is the group of amendments to which the lead amendment is No. 2. Perhaps we can now all focus any contributions on those amendments.

Norman Baker: Thank you, Madam Deputy Speaker. I have dealt with amendment No. 2, so I will not—

Mark Fisher (Stoke-on-Trent, Central) (Lab): I am grateful to the hon. Gentleman for giving way. He referred to Mr. Speaker's remarks earlier in the week about everybody having a chance to speak on this Bill. I presume that the hon. Gentleman agrees with me that the most important person to be heard today is the Bill's promoter. This Bill was not debated on Second Reading—

Madam Deputy Speaker: Order.

Mark Fisher: May I finish my point, Madam Deputy Speaker? Unfortunately, I was unable to be here for the previous debate on Report stage, but so far as I can see from reading the record carefully, the Bill's promoter did not speak then. How is this House to consider the Bill when we have not heard the case for it? Indeed, the last time that this Chamber discussed it, not a single person spoke in favour of it. So as yet, there has been no prosecution of the case for why this Bill is important. I hope that the hon. Member for Lewes (Norman Baker) agrees with me that one of the voices that should be heard today—and in some detail—is that of the Bill's promoter. Sadly, the promoter is not in his place; he has left the Chamber.

Madam Deputy Speaker: Order. I think that I have got the point that the hon. Gentleman is making. If Members care to reflect on the *Hansard* of the previous debate, they will see just how much time was taken up and given to Members speaking, which perhaps precluded other people from making a contribution. I urge today that we make progress, which is why I made the initial remarks that I did to the hon. Member for Lewes, who was on his feet last time. The debate was adjourned and he is now continuing. I wish to ensure that all Members who wish to contribute get that opportunity—*[Interruption.]* I said all Members.

Norman Baker: I hope that all hon. Members who wish to contribute will get an opportunity to do so, including those in favour of the Bill.

Mr. Simon Burns (West Chelmsford) (Con): I notice that the hon. Gentleman's amendment seeks to remove clause 1(3). When drafting that amendment, did he consult the hon. Member for Colchester (Bob Russell), who had a local regional daily paper apply under the freedom of information legislation for sight of his correspondence with his local authority? The hon. Gentleman was not happy that the law had been used to secure sight of what he considered private correspondence with his local authority.

Norman Baker: I have had no representations from my hon. Friend the Member for Colchester (Bob Russell), but the point is that correspondence between Members and constituents is already covered under the data protection legislation. That is a point that the supporters of the Bill fail to understand.

Mr. Burns: If the hon. Gentleman's interpretation is correct, why was a daily regional newspaper in the eastern region able to secure, under existing legislation, the correspondence of the hon. Member for Colchester with the chief executive of Colchester borough council?

Norman Baker: I am not familiar with the details of that case, but the data protection legislation already prevents correspondence between MPs and constituents from being released. That is the law at present. If the hon. Gentleman is suggesting that the law has been broken—

Mr. Burns: Will the hon. Gentleman give way?

Norman Baker: Well, I am trying to answer the point that the hon. Gentleman has already made. If correspondence has been released contrary to the law, the answer is that the law needs to be enforced, rather than simply passing a further law to say the same thing. I am not familiar with the case, but I hesitate to agree, even if I accept that version of events.

Julia Goldsworthy (Falmouth and Camborne) (LD): Perhaps the following quotation from the Committee stage will be helpful to my hon. Friend:

"Clearly if one writes to a public authority and gives the personal details of a constituent, such as their CSA claim, information relating to their children and so on, that information should be protected. It should quite clearly be protected under the current Act. However, inadvertently, someone may release it."—*[Official Report, Freedom of Information (Amendment) Public Bill Committee,* 7 February 2007; c. 8.]

Those words were spoken by the right hon. Member for Penrith and The Border (David Maclean) himself.

Norman Baker: Indeed. The suggestion by the hon. Member for West Chelmsford (Mr. Burns) is like suggesting that if a murder is committed, we should pass a further law making murder a criminal offence because the original law clearly did not work. That argument is a non sequitur.

Mr. David Winnick (Walsall, North) (Lab): The hon. Gentleman will know that Members of Parliament are not usually reluctant to complain. I asked the Library how many complaints had been made before the introduction of this Bill by Members about correspondence

being released without their permission. The Library was, as usual, very diligent, but could find only one Member—my hon. Friend the Member for Vale of Glamorgan (John Smith)—who intervened in a debate about Liverpool. That was the only recorded protest on the Floor of the House by a Member of Parliament before this Bill. Members of Parliament are not usually reluctant to raise issues when they believe that they are essential to their standing.

Norman Baker: The hon. Gentleman is correct—

Mr. Burns: Will the hon. Gentleman give way?

Norman Baker: I am trying to answer the hon. Member for Walsall, North (Mr. Winnick)—

Madam Deputy Speaker: Order. The hon. Member for Lewes (Norman Baker) must be allowed to reply to the intervention.

Norman Baker: The hon. Member for Walsall, North is correct. Had there been example after example of MPs' correspondence being inappropriately used or leaked to newspapers, the House would have been in uproar about it. We would have had hon. Members making points of order, but that has not happened. It is not an issue.

Mr. Winnick: Does the hon. Gentleman agree that although, of course, the confidentiality of correspondence is essential—if mine were released without authorisation I would hardly be reluctant to raise it with Mr. Speaker to defend the honour and privilege that I have as a Member of Parliament—this Bill is about concealing our expenses? That is the essence of the Bill.

Norman Baker *rose—*

Madam Deputy Speaker: Order. I have already said this morning that we must focus all our remarks and attention on the amendments under discussion. The point made by the hon. Member for Walsall, North was widening the debate.

Norman Baker: I am keen to make progress—

10.15 am

Dr. Evan Harris (Oxford, West and Abingdon) (LD): The hon. Member for West Chelmsford (Mr. Burns) made an interesting point, but if we were concerned about breaches of the data protection legislation, the most serious breach would be the release of confidential medical information by the NHS. However, there have been no calls for hospitals and the NHS to be removed completely from the Freedom of Information Act 2000. They know what their duties are under the data protection legislation and it would be illogical to use a Bill such as this to protect Members' correspondence when, important though it is, it is not as important as confidential medical information. If there is a problem, the priority is wrong.

Norman Baker: My hon. Friend makes a telling point, which I had failed to make in my earlier contribution. I am pleased that it has now been made and it underlines the case firmly. This is an inappropriate Bill and would send out all the wrong messages.

Jo Swinson (East Dunbartonshire) (LD): I was intrigued by the point raised by the hon. Member for Walsall, North (Mr. Winnick) about the number of complaints—only one on the Floor of the House—that had been made before the Bill was introduced. As there has been much publicity since then, has there been a flurry of complaints to Mr. Speaker or on the Floor of the House? I have not been aware of that happening, but I wonder if my hon. Friend has.

Norman Baker: We have been looking for them. Indeed, with the publicity that the Bill has had, we have expected them to come out of the woodwork. We expected MPs from all parties to say, "Yes, this has happened to me." However, that has not happened at all. We have had no such examples. In Committee, all we heard were theoretical examples.

Mark Fisher: The hon. Gentleman has accepted the point that my hon. Friend the Member for Walsall, North (Mr. Winnick) made about the Library. Is he also aware that we have a very good Information Commissioner, Mr. Richard Thomas, who has not had a single complaint or query from any Member of Parliament? Indeed, he does not recognise the issue as a problem. If he does not—and he probably knows more about freedom of information and data protection than anybody else in the country—and his office has not been bombarded with complaints, what on earth is the Bill about? It is a Bill to solve a problem that does not exist. If the right hon. Gentleman who introduced the Bill had had problems, he would presumably have taken them to the Information Commissioner, but he has never done so.

Norman Baker: That is correct. The right hon. Member for Penrith and The Border (David Maclean) is in his place. Apparently he has many supporters, including those on the Conservative and Government Front Benches. Perhaps some of them will come forward with some arguments in favour of the Bill, because it is a curious boxing match that has only one person in the ring.

Lembit Öpik (Montgomeryshire) (LD): As I understand the amendments, they seek to protect the law as it stands. Is my hon. Friend aware that for many years now I have tried to obtain information about the deaths at Deepcut Army barracks, especially in regard to Cheryl James, the daughter of two of my constituents? I have found that the existing Freedom of Information Act 2000 is virtually toothless in those attempts. Is my hon. Friend attempting to preserve what little freedom of information we actually have, and is he—like me—concerned that the mood music of the Bill, without the amendments, would make it even more difficult for me to get the important information that Des and Doreen James have been seeking for four or five years about the death of their—

Madam Deputy Speaker: Order. The hon. Gentleman is aware that interventions should be brief. The hon. Member for Lewes has been generous in taking interventions, but I remind all hon. Members that interventions are not speeches and should be brief.

Norman Baker: As my hon. Friend the Member for Montgomeryshire (Lembit Öpik) said, the Freedom of Information Act already includes many exemptions for public bodies. The data protection legislation also includes some strict regulations that make the protection of correspondence and information about individuals very strong. It is difficult to obtain information; in fact, Members of Parliament have complained that they are even being asked to sign documentation to the effect that they are acting properly on behalf of their constituents. If anything, public authorities are keen not to release information.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): Has the hon. Gentleman considered the important point made by the hon. Member for Stoke-on-Trent, Central (Mark Fisher), that in a widely leaked brief from the parliamentary Labour party urging support for this dire Bill, there is a request for evidence? That is evidence after the fact, because no evidence for the Bill is available.

Norman Baker: The hon. Gentleman's point makes itself, but it is a telling one nevertheless: this is a Bill in search of a purpose.

Simon Hughes (North Southwark and Bermondsey) (LD): My hon. Friend's point is confirmed by the Freedom of Information Act 2000, sections 21 to 44 of which all provide different exemptions from that measure. In addition, section 2 of the Data Protection Act 1998 particularly protects sensitive personal data, which could, for example, deal with the point made by the hon. Member for Keighley (Mrs. Cryer) on the radio this morning.

Norman Baker: I thank my hon. Friend for that intervention, which is extremely relevant to the debate, and I hope those in favour of the Bill take note of it.

Dr. Vincent Cable (Twickenham) (LD): Does my hon. Friend agree not only that the Data Protection Act provides substantial protection for confidential data in correspondence, but that there is a double lock, as he will recall, in the form of the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002? The order addressed the fact that Members could not get access to confidential information in the course of their correspondence, so our constituents are protected not merely by the Data Protection Act but—

Madam Deputy Speaker: Order. Once again I remind Members that interventions are to be brief.

Norman Baker: My hon. Friend the Member for Twickenham (Dr. Cable) makes an important point, which reinforces yet again the already strong safeguards in place.

Lembit Öpik *rose—*

Norman Baker: I feel like Frankie Howerd in the prologue to "Up Pompeii!"—I give way to my hon. Friend.

Lembit Öpik: To finish the point about Deepcut, does my hon. Friend fully understand the concerns, and does he agree that we should actually be proposing amendments to make it easier for Members to get information that helps us to represent our constituents, rather than making it more difficult for our constituents to get information about us?

Norman Baker: I must not go too far along that line, Madam Deputy Speaker, or you will tell me off. Suffice it to say that the Freedom of Information Act is a flickering candle and I fear that if the Bill goes through it could be extinguished.

I dealt with amendment No. 2 in a previous sitting. I have also dealt with amendments Nos. 14 and 40, so now I want to address amendment No. 10.

Mr. Heath: Before my hon. Friend moves on, may I express some concern about amendment No. 2? By deleting subsection (3), while retaining subsection (2), Parliament is made not to be a public body—absurdly—yet the converse does not apply for bodies that have a conversation, dialogue or correspondence with a Member of Parliament. The situation will be one-sided: a Member who writes to a body may be protected but the reverse would not be the case. If the amendment were accepted, would not that imbalance occur?

Norman Baker: I have some sympathy for my hon. Friend's viewpoint. Let me make it plain: the best solution entirely would be that the Bill does not go through, because the current arrangements are working quite well and there is no need to change them. However, my hon. Friend and I, with others, are trying to find a way to accommodate the concerns that have been expressed. I have taken those concerns at face value and as genuine, and tried to find an amendment that would deal with them, but I re-emphasise that the best solution is not to have the Bill at all.

Mr. Kevan Jones: Many of the amendments are tabled in the name of the hon. Member for North Southwark and Bermondsey (Simon Hughes). As he is speaking from the Liberal Democrat Front Bench on behalf of his party, can he explain why the Liberal Democrats made no such amendments in Committee and why their Front-Bench spokesman there supported the Bill?

Norman Baker: I fear that the hon. Gentleman may be guilty of tedious repetition if he carries on in that way. Concerns were expressed by the one Liberal Democrat member of the Committee, my hon. Friend the Member for North Devon (Nick Harvey), who said he was squeamish about the measure—if I may paraphrase him. Our position is a logical progression.

Simon Hughes: In the hope that dealing with the question put to my hon. Friend will stop further interventions, my hon. Friend the Member for North Devon (Nick Harvey)—not speaking on behalf of the Liberal Front Bench—said:

"I confess that I am slightly queasy about the suggestion that the solution is to take Parliament out of the Freedom of Information Act altogether, and I imagine that some of my colleagues, not least my hon. Friend the Member for Lewes

(Norman Baker), will have strong views on the issue on Report. However, it is up to those who do not believe that the Bill, which has the advantage of clarity and simplicity, is the way to address these very real issues to come up with a better suggestion."—*[Official Report, Freedom of Information (Amendment) Public Bill Committee,* 7 February 2007; c. 17.]

David Maclean (Penrith and The Border) (Con) *rose in his place and claimed to move,* That the Question be now proposed.

The House proceeded to a Division.

Mr. Winnick: On a point of order, Madam Deputy Speaker. It goes without saying that I always respect the Chair, but many of us are very surprised that after only a short debate, when no other Members were allowed to contribute, the closure motion has been accepted. It will inevitably be seen as gagging Parliament and I must protest.

Madam Deputy Speaker: Far from attempting to gag Parliament, the motion is to allow the question to be proposed, to enable discussion and the contributions from Members that are clearly wanted on this group of amendments. It is not a closure motion.

David Howarth (Cambridge) (LD): Further to that point of order, Madam Deputy Speaker. My difficulty is that I thought I heard my hon. Friend the Member for Lewes (Norman Baker) say that it will be recorded in *Hansard* that at the start of his speech he did in fact propose the question. He proposed the question in the course of his speech, too, so I cannot see why we should vote on something that has already been done.

Madam Deputy Speaker: May I remind the hon. Gentleman of procedure? The question is not actually proposed until it is proposed from the Chair; it is moved by the Member, but proposed by the occupant of the Chair. That is what we are now proceeding to do, which will, I hope, enable further debate to take place.

David Maclean: On a point of order, Madam Deputy Speaker. Given that it would seem that more hon. Members are going through the Aye Lobby, which has managed to clear successfully, would it be in order to investigate the delay in the No Lobby?

Madam Deputy Speaker: The right hon. Gentleman is clearly a mind reader. I was about to ask the Serjeant to investigate the delay in the No Lobby.

The House having divided: Ayes 113, Noes 27.

Division No. 119] **[10.25 am**

AYES

Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Atkinson, Mr. Peter
Bailey, Mr. Adrian
Balls, Ed
Barker, Gregory
Bell, Sir Stuart
Betts, Mr. Clive
Blackman, Liz
Brown, rh Mr. Nicholas
Burgon, Colin
Burns, Mr. Simon
Butterfill, Sir John
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Chope, Mr. Christopher
Clark, Paul
Clelland, Mr. David
Coaker, Mr. Vernon
David, Mr. Wayne
Dhanda, Mr. Parmjit
Djanogly, Mr. Jonathan
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Duddridge, James
Dunne, Mr. Philip
Eagle, Angela
Eagle, Maria
Ellwood, Mr. Tobias
Fabricant, Michael
Fitzpatrick, Jim
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Francois, Mr. Mark
Gardiner, Barry
Godsiff, Mr. Roger
Hall, Mr. Mike
Hammond, Stephen
Harris, Mr. Tom
Henderson, Mr. Doug
Heppell, Mr. John
Hill, rh Keith
Hollobone, Mr. Philip
Hurd, Mr. Nick
Irranca-Davies, Huw
Jones, Mr. Kevan
Jones, Mr. Martyn
Kemp, Mr. Fraser
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lammy, Mr. David
Laxton, Mr. Bob
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Maclean, rh David
MacShane, rh Mr. Denis
Mahmood, Mr. Khalid
Maples, Mr. John
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCartney, rh Mr. Ian
McFall, rh John
McGovern, Mr. Jim
McIsaac, Shona
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Morley, rh Mr. Elliot
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Neill, Robert
Norris, Dan
O'Brien, Mr. Mike
Pound, Stephen
Prentice, Bridget
Pritchard, Mark
Purchase, Mr. Ken
Randall, Mr. John
Robertson, John
Roy, Mr. Frank
Ruffley, Mr. David
Ryan, Joan
Salter, Martin
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Snelgrove, Anne
Spellar, rh Mr. John
Stewart, Ian
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Tredinnick, David
Twigg, Derek
Vara, Mr. Shailesh
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Wicks, Malcolm
Winterton, Ann
Winterton, Sir Nicholas
Wright, David

Tellers for the Ayes:
Mr. Tim Boswell and Mr. Andrew Dismore

NOES

Baker, Norman
Burstow, Mr. Paul
Cable, Dr. Vincent
Clappison, Mr. James
Corbyn, Jeremy
Cousins, Jim
Farron, Tim
Fisher, Mark
Goldsworthy, Julia
Harris, Dr. Evan
Heath, Mr. David
Howarth, David
Hughes, Simon
Jackson, Glenda
Linton, Martin
Mactaggart, Fiona
Öpik, Lembit
Redwood, rh Mr. John
Reid, Mr. Alan
Sanders, Mr. Adrian
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Soulsby, Sir Peter
Swinson, Jo
Williams, Hywel
Williams, Stephen
Winnick, Mr. David

Tellers for the Noes:
Lorely Burt and Mr. Roger Williams

Question accordingly agreed to.

Question accordingly proposed, That the amendment be made.

David Maclean: I will comment briefly on the group of amendments to which the hon. Member for Lewes (Norman Baker) spoke. I will be brief for a simple reason: the hon. Gentleman and several of his hon. Friends are quoted in the *Press Gazette* and other press reports as going all out to wreck the Bill. It is said that they intend to stop it and do not wish it to reach the other place.

The hon. Gentleman takes the high-minded view, as is entirely his privilege, that if the Bill was passed, it would somehow strike a general blow to the Freedom of Information Act 2000, but I do not accept that argument. The amendments are deliberately intended not to improve the Bill, to make a few tweaks to it or to make it operate better, but to wreck and stop it. The delay in the No Lobby was further evidence of that. I think that the House will thus understand why I will not go into detail on any of the amendments, which I consider to be bogus.

If we get to Third Reading, as I hope that we will, I will set out in slightly greater detail the reasons behind the Bill. However, at this stage it is suffice to say that I did not wake up one morning and suddenly decide that I must change the Freedom of Information Act. I have the honour and privilege of serving on the House of Commons Commission, along with senior colleagues from both sides of the House. I am aware of the growing problem of correspondence being released.

Fiona Mactaggart (Slough) (Lab): Will the right hon. Gentleman give way?

David Maclean: I apologise to the hon. Lady, but I am going to be very brief.

Of course the Library will not know some of the details of the problem. I have in my hand a letter sent to an hon. Member by a third party that boasts that that third party has acquired correspondence from that Member that was sent to a public authority on behalf of a constituent. I have other examples.

Hon. Members who have supported me in the Aye Lobby have told me that some of their correspondence relating to a constituent has been released against their will. Theoretically, it could be protected under data protection—[HON. MEMBERS: "Legally!"] But it has not been. An officer of a local authority—inadvertently, by mistake or by design—released correspondence that the hon. Member to whom I referred thought was confidential. That is damaging. My Bill is necessary to give an absolute guarantee that the correspondence that Members of Parliament write to public authorities on behalf of our constituents or others remains confidential.

Mr. Shepherd: The piece of paper that my right hon. Friend held in his hand and cited as evidence to the House was heavily redacted—people's names had been extracted from it. It thus did not identify the constituent at all.

10.45 am

David Maclean: My hon. Friend might have been making a good point—but on this occasion he is utterly wrong. The letter is redacted because the Member of Parliament who handed it to me made the deletions to disguise his constituent in case I left it lying around the House today.

Martin Salter (Reading, West) (Lab): May I read into the record the fact that the document that I handed to the right hon. Gentleman was a letter to me from someone who was able to access correspondence that I took up in confidence on behalf of a constituent, which identified the name of the original complainant? It is absolutely monstrous that the sanctity of confidentiality is being breached.

David Maclean: I am grateful to the hon. Gentleman for giving the House vital information.

If the hon. Members who oppose the Bill had bothered to read the Committee proceedings, they would have seen that Members of all parties—Liberal, Labour, Conservative and the Democratic Unionist party—support the Bill. Committee members said that organisations—some thought the British National party; some thought criminal organisations were attempting, as third parties, to access files of correspondence and get information that should not be in the public domain because it was confidential and related to constituents.

I conclude my remarks, and will speak further on Third Reading, if we reach it.

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): Let me make it clear right from the start not only that this is not a Government Bill, but that the Government are neutral on the Bill. The earlier remarks of the hon. Member for Lewes (Norman Baker) were thus quite wrong. The Government have been neutral on the Bill throughout. We believe, as I and others have said, that this is a matter for Parliament to discuss, not for the Government to decide.

David Howarth: If the Government are not supporting the Bill, how does the Minister explain the fact that when we voted on this matter a couple of weeks ago, the vast majority of the people who voted in the Bill's favour were Government Ministers, Government Whips and Opposition Whips?

Norman Baker: And Parliamentary Private Secretaries.

David Howarth: And PPSs.

Bridget Prentice: Dear, oh dear, oh dear. It comes to something when Members are expected not to vote on private Members' Bills. I thought that that was the whole point of them.

Let me point out two things to the hon. Member for Cambridge (David Howarth). First, it is has become clear this morning that most Liberal Democrat Members do not understand parliamentary procedure. Secondly, as he will know, on every occasion on which the Bill has been before the House, whether on consideration of amendments or otherwise, I, representing the Government and the Department that deals with freedom of information, have not voted in favour of it.

Simon Hughes: Since the Minister has been in her job, have any of her colleagues in her Department or its predecessor Department, the Department for Constitutional Affairs, seen evidence that the Freedom

of Information Act 2000 or data protection legislation has been breached in a way that would cause us to need to pass such a Bill? Have there ever been any discussions about such a plan in her Department?

Bridget Prentice: We have had no discussions in the Department about a plan to do such a thing. The hon. Gentleman will know from answers from me and from the Leader of the House to written questions that we have said that because this private Member's Bill is up for debate, we are leaving it to Parliament to come to a decision. There is clearly an appetite for debate on the Bill, so it would be inappropriate for the Government to intervene.

Lembit Öpik: The hon. Lady will know that through parliamentary correspondence over four years—and more recently, actually—I have been trying to get the release of a Devon and Cornwall police report on Surrey police's handling of the death of the daughter of one of my constituents. The Government have not been forthcoming in helping me to use existing freedom of information legislation to get that information. Does she not understand that our personal experiences—such as mine in relation to Deepcut—of the mood music coming from the Government make us sceptical? It appears to us that the Government are keen to see the Bill pass. Can she give us an assurance that the Government really do believe in the tenets of the Freedom of Information Act, which they originally supported?

Bridget Prentice: Not only did we support the Act, but we are the Government who brought in the Freedom of Information Act. I cannot think how our support for freedom of information and for the release of information by the 110,000 public authorities that are subject to the Act could be more obvious.

Fiona Mactaggart: The Minister says that the Government have taken a neutral stance on the Bill. Later, there will be opportunities to vote for amendments to the Bill. The amendment moved by the hon. Member for Lewes (Norman Baker) would remove the reference to the entirety of Members' correspondence, not only the type of correspondence that has been the subject of debate—correspondence about individual constituents. Alternative amendments offer an opportunity to exclude that type of private correspondence. Will the Minister enable the House to understand whether the Government might take the opportunity to support one of those alternative amendments, so that Members can be confident that confidential matters relating to their constituents will be protected, but that material on matters of public policy on which they correspond with public authorities will be available to be revealed in public—something that all of us as Members of Parliament should be prepared to allow?

Bridget Prentice: I am grateful to my hon. Friend, because she allows me to explain why I feel that the amendments would make the Freedom of Information Act more difficult to operate and complicate the work of the 110,000 public bodies that have embraced freedom of information.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): I am one of the Labour Members who do not particularly like the Bill, but what sticks in my craw is the behaviour of the Liberal Democrats. I listen to them on the radio, and in any forum in which they can be heard, hijacking the issue for party political purposes. I have not had pressure put on me to vote either way on the Bill, and do not know of any colleague who has. In fact, I have received e-mails expressing every sort of view within my party, but nothing from Whips or any member of the Government. I do not like the Bill, but I do object to the Liberal Democrats—

Madam Deputy Speaker: Order. Interventions are to be brief.

Bridget Prentice: My hon. Friend makes his point well. The matter should be for Parliament to decide, not the subject of party political grandstanding.

Tim Farron (Westmorland and Lonsdale) (LD): The Minister says that 110,000 public bodies are subject to the Freedom of Information Act. Does she not think it peculiar that here we are in the House of Commons considering the exclusion of just one of them—this one? Does she not believe that that is an utterly self-regarding proposal, which brings MPs and Parliament into disrepute?

Bridget Prentice: If I may say so gently to the hon. Gentleman, for a Liberal Democrat to talk about people being self-regarding must be rather like looking in the mirror. It is for the right hon. Member for Penrith and The Border (David Maclean), whose Bill this is, to justify its being before the House; it is for me, as a member of the Government in whose Department freedom of information sits, to explain why the amendments are not appropriate.

Amendment No. 2 would remove or limit the power of the new exemption for Members' correspondence in the Bill. Whether such an exemption should exist is a question for Parliament to consider, but the amendment would clearly scupper an important part of the Bill.

Mr. John Redwood (Wokingham) (Con): Is the Minister speaking as an individual or is she giving the Government's view? Are Ministers and PPSs allowed to vote against the view that she expresses today?

Bridget Prentice: I am giving the Government's view on the Bill. In debates on private Members' Bills, it is entirely for Members of Parliament to decide whether to support or oppose them. In the past, the Government have supported private Members' Bills, opposed them, or remained neutral. On this Bill, the Government are neutral.

Mark Fisher: Will the Minister give way?

Bridget Prentice: Moving on to discuss amendments Nos. 12, 24, 39 and 44, which would qualify the new exemption—

Mark Fisher: Will the Minister give way?

Bridget Prentice: I am not giving way to my hon. Friend.

Madam Deputy Speaker: Order. The Minister makes the point for me. It is up to the Member on their feet to choose whether to give way. The Minister has given way several times, but clearly she is now making progress with her speech.

Bridget Prentice: Thank you very much, Madam Deputy Speaker. I want to move on, so that we can move the debate on.

Amendments Nos. 12, 24, 39 and 44 would qualify the new exemption so that public authorities would need to consider the public interest in withholding or releasing Members' correspondence. The public interest test can encompass all the factors mentioned in the amendments, including any relationship that the Member may have with the public authority in question and the nature of the information—whether it is about general policy or an individual case.

I am not sure that the House would wish, through amendments Nos. 25 and 45, to create an exemption limited to letters and electronic correspondence. I suggest that we should guard against inhibiting such communications, which might cause Members to decide to discuss some of the important matters that their constituents raise only in meetings, or on the telephone, rather than commit themselves to paper.

Amendments Nos. 10, 11, 16, 41 and 42 relate to personal data. The personal information contained in MPs' correspondence is already covered by the exemption as drafted. It is for the House to determine the scope and the extent of that exemption, but I remind hon. Members that there is already an exemption for personal data.

Mr. Heath: I am most grateful to the Minister, first for giving way and secondly for making that clear point. That very clear exemption is the reason why many of us oppose the Bill. Is she aware that some of her earlier arguments are the exact reverse of the arguments adduced in the Standing Committee on the Freedom of Information Bill, on which I had the honour to serve, with the hon. Member for Stoke-on-Trent, Central (Mark Fisher)? In that Committee, the Minister told us that class exemptions, rather than general exemptions, were absolutely essential, and, that is why the Freedom of Information Act is framed as it is.

Bridget Prentice: The original intention was to exempt Parliament from the Freedom of Information Act. It was a later decision that brought Parliament within its scope.

Let me put one point clearly on the record. There has been much discussion of the role of the Data Protection Act. That Act applies only to personal data. Where a Member's correspondence contains personal data it should be withheld only if disclosure would breach one of the data protection principles—

Mr. Winnick: Will the Minister give way?

Bridget Prentice: I would like to finish my point first.

That does not mean that in all cases personal data will be protected. In common with many exemptions from the Freedom of Information Act, the Data Protection Act requires public authorities to conduct a balancing act when deciding whether to disclose. The cases that some hon. Members have raised of information being brought into the public domain shows that that balancing act is not always simple.

Mr. Winnick: Is it not of some interest that the Information Commissioner's office stated that in nearly two and a half years since the Freedom of Information Act came into force, it had not received a single complaint from a Member of Parliament or from a constituent concerning the improper disclosure of such correspondence—not a single complaint? Surely that demonstrates that what the right hon. Member for Penrith and The Border (David Maclean) said a few minutes ago in favour of his Bill simply does not add up. I hope that the Minister will bear that point in mind.

Bridget Prentice: I hear what my hon. Friend, and indeed other hon. Members, have said about the Information Commissioner not having received any complaints. I cannot speak on behalf of other Members and say why they have not raised issues with the Information Commissioner. I know that some hon. Gentlemen on the Opposition Benches have raised that point, both with the Leader of the House and with me. There is a tragic case in my constituency that I heard about only yesterday, in which information was disclosed to a husband who, it is alleged, commits domestic violence. I corresponded with a public authority on behalf of my constituent, and information in that correspondence was released to that husband. I now fear very much for my constituent's safety, and indeed for the safety of my constituency staff, as the husband has been to my constituency office. Hon. Members may say to me, "That information shouldn't have been released," and that may well be the case, but there is not much point in saying that after the fact.

11 am

Fiona Mactaggart: The Minister makes the reasonable point that it is not good enough to say that information should not have been released once it has been released—but I ask her, as the Minister responsible for the Freedom of Information Act 2000, what action she is taking with regard to authorities that wrongly release information. What training scheme does she have in place? As she pointed out, public authorities have released information when legally they should not have done so; how will she prevent them from doing that, and why does she believe that another law will be better obeyed than the present law?

Bridget Prentice: The Department for Constitutional Affairs issued guidance on the subject on more than one occasion, and as I understand it, the Information Commissioner issues guidance to public authorities. However—this is the nub of the debate—it is for the House to decide whether the 2000 Act, as it stands, is sufficiently robust on the issue. It is up to the House to make that decision.

I shall move on to the confidentiality amendments, Nos. 14 and 40. Replacing the exemption as currently drafted with a presumption that the holder has an obligation of confidentiality will merely have the effect

of making it easier for public authorities to refuse requests for Members' correspondence. In Committee, hon. Members agreed that there are occasions when it is right that such correspondence should enter the public domain—I think that my hon. Friend the Member for Slough (Fiona Mactaggart) raised that point—and the exemption, as currently drafted, recognises that. It is a qualified exemption subject to the public interest test. The amendments would add a rigidity, so the House needs to consider that carefully.

Mr. Shepherd: Why? You have to justify that.

Bridget Prentice: The exemption, as currently drafted, is already subject to the public interest test. If the amendments were made, it would make it much more difficult for public authorities to carry out requests.

My final point is that that the Bill as drafted contains express provision to ensure that it will not have retrospective effect. It is important that the House is aware of that. Any request for information received by a public authority prior to the commencement of the Act, should the Bill ever become an Act, will be treated as though the Act were not in force. It would be for both Houses of Parliament to comply with freedom of information requests received up to the date of commencement. Amendment No. 26 would put a limit on the exemption, and that is inconsistent with the rest of the Freedom of Information Act 2000. It would unnecessarily complicate the operation of that Act.

As I said at the beginning, the Government remain neutral on the Bill. It is for the House to make up its mind whether it thinks that the 2000 Act, which I commend to the House as an excellent piece of legislation that created transparency that was not there before, needs to be further enhanced in this private Member's Bill. That is a matter entirely for the House, but I can tell the House that, on behalf of the Government, I will not vote in Divisions on the amendments, or on the Bill's Third Reading, should we reach it.

Mr. Heath: It is a pleasure to speak on the large group of amendments before us. As I said in an earlier intervention, I had the pleasure of serving on the Standing Committee that considered the Freedom of Information Bill, along with the hon. Member for Stoke-on-Trent, Central (Mark Fisher), although when I asked him about it earlier, he had forgotten that he served on it, so broad is his experience in the House. He did indeed serve on the Committee, and he made a valuable contribution to it. I feel a degree of proprietorship over the provisions of the 2000 Act. In many ways, it was not perfect, and we tried hard to make it stronger. Nevertheless, it fulfilled some of its objectives. That is why I am loth to accept anything that waters down its provisions, especially when the arguments for doing so are so sparse, so badly expressed and so vacuous in nature.

Simon Hughes: And unsupported by the evidence.

Mr. Heath: As my hon. Friend says, those arguments are unsupported by the evidence, too. We have asked time and again for the evidence in support of those arguments. That is why the group of amendments is so important.

Mark Fisher: The hon. Gentleman says that the arguments in favour of the Bill are sparse, but hon. Members in the Chamber have not heard any of them. The proposer of the Bill, the right hon. Member for Penrith and The Border (David Maclean), has yet to speak on the Bill; is that not an extraordinary state of affairs? We are being asked to consider a piece of legislation, but the person proposing it has not made the case in favour of it. He kindly tells us that he will bide his time until Third Reading, but by that stage, we will have already discussed amendments. If we are to have an intelligent debate on the amendments, do we not need to hear the proposer of the Bill tell us what the Bill is about? Plainly, we are all very confused in opposing it, but we have not yet heard—

Madam Deputy Speaker: Order. The hon. Gentleman is going on at length in his "brief" intervention. I call Mr. David Heath.

Mr. Heath: I am most grateful, Madam Deputy Speaker. The hon. Member for Stoke-on-Trent, Central is not exactly right, because of course we just heard from the right hon. Member for Penrith and The Border (David Maclean).

David Maclean: Will the hon. Gentleman give way?

Mr. Heath: I will in just a moment. On the sparseness of the argument, I suspect that I know why we have not heard a proper rebuttal of the amendments. The right hon. Gentleman can correct this impression when he intervenes on me in a moment, but he gives the impression that consideration of the Bill on Report is a sort of procedural anomaly that must be borne with forbearance, rather than a crucial part of the House's consideration of a Bill that will have a profound effect on not only the operation of the Freedom of Information Act 2000, but the reputation of the House. That is what causes many of us concern.

David Maclean: I just want to put on record that my Bill had been on the Order Paper for some time. It received a completely unopposed Second Reading, and I could not talk on a Bill with an unopposed Second Reading. In Committee, it had the unanimous support of Labour, Conservative, and Ulster Unionist Members, and the support of the Liberal Democrat Member—*[Interruption.]* If I get to Third Reading—

Mark Fisher: Outrageous!

Madam Deputy Speaker: Order. I call the right hon. Member for Penrith and The Border (David Maclean), who is on his feet.

David Maclean: It is not outrageous. Those are the facts, and the facts on the record speak for themselves. The Bill had unanimous support in Committee. If we get to Third Reading, I will speak.

Mr. Heath: I am grateful to you, Madam Deputy Speaker. There was a risk of interventions on interventions, and it is important that we keep in order.

Several hon. Members *rose—*

Mr. Heath: Having said that, I will take two interventions before I move on to the substance of the amendments. I will give way first to my hon. Friend the Member for Falmouth and Camborne (Julia Goldsworthy), and then to the hon. Member for Aldridge-Brownhills (Mr. Shepherd).

Julia Goldsworthy: A number of anecdotal examples have been given today; one was given by the right hon. Member for Penrith and The Border (David Maclean), and another was given by the Minister. However, we have not heard whether, in those cases, the personal information was released as a result of a freedom of information request.

Mr. Heath: Let us take the charitable view and suggest that the cases involved a properly constructed freedom of information request to a public authority, and that, for some reason, the bureaucrats involved had no idea what the law says, and were therefore prepared to provide information that they should not have provided, in contradiction to the laws that are already in place to give protection. Let us say that the information was put into the public domain in that way. If that is the case, it raises two important questions. First, was any action taken subsequent to the release of that material? Was it referred to the Information Commissioner? Was the public authority involved reminded of its duties under law? Was there any subsequent action? *[Interruption.]* The right hon. Member for Penrith and The Border says from a sedentary position, "They just did it". Yes, and they will continue to just do it if his Bill is enacted, because somebody who is ignorant of the provisions of the Data Protection Act 1998 and of the Freedom of Information Act 2000 as it is currently constituted is just as likely to be ignorant of the provisions of his law.

Several hon. Members *rose—*

Mr. Shepherd: The hon. Gentleman was talking about the process, and process is important. Is it not the case that for a private Member's Bill unopposed at its Second Reading, the construction of the Committee is entirely in the hands of the promoter, and that therefore this was more of a—

Norman Baker: Stitch-up.

Mr. Shepherd: —stitch-up, to quote the hon. Member for Lewes (Norman Baker), than a properly balanced Second Reading Committee?

Mr. Heath: I could not possibly use the word "stitch-up". It is inappropriate language. I shall return to the amendments before us, rather than discuss the process by which we reached them. The amendments are important and I want to do them justice, but I notice that there are still at least two hon. Members wishing to intervene.

Mr. Winnick: The hon. Gentleman will have heard my intervention in the Minister's speech, when I said that the Information Commissioner had not received complaints. If there is a genuine problem, which I doubt, would it not be more appropriate to strengthen the Data Protection Act, if need be? What is proposed in the Bill would spread the suspicion among many, many people in the country that we want to conceal information—I shall not go into what sort of information, as that would be out of order—and that we want to be separate. Everybody else would be subject to the Freedom of Information Act—public bodies, local authorities, the devolved institutions—but not us.

Mr. Heath: I agree, of course, but my concern is that we are straying into Third Reading territory rather than dealing with the amendments before us. I want to make sure that I concentrate on the amendments, but I shall take one more intervention before making progress.

Jim Cousins (Newcastle upon Tyne, Central) (Lab): May I bring the hon. Gentleman back to the intervention by his hon. Friend the hon. Member for Falmouth and Camborne (Julia Goldsworthy)? Let us set aside for a moment the issue of Members of Parliament. If there had been a widespread misuse of the public interest override on release of personal data, the House would have expected the Information Commissioner to report on that and bring it to the attention of both the Government and the House. No such thing has happened, and my hon. Friend the Minister made no such claim in her speech.

11.15 am

Mr. Heath: I am grateful to the hon. Gentleman for that intervention, which crystallises many of the arguments about the lack of evidence. First, he makes the point that none of the reports of the Information Commissioner has suggested that the problem is widespread. Secondly, the public interest override is retained.

The Minister asserted that amendment No. 14 made matters more complicated because it made it more difficult to interpret the public interest override. Absolute nonsense. It is still there. Whoever wrote that briefing for her was in a very confused state of mind when doing so. Nothing changes as a result of the amendment being passed, other than a tightening of the exempt material so that we are clear what is the exempt material and the mischief that the right hon. Member for Penrith and The Border presumably has it in mind to remedy. Some of us do not believe that mischief exists, but he does. We are therefore helping him by tabling amendments that identify that mischief in specific terms, rather than in general terms that are likely to bring the House into disrepute.

Mr. Redwood: Will the hon. Gentleman confirm that my right hon. Friend's Bill would never allow the House to withhold information such as the personal expenses of MPs? The real argument is about the Government's and my right hon. Friend's proposal to exempt our correspondence to public bodies about public policy matters, whereas the amendment tabled by my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd), amendment No. 40, is more strictly

controlled so that it protects what we all want to protect, which is correspondence on behalf of individual constituents?

Mr. Heath: I am grateful to the right hon. Gentleman for his intervention. Some of those matters were debated on the previous occasion, so I would be out of order were I to go on any excursions into that territory.

It worries me that the consequence of the Bill as currently drafted is that the whole of Parliament is exempted as a public body. The House of Commons is no longer a public body, according to the Bill if it is passed. What an extraordinary state of affairs.

Several hon. Members *rose—*

Mr. Heath: I must make progress, but the hon. Member for Northampton, North (Ms Keeble) has been very persistent, so I give way to her.

Ms Sally Keeble (Northampton, North) (Lab): In discussing the amendment, will the hon. Gentleman take into account my experience of freedom of information requests made to me and to the county council about information that it holds about a constituent? Before such information is released, the local authority writes to me and gets me to sign, so there is ample opportunity for me to object if safety issues affecting my constituent are involved. There is no need for the amendment.

Mr. Heath: Of course there is ample opportunity. There are all manner of provisions in the original enactment that safeguard the interests of the individual. That is why the whole Bill is otiose in the extreme.

David Howarth *rose—*

Mr. Heath: I must make progress. I have not reached amendment No. 2 yet. This is the last time that I shall give way, as I want to address the arguments on the amendments.

David Howarth: I thank my hon. Friend for giving way and understand his impatience to get on to the substance of the amendments before the House. To reassure the hon. Member for Northampton, North (Ms Keeble), it is an important principle to bear in mind that we are talking about Parliament being a public authority and subject to the Act, not individual MPs. Individual MPs have never counted as public authorities and therefore have never been subject to the Act.

Mr. Heath: My hon. Friend is, of course, absolutely right. Let me deal with amendment No. 2.

Norman Baker: Will my hon. Friend give way?

Mr. Heath: I would be accused of inconsistency if the very last words that I said prior to taking the last intervention were that that would be the last intervention before I got on to the amendments, and I then took an intervention from my hon. Friend the Member for Lewes (Norman Baker), despite the fact that I would love to do so. I shall store it up and take it later.

In an earlier intervention I expressed my disquiet with amendment No. 2. It seeks to remove many of the obnoxious elements in the Bill and I could not quarrel with that intention. If my hon. Friend intends to press the amendment to a Division—because of the procedural shenanigans earlier, we were not allowed to hear his speech in favour of other amendments, but he may have an opportunity to return when he sums up the debate.

My problem is with amendment No. 2, and the reason that I prefer some of the other amendments, is that if it were accepted, the result would be that clause 1(3) would be removed. It would not exist. We would have subsection (1), subsection (2), subsection (4), which would become subsection (3), and subsection (5), which would become subsection (4). Subsection (2) has already been discussed, so we cannot revisit it. It removes the House of Commons and the House of Lords from schedule 1 of the Freedom of Information Act 2000. Schedule 1, which is the list of public authorities to which the Bill would apply, would be minus the House of Commons and the House of Lords which, as I said earlier, are an absurdity if they are not public authorities.

Mr. Alan Reid (Argyll and Bute) (LD): Will my hon. Friend give way?

Mr. Heath: Let me develop my argument a little, if I may.

There would be a serious imbalance in interpreting the legislation on the part of other authorities or individuals, because the House of the Commons and the House of Lords would not be a public body, but the body to which we were corresponding—which is, by definition, one of those covered by the 2000 Act—would. We would be in the extraordinary position that no application could be made to the House of Commons or the House of Lords on one side of any dialogue or correspondence, but the application could be made—without exemptions, were the amendment to be made—on the other side. There would be a fundamental imbalance.

Some might argue that amendment No. 2 would be an improvement because it would make it even more obvious what an absurd Bill it is. However, on balance I prefer a Bill to have a degree of internal integrity and equilibrium in its structure. I fear that the amendment would lose that and create an unbalanced Bill.

Mark Fisher: The hon. Gentleman referred to the House of Commons "or" the House of Lords. In subsection (3), new section 34A applies only to the House of Commons, not to the House of Lords. This is a matter for Parliament—both Houses—yet the Bill appears to confine itself to the House of Commons. Am I wrong, or have I missed something?

Mr. Heath: The hon. Gentleman is not wrong, nor has he missed anything—he is absolutely right in his interpretation. The right hon. Member for Penrith and The Border is the only person who can explain this;

[Mr. Heath]

perhaps he can return to it on Third Reading. For some reason, under subsection (2) the House of Lords would no longer be a public authority. It is arguable whether the House of Lords as currently constructed is a public authority, but it is the upper House of Parliament until it is reformed, and I would say that it is a public authority. It is exempted in subsection (2) but not mentioned in subsection (3), which relates only to communications with the House of Commons. Were one to accept the difficulties that the right hon. Gentleman raises, which I do not, one could argue for that difference on the basis that Members of the House of Commons have constituents and Members of the House of Lords do not, although they often take up cases on behalf of individuals.

One of the questions that has often been asked in relation to the Bill is what the difference is between a Member of the House of Commons taking up a matter on behalf of their constituents and a county councillor doing so. I was a county councillor for 12 years, and I used regularly to write to public authorities on behalf of my constituents. There is no difference in kind between a Member of the House of Commons and a county councillor, a district councillor, a parish councillor, a member of a community council or a member of a unitary authority. That is an inconsistency that the right hon. Member for Penrith and The Border would do well to explain when the Bill reaches Third Reading.

Simon Hughes: We have tried to address that in the amendments that were tabled and from which Mr. Speaker has selected. The House has an option. If it supported amendment No. 14, the provisions would relate only to the Commons, but if it supported amendment No. 40, they would apply to the Commons and the Lords. It is a perfectly proper question, and the selection allows us to make the choice.

Mr. Heath: It is a proper question. I am about to move on to amendment No. 14, because we may have exhausted amendment No. 2.

Mr. Alan Reid: My hon. Friend has hit on an inconsistency in the Bill. He referred to county councils, but there is also the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly. Subsection (3) would create the absurd situation whereby if the constituency MSP and I wrote a joint letter on behalf of constituents concerning public policy, it could not be released, but if we wrote separate but identical letters, the MSP's letter could be released and mine could not.

Mr. Heath: My hon. Friend has opened up a whole new area of debate. He is right, and we should have an amendment to that effect. As I sit for a Somerset constituency, I am afraid that I had not appreciated that glaring discrepancy.

Hywel Williams (Caernarfon) (PC): There is a further level of absurdity. The hon. Member for Banff and Buchan (Mr. Salmond) is a Member of the Scottish Parliament as well as a Member of this place, and would have to be treated differently depending on which hat he was wearing.

Mr. Heath: The hon. Member for Banff and Buchan would have to write very clearly at the top of his letter, "I am writing this as a Member of the House of Commons", or "I am writing this as a Member of the Scottish Parliament." If he wrote the letter as First Minister, he would be writing as a member of the Government, and there are Government exemptions within the scope of the original enactment. We would need to check whether his letter was written as from the hon. Member for Banff and Buchan, as from the MSP for Gordon, or as from the First Minister. Does it contain personal information? Does it contain policy discussion? Is that policy discussion based on information that he has received from the civil service in Edinburgh, in which case it may be exempt information, or is it from the Government here, in which case it falls into a completely different category? There are all sorts of complexities, and I wish I had not started thinking about it. The more I do so, however, the more I realise that this whole area requires the Bill to be recommitted, because it fails to address the new and important issue about hon. Members with dual membership. However, that has nothing to do with amendment No. 2.

Jo Swinson *rose—*

Mr. Heath: My hon. Friend is going to tell me that it does have something to do with amendment No. 2.

Jo Swinson: It is indeed relevant to the amendment. As a Member of this Parliament and a Scottish Member, under the Bill a letter that I wrote to a Scottish authority in my capacity as MP—to the Greater Glasgow health board, for example—would be treated entirely differently from correspondence under the stronger Freedom of Information (Scotland) Act 2002. That correspondence would not be exempt, but any correspondence to, say, the Department for Work and Pensions would be exempt. I do not know whether it would matter whether I had written to the DWP office in Scotland or the office in London. The Bill would bring many confusions to Scottish Members of Parliament.

Mr. Heath: I am so happy that we simple souls in Somerset do not have these problems. It must be a daily problem for Members who represent Scottish and Welsh seats to work out exactly what is what. We see that every time there are Scottish or Welsh questions, because the question nearly always concerns something that is not the responsibility of the Minister on the Treasury Bench.

David Howarth: *rose—*

Mr. Heath: My hon. Friend is neither Scottish nor Welsh. Surely he does not suggest that there is a further difficulty in Cambridge.

David Howarth: There is a further difficulty everywhere. My hon. Friend's comments are relevant to the amendment. If I manage to catch your eye later,

Madam Deputy Speaker, I am happy to expand on the point. The Bill as it is currently drafted refers to what Members of Parliament do in that capacity. The meaning of those words is unclear. For example, if I wrote a letter to my local authority protesting about a planning application from my next-door neighbour, would I be acting in my capacity as a Member of Parliament or not?

11.30 am

Mr. Heath: That is a cogent point, which we tackled in the Standing Committee that considered the original measure. Some of us argued that there should be a more objective test of the exempt material. However, Ministers told us that it had to be subjective and at the discretion of the public authority and, subsequently, of the Information Commissioner. That is why the Under-Secretary's response to the amendments is so perplexing because she turned that argument on its head and said that the position that I described is no longer the Government's. She said that they no longer expect that extent of subjectivity, which was prayed in aid by the Solicitor-General, who was then Minister of State at the Home Office, and Mr. David Lock, who was then Solicitor-General.

David Maclean *rose in his place and claimed to move,* That the Question be now put.

Question put, That the Question be now put:—

The House proceeded to a Division.

Hon. Members: On a point of order, Madam Speaker.

Madam Deputy Speaker: Under the Standing Orders of the House, the occupant of the Chair is directed to put the Question forthwith. A Division has been called.

Mark Fisher: On a point of order, Madam Deputy Speaker. You have not allowed a single Labour Member to speak. The Speaker said that he would give voice to everybody in the House.

Madam Deputy Speaker: I remind hon. Members that numerous interventions were made during the debate.

Mark Fisher: Further to that point of order, Madam Deputy Speaker. There have been no speeches from Labour Members. It is outrageous.

Madam Deputy Speaker: May I make it clear to hon. Members that, as the occupant of the Chair, I am bound by Standing Orders? When a closure is moved, if granted, the Question must be put forthwith.

Mr. Shepherd: Further to that point of order, Madam Deputy Speaker. My understanding is that putting the Question is at the Chair's discretion. You have accepted closure on a limited basis, after announcing at the beginning of our proceedings that you would give all hon. Members a chance to speak. I tabled amendments but I have not been able to speak about them. No Labour Member has been able to speak about their amendments and no other Conservative Member has been able to speak against the dire Bill during consideration of the amendments.

Madam Deputy Speaker: The decision is in the hands of Members. The Division has been called. I have allowed more than two-and-a-half hours of debate and it is now up to hon. Members to determine the outcome of the vote.

Norman Baker: Further to that point of order, Madam Deputy Speaker. With respect, Standing Orders indicate—

Madam Deputy Speaker: Order. A Division is in progress. I shall not allow further points of order.

No Member being willing to act as Teller for the Noes, MADAM DEPUTY SPEAKER *declared that the Ayes had it.*

Question put accordingly, That the amendment be made:—

The House proceeded to a Division.

David Maclean: On a point of order, Madam Deputy Speaker. Once again, those in support of me and the Bill have managed to clear the Lobby. I anticipate that they are in the majority, but the opponents of the Bill seem to be delaying once again.

Madam Deputy Speaker: I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

The House having divided: Ayes 33, Noes 100.

Division No. 120] **[11.34 am**

AYES

Baker, Norman
Burstow, Mr. Paul
Burt, Lorely
Cable, Dr. Vincent
Clappison, Mr. James
Corbyn, Jeremy
Cousins, Jim
Farron, Tim
Field, rh Mr. Frank
Fisher, Mark
Goldsworthy, Julia
Harris, Dr. Evan
Heath, Mr. David
Hoey, Kate
Hollobone, Mr. Philip
Hughes, Simon
Jackson, Glenda
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Kramer, Susan
Linton, Martin
Mactaggart, Fiona
Maples, Mr. John
Norris, Dan
Redwood, rh Mr. John
Reid, Mr. Alan
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Soulsby, Sir Peter
Swinson, Jo
Williams, Hywel
Williams, Stephen
Winnick, Mr. David

Tellers for the Ayes:
Mr. Roger Williams and David Howarth

NOES

Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Atkinson, Mr. Peter
Bailey, Mr. Adrian
Bell, Sir Stuart
Betts, Mr. Clive
Blackman, Liz
Brown, rh Mr. Nicholas
Burgon, Colin
Burns, Mr. Simon
Butterfill, Sir John
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chope, Mr. Christopher
Clark, Paul
Clelland, Mr. David
Cohen, Harry
David, Mr. Wayne
Dhanda, Mr. Parmjit
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Duddridge, James
Eagle, Angela
Eagle, Maria
Ellwood, Mr. Tobias

Fabricant, Michael
Fitzpatrick, Jim
Foster, Mr. Michael *(Worcester)*
Francois, Mr. Mark
Gardiner, Barry
Godsiff, Mr. Roger
Hall, Mr. Mike
Hammond, Stephen
Harris, Mr. Tom
Henderson, Mr. Doug
Heppell, Mr. John
Hill, rh Keith
Iddon, Dr. Brian
Irranca-Davies, Huw
Jones, Mr. Kevan
Jones, Mr. Martyn
Kemp, Mr. Fraser
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lammy, Mr. David
Laxton, Mr. Bob
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Maclean, rh David
MacShane, rh Mr. Denis
Mahmood, Mr. Khalid
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCartney, rh Mr. Ian
McGovern, Mr. Jim
McIsaac, Shona
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Morley, rh Mr. Elliot
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Neill, Robert
Pelling, Mr. Andrew
Plaskitt, Mr. James
Pound, Stephen
Pritchard, Mark
Purchase, Mr. Ken
Randall, Mr. John
Robertson, John
Roy, Mr. Frank
Ruffley, Mr. David
Ryan, Joan
Salter, Martin
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Snelgrove, Anne
Spellar, rh Mr. John
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Tredinnick, David
Vara, Mr. Shailesh
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Wicks, Malcolm
Widdecombe, rh Miss Ann
Winterton, Ann
Winterton, Sir Nicholas
Woolas, Mr. Phil
Wright, David

Tellers for the Noes:
Mr. Andrew Dismore and Mr. Tim Boswell

Question accordingly negatived.

Madam Deputy Speaker: Order. I understand that separate Divisions are sought on a number of amendments. The approval of subsection (3) by the defeat of amendment No. 2 limits that choice substantially, but I am prepared to allow a Division on amendment No. 40.

Amendment proposed: No. 40, in page 1, leave out lines 7 to 12 and insert—

'(1) For the purposes of section 41(1), information which—

(a) is held only by virtue of being contained in a communication between a member of the House of Commons, acting in his capacity as such, or a member of the House of Lords, and a public authority, and

(b) in the case of a member of the House of Commons, consists of information relating to the personal affairs of a constituent of that member,

shall, unless the contrary is indicated, be deemed to have been communicated in circumstances importing an obligation of confidence.'.—*[Mr. Shepherd.]*

The House divided: Ayes 32, Noes 96.

Division No. 121] **[11.51 am**

AYES

Baker, Norman
Burstow, Mr. Paul
Burt, Lorely
Cable, Dr. Vincent
Clappison, Mr. James
Corbyn, Jeremy
Cousins, Jim
Farron, Tim
Fisher, Mark
Galloway, Mr. George
Gerrard, Mr. Neil
Goldsworthy, Julia
Harris, Dr. Evan
Heath, Mr. David
Hoey, Kate
Hollobone, Mr. Philip
Howarth, David
Hughes, Simon
Jackson, Glenda
Kaufman, rh Sir Gerald
Kramer, Susan
Mactaggart, Fiona
Maples, Mr. John
Norris, Dan
Redwood, rh Mr. John
Sheerman, Mr. Barry
Shepherd, Mr. Richard
Soulsby, Sir Peter
Swinson, Jo
Williams, Hywel
Williams, Stephen
Winnick, Mr. David

Tellers for the Ayes:
Mr. Alan Reid and Mr. Roger Williams

NOES

Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Atkinson, Mr. Peter
Bailey, Mr. Adrian
Bell, Sir Stuart
Betts, Mr. Clive
Blackman, Liz
Brown, rh Mr. Nicholas
Burgon, Colin
Burns, Mr. Simon
Butterfill, Sir John
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Chope, Mr. Christopher
Clark, Paul
Clelland, Mr. David
Cohen, Harry
David, Mr. Wayne
Dhanda, Mr. Parmjit
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Ellwood, Mr. Tobias
Fabricant, Michael
Fitzpatrick, Jim
Foster, Mr. Michael *(Worcester)*
Francois, Mr. Mark
Godsiff, Mr. Roger
Hall, Mr. Mike
Hammond, Stephen
Harris, Mr. Tom
Henderson, Mr. Doug
Heppell, Mr. John
Hill, rh Keith
Iddon, Dr. Brian
Irranca-Davies, Huw
Jones, Mr. Kevan
Jones, Mr. Martyn
Kemp, Mr. Fraser
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laxton, Mr. Bob
Levitt, Tom
Lewis, Dr. Julian
Lloyd, Tony
Maclean, rh David
Mahmood, Mr. Khalid
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCartney, rh Mr. Ian
McGovern, Mr. Jim
McIsaac, Shona
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Morley, rh Mr. Elliot
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Neill, Robert
Pelling, Mr. Andrew
Plaskitt, Mr. James
Pound, Stephen
Purchase, Mr. Ken
Randall, Mr. John
Robertson, John
Roy, Mr. Frank
Ruffley, Mr. David
Ryan, Joan
Salter, Martin
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Snelgrove, Anne
Spellar, rh Mr. John
Stewart, Ian
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Tredinnick, David
Vara, Mr. Shailesh
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Wicks, Malcolm
Widdecombe, rh Miss Ann
Winterton, Ann
Winterton, Sir Nicholas
Woolas, Mr. Phil
Wright, David

Tellers for the Noes:
Mr. Andrew Dismore and Mr. Tim Boswell

Question accordingly negatived.

Simon Hughes: On a point of order, Madam Deputy Speaker. I understood your point about our not voting further on matters covered by earlier votes, but I wonder whether you could reflect on whether it would be possible for us to consider and vote on amendment No. 16, which does not appear to be linked with earlier votes in the same way.

Madam Deputy Speaker: I understand the hon. Gentleman's point, and I have reflected on it. Having done so, I must stick to my original ruling. I decided to allow a second vote, and that was the vote on amendment No. 40.

Mark Fisher: On a point of order, Madam Deputy Speaker. I understand your ruling and the thinking behind it, but amendments Nos. 41 and 42, tabled by the hon. Member for Aldridge-Brownhills (Mr. Shepherd) and me, raise a wholly different point about the House of Lords, which we have not covered at all.

Madam Deputy Speaker: It has never been the practice of the occupant of the Chair to engage in a discussion on the Floor of the House about the selection of amendments. As I said, I have already given the House an opportunity to vote on amendment No. 40. My decision was marginal, but I thought that hon. Members should have the benefit of the doubt. Now we must move on.

Norman Baker: On a point of order, Madam Deputy Speaker. I refer you to Standing Order No. 36, which states

"After a question has been proposed a Member rising in his place may claim to move, 'That the question be now put,' and, unless it shall appear to the chair that such motion is an abuse of the rules of the House, or an infringement of the rights of the minority, the question 'that the question be now put,' shall be put forthwith."

The point of order for you, Madam Deputy Speaker, is this: a large number of Members—

Madam Deputy Speaker: Order. I am sorry, but we are now entering into a debate. I have made a ruling and a decision, and we must now move on.

Order for Third Reading read.

Simon Hughes: On a point of order, Madam Deputy Speaker. May I seek your leave to move that further consideration be now adjourned?

Madam Deputy Speaker: I must inform the hon. Gentleman that consideration has been completed, and we are now debating Third Reading.

12.8 pm

David Maclean: I beg to move, That the Bill be now read the Third time.

I accept the genuine opinions of Members in all parts of the House who take a serious view of the Freedom of Information Act, support the Act, and oppose the Bill on principle. But I must tell some Members that I do not think they have helped their cause by supporting the hon. Member for Lewes (Norman Baker), who has made clear in the press on countless occasions that his intention on the past few Fridays has been not to amend the Bill or make it work better, but to prevent it from passing to the House of Lords today. He has stated:

"This will do nothing to enhance the reputation of MPs and I and others"—

Fiona Mactaggart: Will the right hon. Gentleman give way?

David Maclean: I will, but I should like to make a bit of progress first.

The hon. Member for Lewes said:

"I and others will attempt to stop the bill."

That has obviously coloured my view of the hon. Gentleman's amendments. I believe that moving the closure motion after two hours and 40 minutes was perfectly legitimate, given that all the amendments were designed not to improve the Bill but to wreck it. I think it right that the House has made legitimate progress.

As I said earlier, I am honoured and privileged to serve on the House of Commons Commission, along with other Members who are infinitely more distinguished than I. It was because of my work on the Commission—

Fiona Mactaggart: Will the right hon. Gentleman give way?

David Maclean: I will in a moment.

It was because of problems that I saw arising through my work on the Commission that I decided to table the Bill. Of course, the House of Commons Library might not have details of some of the problems that Members have experienced, but I am aware of many of them and I referred to one today. I have also been informed by other Members of problems that they have encountered when correspondence that they have written in confidence on behalf of a constituent to a public authority has been released on the say-so of someone else. Theoretically, if the law is to work properly, when a third party attempts to access a file containing a letter from a Member of Parliament to a public authority, an officer of the public authority should consult the Member and should look at the file, and then should make a decision on whether it should be released. If it contains personal information, the officer of the authority should invoke the Data Protection Act 1998 and should not release it. There are an awful lot of "shoulds"—there are a lot of things that should happen—but unfortunately I have come across cases when they have not happened.

If the word gets out more widely that some of the information Members of Parliament receive in confidence when talking to our constituents will get into the public domain—perhaps inadvertently, by accident or by negligence—that will be damaging to the relationship that we have with our constituents. It is not good enough to say, "Well, if the current law is not working, how will this one improve it?" If my Bill is scrutinised in the other place and is enacted, I hope that we will be able to circulate the news to all public authorities that correspondence with a Member of Parliament relating to a constituency matter is now sacrosanct. Therefore, if Members wish to release correspondence, we make that decision. I am perfectly content for Members of Parliament to decide to press

[David Maclean]

release their letters to constituents if they wish—I am content for them to release anything they wish. However, the decision on whether letters relating to our constituents are released should not be made on the whim of a chief constable or in the judgment of a junior clerk in one of 2,000 public authorities who will now have the right to determine these matters.

I have in my file records of cases from Members of various parties about worries that they have had on the release of their correspondence.

Julia Goldsworthy: Will the right hon. Gentleman give way?

David Maclean: Let me conclude this point. Such concerns were stated in Committee, not by me or other Conservatives but by Labour Members and also by the Liberal Democrat Committee member. Let me say this about that Member: he is a very honourable Member and he is also a member of the House of Commons Commission. As the Liberal Democrat Member who served on the Committee—which was unanimous in its opinion on the Bill—is also a member of the House of Commons Commission, I say to his Liberal Democrat colleagues that it is clear that he has information that most Members of this House are not party to. I consider his opinions and views on the matter under discussion to be decisive.

Jo Swinson: Will the right hon. Gentleman give way?

David Maclean: Let me make a final point before taking any interventions.

We must make decisions about the sanctity of our correspondence on behalf of constituents with public authorities. We have to be able to look constituents in the eye when they come to us about tax credit cases, Child Support Agency cases or their dealings with the police or the council. We must be able to say to them, "I will take up that case on your behalf and pass on your letter or write on your behalf and I guarantee that that will not be released." We cannot at present give that guarantee. The procedures in place allow someone else to make that judgment. If they make an erroneous judgment, that damages us. I shall now give way to the hon. Member for Slough (Fiona Mactaggart).

Fiona Mactaggart: The point I wished to intervene on was that the right hon. Gentleman referred to the number of amendments that had been tabled and said that that was part of a movement to oppose the entire Bill. Does he accept that one of the reasons for that is his failure to justify his Bill? He has not spoken in favour of it until now.

Also, the point that the right hon. Gentleman is now making would have been covered by an amendment which he has voted against. The issue on which he is depending is that the Bill is required in order to protect correspondence about individual constituents, but he voted against an amendment which narrowed the protection precisely to that point, and which stopped the protection in his Bill in respect of much wider areas of correspondence. Will he use the opportunity of this Third Reading speech to justify that?

David Maclean: We all know that Third Reading debates are narrowly curtailed, and I cannot return to amendments that were dealt with hours ago. I point out to the hon. Lady that I spoke at length in Committee—probably for longer than 15 minutes—and dealt with the various issues. The Bill was on the Order Paper for weeks. I suspect that there are some colleagues in the House today with a guilty conscience who are trying to pad out the Bill because they were negligent in not opposing it on Second Reading. It could easily have been stopped on Second Reading if any Member had wanted to do so, but it got an unopposed Second Reading and unanimous support in Committee upstairs. I explained and justified it then.

I heard hon. Members—not of my party—make some very telling points. They said that they were dealing with a complex immigration case, and that there were demands from some third parties, whom they thought were representatives of the British National party, to access the files. We cannot have a situation where such information could get into the public domain.

Mr. Kevan Jones: I am grateful to the right hon. Gentleman for giving way. Does he agree that it is a bit hypocritical of the Liberal Democrats to have changed their mind? The hon. Member for North Devon (Nick Harvey), who represented the Liberal Democrats in Committee, raised no objections and tabled no amendments. In fact, he said:

> "I commend the right hon. Member for Penrith and The Border on giving us the opportunity to have this useful debate. Whatever position Parliament takes, I am perfectly clear that some real problems have been identified and that solutions need to be found."—*[Official Report, Freedom of Information (Amendment) Public Bill Committee,* 7 February 2007; c. 16.]

David Maclean: I am very grateful to the hon. Gentleman for putting that on the record.

We are all honourable Members in this House, but the hon. Member for North Devon (Nick Harvey), a Liberal Democrat, serves on the House of Commons Commission. He is a very senior Member of Parliament serving on that body. His comments in Committee are based on his experience in serving on the governing body of this Parliament, through which he has come across the problems that my Bill addresses. We are aware of those problems. The Leader of the House has been criticised for commenting on the Bill, and some said that he has been too supportive. Well, he has not been voting on my side today; I wish he had. He, too, is a very senior member of the Commission and I suspect that any comments that he made on my Bill are based on his experience in serving on the Commission.

Jo Swinson *rose—*

David Maclean: I want to move on to another point. I hope that Mr. Speaker will forgive me for mentioning it.

The Commission never leaks information. I must tell the House—and I will tell the House—that on the agenda for its next meeting is the routine publication of all our expenses. Mr. Speaker, writing on behalf of the Members Estimate Committee, which is the House of Commons Commission by a different name, has made it absolutely clear in a letter to me—it is on the record

in *Hansard*—that if my Bill becomes an Act, because it would legally exempt the House of Commons and the House of Lords, theoretically and in law, we would not have to publish expenses. However, Mr. Speaker has made it absolutely clear that we will continue to publish in October or September—

Mark Fisher: Will the right hon. Gentleman give way?

David Maclean: Not yet. Please let me finish my sentence, because this is a very important point. The main, ill-informed criticism that I have received from outside, including from the media—egged on by some hon. Members—has been about expenses. Mr. Speaker, as Chairman of the Members Estimate Committee, has made it crystal clear that we will continue to publish in October or thereabouts the totals for modes of transport such as bicycles, cars, planes and trains; that we will continue to publish the totals for the incidental expenses allowance, the new communications allowance, allowances for secretarial matters and administration, and the additional costs allowance. I do not wish to cast aspersions on the hon. Member for Lewes once again, but I think that he suggested in a debate on the previous group of amendments that this was a passing fancy and that, of course, Mr. Speaker could change his mind. I find that absolutely deplorable.

Jo Swinson: *rose*—

David Maclean: This House could go back to dragging people before the Bar of the House; we could send them to the Tower of London. However, I do not think that likely. The House of Commons will continue to publish those expenses, and my Bill will not change that. I now give way to the hon. Member for Stoke-on-Trent, Central (Mark Fisher).

Mark Fisher: I am most grateful to the right hon. Gentleman. He is a very experienced parliamentarian and he understands the significance of the Pepper *v.* Hart judgment. He knows that there is a total difference between this House volunteering, out of its own good will and courtesy to the public, to publish these expenses, and what is in a Bill. Through his Bill, he would be changing the Freedom of Information Act 2000 so that we are exempt and do not in law have to publish such things. The fact that we have an assurance from the current Speaker that he will continue with publication is irrelevant. It is not right that we should set ourselves above the law, saying that out of courtesy we publish such things, but the law does not require us to do so. The right hon. Gentleman understands what Pepper *v.* Hart is all about. What is said in this House and in correspondence to him by the Speaker does not have the force of law. We are exempting ourselves from the obligation to publish—

David Maclean: None of our Standing Orders has the force of law. Is the hon. Gentleman suggesting that we should cast aside "Erskine May" and our Standing Orders and pass an Act to regulate ourselves? All of our procedures in this House are governed by our own internal Standing Orders, by the rulings of Mr. Speaker and you, Madam Deputy Speaker. If we cannot be trusted, and if we cannot trust the word of the Speaker of the United Kingdom Parliament, to publish our expenses, God help us! I happen to trust the word of Mr. Speaker and I also trust that no future Speaker would ever be able to reverse that.

Jo Swinson: Will the right hon. Gentleman give way?

David Maclean: No, the hon. Lady has been harping on a little too much this morning. I may give way to her in a moment.

We could, theoretically, go back to dragging people before the Bar of the House and sending them to the Tower of London for contempt. We do not do such things anymore. The openness about the publication of expenses will continue. I trust the word of Mr. Speaker on that and Parliament will not renege on it. We can therefore tie down the bogus argument that if my Bill is enacted we will somehow go back to the dark ages and nothing will ever be published again. We will not go back to the dark ages and we will continue to publish that information as we have done every October for the past few years.

In fact, I anticipate that this October we will publish more, when we publish the details—*[Interruption.]* I mean in October next year, when we publish the details of the new communications allowance.

Mr. Shepherd: My right hon. Friend mentioned the Standing Orders of the House. The Bill would amend a statute. He will know that what he is proposing is discretionary. I do not detract from the statement by Mr. Speaker, the current Speaker of this House, but who is to say what conclusion a future Speaker may draw? The assurance the public have is that this is by statute required.

David Maclean: I take my hon. Friend's point. I was trying to answer the point made by the hon. Member for Stoke-on-Trent, Central, who suggested that unless publication was covered by statute it would be wrong and the House of Commons would not be seen in the right light. I was suggesting that many of the vital things that Parliament does, which are of huge importance to the nation, are dictated not by statute but by our own rules and procedures. They are covered by our conventions and by the fact that we would not dream of going back to the dark ages of another way of operating.

Mr. Kevan Jones: Does the right hon. Gentleman also agree with the comments by the hon. Member for North Devon in Committee when he said

> "Indeed, we have a comprehensive publication scheme, which puts into the public domain exactly what MPs' expenses are for, the rules that pertain to those expenses and how much each Member has claimed against each expense each year...I believe that we have got the balance about right"?
>
> —*[Official Report, Freedom of Information (Amendment) Public Bill Committee,* 7 February 2007; c. 16.]

David Maclean: Once again, I am grateful to the hon. Gentleman for pointing out what the Liberal Democrat representative, who is a man of absolute integrity—*[Interruption.]* I am not suggesting that other hon. Members do not have his integrity—

David Howarth: Will the right hon. Gentleman give way?

David Maclean: No, I will not give way—

David Howarth: On a point of order, Madam Deputy Speaker—

Madam Deputy Speaker: Order. It is entirely up to the Member on their feet whether they choose to give way to an intervention. The right hon. Member for Penrith and The Border has given way during his speech, but at the moment he wishes to complete his sentence.

David Maclean: The Liberal Democrats clearly intend to talk at length today. I intend to sit down in a moment and give them more opportunity to justify their position. If the whole Liberal Democrat party is opposed to this Bill, as its new leader is, it is a little late in the day making its opposition known. The Liberal Democrats were not here on Second Reading to oppose it. The Liberal Democrat representative in Committee serves—I say again to the House, which may be sick of hearing it—on the House of Commons Commission, which is the governing body of this House. He knows what is going on and he understands the problems. He was in favour of my Bill, which was unanimously supported in Committee.

The Bill deserves a Third Reading—

David Howarth: On a point of order, Madam Deputy Speaker. At what stage during this speech will the Standing Order on tedious repetition be used?

Madam Deputy Speaker: The point about tedious repetition is a matter for the Chair. I and my colleagues allow some latitude, but it is entirely for us to make that decision.

David Maclean: Madam Deputy Speaker, you are wise and right. I was conscious of the fact that I was beginning to repeat myself, because I was getting the same silly intervention. I will take no more silly interventions, so I shall not repeat myself and become tedious.

I made my points about the Bill in Committee. A Committee of Members from all parties, including the Liberal Democrats, heard the detail. The Committee was absolutely unanimous. The amendments today were decisively defeated—by at least three to one. I believe that the mood of the House is that the Bill should proceed to Third Reading and be tested in the other place. I want the Bill to receive a Third Reading and I commend it to the House.

12.26 pm

Mark Fisher: This is a bad day for Parliament—a sad day. Members should understand what we would be doing by giving the Bill a Third Reading and sending it to the other place. We are saying to the public that although we only recently passed an important piece of legislation, which should be a terrific jewel in the crown of the Government, to introduce freedom of information in this country at last—a measure that has been in force only two and a half years—we are now moving to exempt Parliament and Members of Parliament from the provisions of that Act.

If we give the Bill a Third Reading, and if it ever becomes an Act of Parliament, we shall be saying to the public, "We believe in freedom of information. We have enacted a major statute on freedom of information that applies to all public bodies—police authorities, health trusts and so on—but we alone are exempt. We are above the law." We shall be saying that it is right and proper that everybody should abide by freedom of information legislation except Members of Parliament—that we do not wish to be subject to the law.

That would be an extraordinary thing for the House to say. It would inevitably bring this place into complete contempt—subject to the ridicule of the public. How would the public judge us? After all our fine words in this place about openness, transparency and wanting everyone to see what is being done in the name of democracy, we are saying that when it comes to freedom of information we are giving ourselves an exemption. Such a proposal is ridiculous and it is extraordinary that the Bill has not been laughed out of court. It is absolute nonsense.

There were years of thinking behind the Freedom of Information Act. We were one of the last democracies to introduce such legislation and for years, through the late 1980s and the 1990s, we looked at legislation in Australia, New Zealand, Canada and the United States and learned from it. In 1993, I introduced the Right to Know Bill, which was based on best practice in other countries at the time. If a Labour Government had been elected in 1992, the then shadow Home Secretary—now Lord Hattersley—would have introduced legislation but, like the right hon. Member for Penrith and The Border (David Maclean), I was lucky enough to be able to promote a private Member's Bill and picked up the measure that the then shadow Home Secretary had drafted. We had the help of the Campaign for Freedom of Information and Mr. Maurice Frankel, and other experts on the subject, who had studied freedom of information measures all over the world, in producing a state of the art Bill. It had commitment and support from the then leader of the Labour party, Neil, now Lord, Kinnock and, subsequently, the passionate support of the next leader of the Labour party, John Smith.

Labour was committed to introducing freedom of information legislation in the event of its forming a Government. I was thrilled when we became a Government and the Prime Minister said that we would go ahead. He set up a Cabinet Sub-Committee, of which I was honoured to be member, to examine how we would change the good thinking in the Right to Know Bill and all the work that had been done around the world into a White Paper, in preparation for an Act of Parliament.

Julia Goldsworthy: The hon. Gentleman will probably recall that the draft Bill did not originally include the Houses of Parliament and that it was only following the recommendation of the Public Administration Committee that the Commons and the Lords were included. Is he aware of whether or not that Committee has changed its views since its initial recommendations?

Mark Fisher: I do not think that it has, but I am sure that the hon. Lady will make these points in more detail later—I look forward to hearing them.

I am trying to establish that this Bill, by my calculation, has had fewer than four hours' of debate and scrutiny in reaching this point of concluding its Third Reading. It has had four hours' debate, during which time the promoter spoke in its favour for the first time in the past half hour. Those four hours will overturn and undermine years of thought, expertise and agonising in respect of the quality of the freedom of information legislation that we should have in this country.

Mr. Kevan Jones: May I point out to my hon. Friend that if he cared to read the proceedings of the Public Bill Committee, he would know that the right hon. Member for Penrith and The Border (David Maclean) spoke at length in support of his Bill and answered some of the points that have been raised? Today is not the first time that the right hon. Gentleman has done so.

Mark Fisher: I am grateful for my hon. Friend's intervention. Of course I have read the Committee's proceedings. They make my point that this country has had 15 years of expert thinking about freedom of information legislation, whereas I believe that the Committee sat for exactly one hour—one hour's consideration was given.

The right hon. Member for Penrith and The Border praises the Committee, but he knows perfectly well that the membership of a Committee that considers a Private Member's Bill is rightly chosen by the promoter of the Bill. Such a Committee is not balanced in the way that ordinary Public Bill Committees are; this was a Committee of his supporters from both sides of the House.

Mr. Tobias Ellwood (Bournemouth, East) (Con): It was cross-party.

Mark Fisher: Nobody is saying that the right hon. Member for Penrith and The Border does not have support from all corners of the House, because he does. He demonstrated that in his selection of the members of that Committee. I am not criticising him for that, because it was perfectly proper, but the idea that this was serious scrutiny in Committee, as in an ordinary Public Bill Committee, is a complete fiction. He knows perfectly well that it is not true; he chose the members of the Committee.

David Maclean: Does the hon. Gentleman accept that amendments that substantially rewrote the Bill were moved, so the Bill received careful scrutiny in Committee? The Committee was unanimous in supporting the changes in the Bill.

Mark Fisher: I have always liked the right hon. Gentleman, but I have never seen him as a comedian. The idea that one hour's debate can seriously address the 15 years' consideration that this country has given on this legislation is laughable. If he thinks that a few minutes in Committee represents serious amendment and debate that can undermine everything that people who care about this legislation have been working towards for 15 or 20 years, he is a comedian.

David Maclean: Would the hon. Gentleman care to tell me how much debate took place before the 2000 Act was passed on the addition of the House of Commons to it?

Mark Fisher: I cannot remember. The hon. Member for Somerton and Frome (Mr. Heath) is not in his place. He had to remind me this morning of the fact that he and I were on that Committee. A great deal of consideration—

David Maclean: I posed the question because the answer is none. Not one minute in Standing Committee, not one minute on Report and not one minute on Second Reading was devoted to including the House of Commons in that Bill. The provision was added without any debate, so it did not receive 15 years' consideration. The Freedom of Information Act generally did, but including the House of Commons in it received no consideration—it was added by mistake.

Mark Fisher: It was certainly not added by mistake.

Mr. Shepherd *rose—*

Mark Fisher: May I just respond to the point, because it think that it would be courteous to the right hon. Gentleman to do so? I am sure that the Minister will confirm that the present Leader of House, the then Home Secretary, thought about this very carefully indeed. As he says himself, he was in two minds and wondered whether or not to include Parliament. He reached the conclusion that Parliament should be included—it was his Bill. He was the Cabinet Minister who saw that Bill through, so he had given plenty of careful consideration to exactly the point raised by the right hon. Member for Penrith and The Border. Of his own volition, the present Leader of the House admits that the decision was not easy and that he was in two minds at certain times.

I am not sure how familiar with such legislation throughout the world the right hon. Member for Penrith and The Border is. However, he makes the wider point that Parliaments handle freedom of information in different ways. Some freedom of information legislation covers parliamentarians, while some does not. It is a matter for each Parliament to decide. However, we have found another way. All the exemptions that worry the right hon. Gentleman are covered by the Data Protection Act 1998. The way in which the two Acts of Parliament lock together like a jigsaw ensures that the sorts of problems that the right hon. Gentleman is worried about are not real.

Jim Cousins: Freedom of information applies to public bodies. However, many hon. Members want disclosure in other contexts. For example, many of our hon. Friends want greater disclosure on private equity companies. How can we properly and honourably raise such points, which are being made by many of our great trade unions, if we shut the door on information about ourselves?

Mark Fisher: My hon. Friend is absolutely right. The right hon. Member for Penrith and The Border is addressing the sensitivities and shyness of parliamentarians about their correspondence, expenses and information. I do not know how much he has studied such legislation throughout the world, but I do not think he understands what an enormously dramatic thing he is doing and how completely he is undermining existing legislation. As my hon. Friend the Member for Newcastle upon Tyne, Central (Jim Cousins) suggests, the Freedom of Information Act 2000 goes wider than the issue that the right hon. Member for Penrith and The Border is addressing, yet much of it must go through the conduit of parliamentarians. If we are exempt, the whole Act, to the extent to which it comes through parliamentarians, is affected. Ultimately, whom else should it come through? We are the ultimate democratic body, and it is through us that people should test, argue about and explore matters of public policy and concern.

I hope that I am not misrepresenting the right hon. Member for Penrith and The Border, but I do not think that he understands what a devastating Bill this is. As he said in his few remarks, these are difficult areas. The way in which the legislation is applied to public bodies is inconsistent. The Act has been in force for only two and a half years and people are uncertain about its application. The problems that he has brought to the attention of the House arise through the ignorance of individual officials and a lack of understanding. He is right to say that those problems have to be addressed, but not by changing the law. If we change the law and exempt ourselves, we are saying to all the other bodies that we have no confidence in the law. Those bodies will ask why on earth they should trouble themselves with freedom of information legislation if Parliament, which passed the Act in the first place, does not take it seriously. Trade unions, health trusts and chief constables will ask why they should bother when Parliament does not think that it is worth reporting these things.

Mr. Kevan Jones: Trade unions are exempt.

Mark Fisher: But chief constables, health authorities and other public bodies are not. Why should they struggle to try to work out what is left of the Freedom of Information Act if we are exempting ourselves?

Mr. Shepherd: We have been told that the House gave no consideration to whether it should be covered as a public body by the 2000 Act. Pre-legislative scrutiny was carried out by this House's Public Administration Committee and the House of Lords. That point was considered, and it was on the basis of those considerations that the then Home Secretary included such a measure in the Bill. We had a full opportunity, albeit with some guillotines, to pursue the issue on the Floor of the House. There were many days' debate, yet no one tabled an amendment on the matter. I would call that Act a well processed piece of legislation.

Mark Fisher: I agree. This House in its wisdom decided to go around the sort of problems that the right hon. Member for Penrith and The Border has identified in a different way—to lock together the data protection legislation and the freedom of information legislation and so deal with sensitive and difficult areas of confidentiality and related issues. We could have chosen to make a blanket exemption for Parliament, as some other countries have done for their parliamentary bodies, or to adopt the route that we took—both are perfectly comprehensible and in many ways effective. We chose one way, but now, with this Bill—29 lines of legislation—the right hon. Gentleman is throwing away all our consideration over some 20 years.

Susan Kramer (Richmond Park) (LD): The hon. Gentleman is being generous in giving way and I appreciate it. Does he agree that the Bill throws into question the entire relationship between the Freedom of Information Act and the Data Protection Act? I have correspondence from many constituents who have sought information under the Freedom of Information Act and been denied it because of the provisions of the Data Protection Act. The primacy of data protection has always been the essential element in public bodies' responses to their requests. Today, are we not throwing into question the protection that the Data Protection Act provides and putting in the minds of other public authorities the notion that perhaps they should be handing out information—that the Data Protection Act does not provide such restrictions? Will not many people in many circumstances now be exposed to genuine risk?

Mark Fisher: That is a fine intervention and I hope that the hon. Lady catches your eye, Mr. Deputy Speaker, so that she can elaborate on those points.

I say to the promoter of the Bill that I do not doubt the sincerity of his belief that there is a problem. However, he is acting on anecdotal evidence. He says that much evidence has been brought to the House of Commons Commission—I am not sure whether it is to be published—but it seems to me that almost all the evidence on which his enthusiasm for the Bill is based is anecdotal. When he is asked whether there is a public problem—whether the Information Commissioner—

Tim Farron: Will the hon. Gentleman give way?

Mark Fisher: Let me finish the point. All of us on both sides of the House agree that one of the best appointments to a public body that the Government have made has been that of Mr. Richard Thomas as Information Commissioner. He has gained plaudits from everybody. He has integrity, he is tough and he is extremely knowledgeable, yet his office has received none of the complaints or queries that the right hon. Gentleman claims his Bill will address. That seems strange.

If there is an outrage such that the right hon. Gentleman wants to tackle it through the Bill, one would have thought that one problem might have been brought to the attention of the Information Commissioner. The right hon. Gentleman says that the House of Commons Library cannot be all-knowing, but most Members' experience of the Library is that most of its staff are brilliant—very much cleverer and more qualified than we are—and give this House superb service. They have stated categorically that they are aware of no problems of the sort that he has identified—no such problem has been brought to their attention.

The Bill seems to be addressing a problem that does not exist, except in the eyes and mind of the right hon. Gentleman and the few Members who have spoken to him privately and anecdotally, saying, "We're very worried. I have a particularly nasty constituency case here." I am sure that they have and that such cases exist, but that is because the Freedom of Information Act is new legislation—only two and a half years old—and the people in local authorities and other public bodies who are applying it have not yet learned how it works. Of course mistakes are made, but when that happens the answer is not to change the law completely and so radically.

Tim Farron: My esteemed neighbour, the right hon. Member for Penrith and The Border (David Maclean), commented in the—hand-picked—Committee scrutinising his Bill:

"Clearly if one writes to a public authority and gives the personal details of a constituent, such as their CSA claim, information relating to their children and so on, that information should be protected. It should quite clearly be protected under the current Act. However, inadvertently, someone may release it."—*[Official Report, Freedom of Information (Amendment) Public Bill Committee,* 7 February 2007; c. 8.]

In other words, it is not new legislation that is needed but proper interpretation of the current Act.

Mark Fisher: I am grateful to the hon. Gentleman for that. Mr. Deputy Speaker, I am only too aware that many people want to speak; your colleague Madam Deputy Speaker brought that fact to our attention. I think that it was very wrong that today on Report there were only two speeches. No one on the Labour Back Benches was invited to speak, although earlier in the week the Speaker had ruled, in answer to a question from my hon. Friend the Member for Walsall, North (Mr. Winnick), that voices from all parts of the House would be heard. Nor, indeed, was a single Opposition Back Bencher called to speak.

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Gentleman is starting to stray away from the Third Reading of the Bill. How the House divides up its time is largely a matter for the Members in the Chamber at the time.

Mark Fisher: I will not argue the toss with you, Mr. Deputy Speaker—I would not dream of it—but the Members who wished to speak were in the Chamber all the time. They were trying to catch Madam Deputy Speaker's eye, but were not fortunate enough to do so. It is simply not the case that the Bill has had major scrutiny and consideration. Debate has been hugely curtailed today. I am trying to emphasise the point that we are giving a Third Reading to a devastating piece of legislation that will bring huge discredit to the House. The supporters of the Bill do not seem to understand that simple point.

It may have escaped the attention of the Members who have voted for the Bill so far that the reputation of Parliament is not very great. Membership of political parties is going down, and the number of people who vote in general elections is going down. We should do all that we can to convince the electorate that we have integrity and objectivity, that we are fearless in pursuing matters on their behalf, and that we wish our actions to be open and transparent. The Bill yet again shoves under the carpet everything to do with freedom of information in this House.

I do not think that the right hon. Member for Penrith and The Border understands, from his viewpoint in Penrith, that people will be aghast. When the public understand what is being done under the Bill, they will be amazed, horrified and totally contemptuous of the way in which we Members of Parliament are seeking to place ourselves above the law. It is no different from us saying, "We passed taxation legislation, but we will exempt Members of Parliament. They have such an onerous and important job; why should they be troubled with paying taxes?"

Mr. Deputy Speaker: Order. The hon. Gentleman has complained about the time allowed for debate today, but he is repeating himself. He might consider bringing his remarks to a conclusion.

Mark Fisher: I am trying to do that, Mr. Deputy Speaker. I am just trying to emphasise the point that the Bill will subject the House to derision, and bring it into contempt and discredit. We should take that very seriously. In my 24 years in this place I do not think that I have ever criticised the Chair before, but—

Mr. Deputy Speaker: Order. I respectfully suggest to the hon. Gentleman that now is not the time to start, and I mean that. He should probably bring his remarks to a close.

Mark Fisher: Right. Well, I did not realise that what I was about to say was out of order in any way, but if I am not allowed to make the point that I was about to make about the way in which we have conducted the affairs of Parliament this morning, I will find other avenues in which to pursue those concerns and anxieties. Those concerns are a different but added way in which the Bill, and the manner in which it has been handled, will bring Parliament into complete disrepute and discredit. We ought to be ashamed of ourselves today, and anybody who votes for the Bill ought to be ashamed of themselves. Once again, we will have to throw ourselves on the mercy of the other place and hope that it has the good sense to throw out this discreditable and squalid little Bill.

12.49 pm

Simon Hughes: I shall speak against the Bill and argue that the House should reject it on Third Reading. I have no complaint against the right hon. Member for Penrith and The Border (David Maclean), or the fact that he introduced the Bill. I have been in the House marginally longer than he has, although we may both feel that we have been here almost exactly the same time. I understand why he introduced the Bill, but both major parts of it are fundamentally misguided and unjustified. I shall seek to deal with the points that he made in his two brief contributions, and the points that were made in the one hour in Committee.

I believe that the Bill was prompted by two things. First, there was a concern among the authorities of the House and some colleagues that questions about matters such as expenses and allowances were too frequent and intrusive. Some colleagues were nervous

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about that. There were cases that challenged the decisions of the House authorities to be restrictive. The Speaker, the House of Commons Commission and others eventually decided that there would be internal rules requiring us to disclose our travel expenses and so on. That was all to the good, but it was a response to public pressure. Even today—my hon. Friends from Scotland will correct me if I am wrong—we are not subject to nearly as rigorous a discipline as are colleagues in the Scottish Parliament, for example, who legislated two years after we did. We legislated in 2000 and they in 2002.

Jo Swinson: The freedom of information legislation in Scotland is seen as an exemplar both in the time allowed—information must be disclosed far more promptly—and in the level of scrutiny. Some Members of the House might be uncomfortable with the level of scrutiny that Members of the Scottish Parliament undertake. Every expense receipt is published online within a month of being submitted. That has led to an increased feeling among people in Scotland that they can see what their parliamentarians are doing, and that can only help to build trust in politics. Unfortunately, this Bill will help to diminish trust in politics.

Simon Hughes: I share that view. It was realised that there were proper limits to what people should be entitled to know. An example, now much quoted, given by my hon. Friend the Member for North Devon (Nick Harvey) in Committee, was that people should not be entitled to know, just because we are MPs, how many bedrooms we have in our houses, who sleeps in which bedroom, or how much we spent on the kitchen extension in our private residence. There are proper limits, but it is not proper to bar people from knowing how much public money we claim to travel between the House and our constituencies, and similar information.

The right hon. Member for Penrith and The Border agrees with that. The difficulty with his case, which he understands, is that by proposing that the Commons and the Lords be taken out of the scope of the legislation, the Bill would make the disclosure of such information entirely voluntary in both Houses. We alone would decide what we disclosed, and be subject to no external monitoring.

There are places in the world where that position is taken. There is a debate going on in New Zealand about that very issue. It is strongly argued that the New Zealand Parliament should do as we are doing by keeping the present position and not changing it to exempt Parliament from that arrangement. There is no doubt about the fact that there would be a regime in place, but the difficulty with the argument put by the right hon. Gentleman and those who support the Bill is that it is impossible to say that we should be trusted to look after ourselves, but that councils, the Welsh Assembly, the armed services and all other public agencies cannot be trusted.

Like other hon. Members, I look regularly at the Ipsos MORI surveys. I am proud that the company is based in my constituency. This House and Parliament do not come at the top of the league table of trusted institutions, and by and large are far less well trusted than many other bodies. That is the right hon. Gentleman's difficulty. He says that because we are Parliament, we should be subject to a different regime. The good words of Parliament will not persuade the public, and reversing, on the basis of no serious consideration, a step that we took only two and a half years ago will in no way enhance our credibility.

I want to pick up a point made by the hon. Member for Stoke-on-Trent, Central (Mark Fisher). It is right to say, as the right hon. Member for Penrith and The Border argued, that when the Bill first came to Parliament it was not intended that the Commons and the Lords should be included, but one of our Select Committees came strongly to the view that we should be included. It recommended that to the Labour Government of the day, and the then Home Secretary, who is now Leader of the House, accepted it. The reason why the proposal was not significantly debated was that it commanded support across the Committee, after due scrutiny, and from the Government, after due consideration.

The Government now say that they are neutral. There are reports in the press that there are strong divergences of view in the Government. It is suggested that the Lord Chancellor, the head of the Ministry of Justice, has one view, and that other people have another; I know not. There has been no scrutiny and no chance for either House to consider these issues in a Committee. There is a case for doing so. I agree with my hon. Friend the Member for North Devon and others, who have said that there is a debate to be had.

Had those of us who were here spotted the Bill on the day that it was first listed on the Order Paper, and had we thought that it would not be opposed by the Government Whips, who usually oppose Back-Bench Bills almost without exception, particularly those that are not introduced by members of their party, we would of course have objected to it at that stage. However, the fact that we did not have that opportunity for debate does not make up for the fact that no Committee has been looking at it—

Mr. Deputy Speaker: Order. The hon. Gentleman is an experienced Member of the House, and he knows that Third Reading is for debating the Bill's contents, not its history.

Simon Hughes: I accept that, Mr. Deputy Speaker.

Jim Cousins: May I draw the hon. Gentleman's attention to an amendment moved in Committee by the right hon. Member for Penrith and The Border, which would put the exemption in the context of section 34 of the 2000 Act, which refers to parliamentary privilege? Does he think that the exercise of the public interest override, which will continue to exist, would be severely inhibited by the co-location of the exemption with the concept of parliamentary privilege?

Simon Hughes: I am concerned about that. The substance of the Bill, although simple in its two propositions, touches on some complex legislation. Everybody accepts that the interrelationship of the Data Protection Act 1998 and the 2000 Act is not entirely straightforward. We therefore need careful responses rather than draconian and simplistic ones.

The Bill says that from now on we should have a voluntary regime, while everybody else should have a compulsory regime. That is not justified, given that there has been no serious consideration. There has been no opportunity for colleagues to give evidence. There has been no attempt by the right hon. Member for Penrith and The Border or others to collect people's views. Different views were expressed in the Committee. My hon. Friend the Member for North Devon made it clear that he recognised the concerns about the Bill, but he did not endorse or oppose it, and expressly stated that he was not speaking for the Front Bench. We should deliberate about those concerns in an intelligent and considered way.

People can still find it difficult to get information about non-controversial matters, even under the current legislation. I had an e-mail from somebody at a university in the United Kingdom saying that they were finding it difficult to get information about the public and ceremonial role and activities of Speakers for their academic research. If that difficulty exists, we need to examine the problem and ascertain the reason for such difficulty in obtaining information that should not be controversial. That includes not only information about expenses and travel, but anything to do with this place. If we exempt the Commons and the Lords, that means everything to do with our work here. It means the business of all the House Committees, all the functions of the staff and all the things that might be more controversial, such as how we spend public money on the buildings, various improvements and IT systems. All that would suddenly become subject only to voluntary disclosure. That is a serious problem.

My next point is important for the outside listeners, viewers and followers of our debates. Members of Parliament are not subject to freedom of information legislation. Our correspondence is secret. If people come to see us as Members of Parliament, we are not public bodies but individual representatives. There is no risk of our releasing that information. We all have on our correspondence something that states that we are acting for people confidentially, and that we hope they will agree that the information occasionally has to be shared with staff and perhaps others in order to help them. People are asked to let us know if there is any difficulty with that. I always offer people the chance to understand. We are not at risk of having information forced out of our offices. The problem is whether information is at risk of falling out of a public authority's offices, because the current law does not cover that.

I therefore want to deal with the proper concerns that the right hon. Member for Penrith and The Border expressed—I also heard the hon. Member for Keighley (Mrs. Cryer) on the radio this morning—but according to everything that I have heard and seen, they are not based on evidence of a genuine problem. There is theoretically a problem, but no evidence that problems have arisen.

David Howarth: Most of the examples of data being wrongly released that have been given involve breaking the law. The fundamental question that the promoter has failed to answer is why he believes that passing more legislation will prevent people from breaking the law.

Simon Hughes: That is the other inconsistency in the argument of the right hon. Member for Penrith and The Border. If the present law is being broken, changing it does not mean that the law will suddenly be obeyed.

David Maclean: I do not suggest that the law has been broken in all cases, but that an officer of one of 2,000 public authorities makes a judgment. He may believe that a judgment is legitimate and defensible, but it still may release MPs' correspondence. We do not make that judgment; he does. In some cases, one could argue that he is breaking the law; in others, his judgment may or may not be right.

Simon Hughes: I understand and accept the distinction, and the right hon. Gentleman makes an important point. I am happy to meet him and see any examples that he or other colleagues want to show me. I have not seen any examples of a problem in the two and a half years since the Act has been in force. Moreover, there are many examples of decisions whereby section 40(2) of the Freedom of Information Act, which covers exemption of personal information, applies. That is relevant to the material examples with which the right hon. Gentleman, my hon. Friends and I deal every day of every week in constituency cases.

Let me give some examples. The names of people who signed a petition to a local authority about an allegedly undesirable tenant were not allowed to be released under the current regime. The name of an informant who notified a local authority of a potential breach of planning requirements in somebody else's property was not allowed to be released. Those are rulings; I am not inventing them. The cases have been tested and the information has been found to be exempt.

Information relating to a Home Office decision to grant indefinite leave to remain in the United Kingdom to a named individual was not allowed to be released—and it is right that personal circumstances are not disclosed. This morning, the hon. Member for Keighley said that she would not want information that she shared about forced marriages to be revealed. That is right—and it would not be revealed under current legislation. I understand her fear, but she is safe. Unless somebody incorrectly judges the law or acts illegally, all her constituents about whom she corresponds on that issue are safe.

Information about the age, length of service and pay scale position of council employees who take voluntary retirement, which, even though the individuals are not named, could allow their identities to be deduced, was not allowed to be released. Then there is information about a pupil referred to in minutes concerning a disciplinary hearing against a teacher—again, not allowed, even though the teacher had been willing for their name to be revealed. The names of members of the public responding to a public consultation exercise about a right of way—again, not allowed. All the evidence of where the law has been tested comes down on the other side of the argument about whether we need change.

When I was in my office last night, I picked up my casework letters that had been opened, and I also had some letters ready to sign. Some of them would not

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cause anybody a problem. I received a reply from the Foreign and Commonwealth Office on behalf of constituents about someone who had been detained in Africa. That is a potentially public document in the sense that it involves a public campaign to help to release someone who is not being looked after properly by a foreign Government. I received a letter from the Secretary of State for Health in reply to a letter I wrote about the future of the 24-hour emergency clinic at the Maudsley hospital. That is, quite rightly, regarded as in the public domain. I wrote to ask the Secretary of State to defer the closure and she replied with her reasons why she would not. That should not be a secret. I had some correspondence with the Minister who is currently in her place on the Front Bench, about boundary changes in my constituency. Again, that is properly a public matter. I want it to be public, and she would not have any difficulty with that.

Other categories of correspondence involve agencies that, as it happens, are not covered by the Freedom of Information Act because they are private institutions. We would want to keep that category secret. I wrote to many schools asking them to let in for the coming year someone who has not got in under round one. I asked what the procedure was. I wrote to UKvisas about securing visas for people coming into the country. I had a letter from the Metropolitan police replying to my inquiry about allegations of improper behaviour. All those are protected.

I hope that the House can be very clear that the fears of some colleagues are not borne out by the evidence and the facts. All the fears expressed in Committee, on Report and now on Third Reading are, as I understand them, fears that there might be a problem rather than evidence that there is a problem.

David Howarth: Is not the ultimate conclusion from what my hon. Friend has said that what the Bill protects, in terms of correspondence exempted from freedom of information provisions, is precisely and only those communications between MPs and public authorities that are on matters of public policy? And are not those precisely what freedom of information should apply to, on the grounds that our constituents are entitled to know what we think about public policy?

Simon Hughes: Absolutely. There is all the difference in the world between public policy correspondence and private representations on personal matters to do with somebody's health, for example—which my hon. Friend the Member for Oxford, West and Abingdon (Dr. Harris) mentioned earlier—or their immigration status, their educational background or housing, about which I get hundreds of letters. Those are entirely different. Everyone here would defend to the utmost the right of the public to know what we say about public policy. The arguments that we put on public policy and the replies that we get from the Government about them are perfectly proper matters for the public to know about. However, we would also defend the current legislative arrangements, under which inquiries connected with people's personal circumstances are not public property.

Dr. Evan Harris: Is not one of the strange things about the Bill the fact that the exemption is to apply only to MPs? If this problem exists and the Bill provides the way of tackling it, why then should not councillors' representations about domestic violence or doctors' letters to public authorities on housing waiting list matters be covered, too? If this is a problem—I do not believe that it is, as it is already covered by the Data Protection Act 1998—I cannot understand why MPs are being singled out. Might that not cause even more problems for other people, because the civil servants taking these decisions might well say that because the exemption applied only to MPs, there was effectively carte blanche? It could make the matter worse.

Simon Hughes: My hon. Friend is absolutely right, and my hon. Friend the Member for Somerton and Frome (Mr. Heath) made the same point earlier. Furthermore, the hon. Member for Caernarfon (Hywel Williams) also argued earlier that it would be entirely anomalous to have one regime for Members of the Welsh Assembly, county councillors, borough, district and unitary councillors, parish councillors and community councillors, but a different regime for MPs. Some people are both councillors and MPs. Some have been Welsh Assembly Members for a while as well as MPs, and some are currently Members of the Scottish Parliament and MPs. I have had letters written to me—I suspect others may have had the same experience—starting, "Dear Councillor Hughes", on the basis that all elected people must be councillors.

Hywel Williams: The hon. Gentleman will be aware that there is a demand in Wales and Scotland for greater powers for the Welsh Assembly and the Scottish Parliament. Indeed, that was one of the points made by the hon. Member for Banff and Buchan (Mr. Salmond) in his acceptance speech. He said that there was an appetite for such change across the parties in the Scottish Parliament. Hon. Members who do not share my view of the value of the Welsh Assembly and the Scottish Parliament should take care when playing fast and loose with the good name of this place.

Simon Hughes: That is a concern. There are some other good examples of why we should not change the system. The Irish legislated in 1997; they now have very good freedom of information and data protection legislation that works extremely well. This Bill would mean a move back from such standards. The South Africans have a very open regime under their new constitution. The Indians too have a very open regime. The New Zealanders are debating at the moment whether to move in the direction of our present legislation, rather than away from it. I have not detected a debate anywhere else that proposes to reduce access.

There are things that we can do to reassure the public regarding matters of extreme delicacy or sensitivity. For example, if I thought that my local police commander was corrupt—that has never applied in my borough; I have never had that problem—I might ask to see their senior officer about the matter personally. MPs can always have oral communication, which does not carry the same risks as written communication. If I think that there is a risk of someone's identity being disclosed, I regularly decide not to attribute a name to the person in my correspondence. I also ensure that the reference

does not give away their identity. I will use the issue as the subject title, rather than the person's name. There are ways of anonymising the correspondence that we deal with.

David Maclean: That is the point that I am making. Why should Members of Parliament have to pull their punches, anonymise and cover up in that way when we write to the chief constable, because we think that there is risk that the information will be released? Surely we have a right, and a duty, to set out the facts as we see them when we write to the chief constable, without fear that someone might release that correspondence by mistake.

Simon Hughes: There is no disagreement between us. I have just written to my local authority's chief executive with a complaint about a local authority employee who I think has been behaving improperly. Obviously, I had to name the employee in the correspondence. I did not pull my punches. A constituent came to see me and made the complaint, I passed it on, and it has been taken seriously. I understand that the person has been suspended and that investigations are being pursued. I did not pull any punches, but I chose to do it that way.

I am making the point that there are alternatives if we choose to use them. They are not compulsory; we do not have to use them. I am sure that I have been direct with authorities about incompetent junior officials or inadequate responses as often as the right hon. Gentleman has. I am just saying that there is a range of outcomes and a range of ways in which we can do these things.

Norman Baker: The case that the right hon. Member for Penrith and The Border (David Maclean) seems to be putting is that if a letter is written by a Member of Parliament to a public authority official, that official might release the letter by mistake, but that if the Bill were passed, the official would know not to do that. That is an absurd proposition.

Simon Hughes: It is.

Colleagues here who represent Wales and Scotland understand that we are in danger of further confusing the interconnection of our representative responsibilities. My hon. Friend the Member for East Dunbartonshire (Jo Swinson) made the extremely good point earlier that she might have to decide whether to write to a UK Government agency based in Scotland or one based in England, because the legislation in Scotland would be different from that in England. That would clearly be nonsense. There would also be different rules covering institutions abroad to which we might write. If we were dealing with agricultural payments, for example, and writing not only to the UK Government but to the Commission in Brussels, different rules might apply in each case.

I now want to deal with what I hope the right hon. Member for Penrith and The Border and colleagues will accept is the most substantive reason why we do not have to go down this road, and why it would not only discredit this place but be unnecessary, wrong and foolish to do so. I have checked carefully with all the authorities, and since 1998 a huge amount of guidance, and a huge number of documents and regulations, have been produced to assist everybody to behave better in this matter.

Although we passed the Freedom of Information Act in 2000, it took five years to come into force, and in 1998 we passed the Data Protection Act. To put it simplistically, the Data Protection Act deals with how we access our own information, and the Freedom of Information Act deals with how we access information about others. Clause 2 of the Data Protection Act defines sensitive personal data as,

"the racial or ethnic origin of the data subject...his political opinions...his religious beliefs or other beliefs...whether he is a member of a trade union...physical or mental health or condition...sexual life... commission or alleged commission by him of any offence, or...proceedings for any offence".

Therefore, some things were made sacrosanct from the beginning.

As I said in my intervention on my hon. Friend the Member for Lewes (Norman Baker)— this also relates to the point made by the hon. Member for Newcastle upon Tyne, Central (Jim Cousins) about parliamentary privilege—sections 21 to 44 of the Freedom of Information Act provide exemptions anyway, some qualified and some not. Those are provided for all sorts of reasons: law enforcement; investigations and proceedings conducted by public authorities; prejudice to effective conduct of public affairs; health and safety; personal information; commercial interests; and, expressly, information provided in confidence. Some Members pushed for wider freedom of information, but, ultimately, there were lots of exemptions.

As my hon. Friend the Member for Twickenham (Dr. Cable) reminded the House; we also passed the Data Protection (Processing Of Sensitive Personal Data) (Elected Representatives) Order 2002, under which Members of Parliament who write to authorities do not have to have express consent, because the implication is that people who come to see us and ask for help give their consent in doing so. That has made life easier.

Therefore, only five years ago we moved in the direction of providing more security to the protected route. Since then, we have had the Information Commissioner's guidelines in 2004, the Department for Constitutional Affairs code of practice in November 2004, advice for Members' offices in this place in April 2005, a House of Commons standard note on freedom of information requests in June 2005, a House of Commons freedom of information note in November 2005, the Information Commissioner's Office's "Freedom of Information Awareness Guidance"— Nos. 1, 2 and 13—in 2006 and 2007, and a further note from the House of Commons. So much guidance has been given to authorities.

To deal with the concerns of the right hon. Member for Penrith and The Border, any authority or organisation can find guidance as to what they need to do on the Information Commissioner's Office website. There are also two sanctions. First, if judgment is incorrectly exercised, it can be challenged—although of course, that is not as good as its not having been incorrectly exercised. Secondly, if people break the law they can be prosecuted, and the Information Commissioner will do that.

[Simon Hughes]

I want to make a suggestion that I hope that the House will regard as constructive and sensible. We should say no to the Bill, because it is an overreaction to a set of issues that have either not been addressed or not been evidenced. If the House of Commons Commission has continuing concerns, it should ask an appropriate cross-party Committee to consider the matter, and a deliberative exercise should take place in which the Information Commissioner is asked to give evidence, colleagues can give evidence and the public can give evidence too.

It would be really stupid and foolish, however, for us to legislate to take the Parliament of the United Kingdom out of freedom of information legislation on the basis that it will protect our relationship with our constituents, which in almost every case has worked exceptionally well, with no evidence of any significant failure to date. I hope that the House will be clear about that.

I understand why the right hon. Member for Penrith and The Border introduced the Bill. However, I hope that, having heard so little argument that justifies its support, the House will say no to it—and that if this House does not do that, the House of Lords will do what it often has to do, and stand up for the citizen against Parliament rather than standing up for Parliament against the citizen.

1.20 pm

Bridget Prentice: This has been a fascinating debate, although I doubt that many minds have been changed today—or, indeed, in our last debate on the Floor of the House some weeks ago, or in Committee.

The Government introduced the Freedom of Information Act 2000 to create a more open relationship between the citizen and the state. The Select Committee on Constitutional Affairs hailed the Act as a significant success. We can see for ourselves that freedom of information requests have resulted in the release of information of real value to the public on such topics as operation success rates, the results of restaurant hygiene inspections, the living conditions of animals in zoos, and even the recipients of common agricultural policy payments. That increase in the flow of information from public authorities should, I believe, be seen as one of the most important reforms introduced by the Government, and a fundamental change in the culture of the country.

Information that is currently released by the Houses of Parliament under their publication schemes will continue to be released even if the Bill is enacted. In Committee, the right hon. Member for Penrith and The Border (David Maclean) passed on an assurance to that effect from Mr. Speaker. The Government welcome the commitment to the changes brought about by the freedom of information legislation, and I personally thank Mr. Speaker for offering that assurance to the right hon. Gentleman.

Norman Baker: I apologise for the terrible cliché, but if it ain't broke, why fix it? If the system is supposed to guarantee what is already released—if that is already in legislation—why do we need a paper guarantee?

Bridget Prentice: I am not sure that that question should be directed at me. I am simply saying that a Labour Government introduced the Freedom of Information Act, after many years of work by my hon. Friend the Member for Walsall, North (Mr. Winnick) and others.

When my party was in opposition I was a member of what was then the Select Committee on the Parliamentary Commissioner for Administration, chaired by Jim Pawsey, a Conservative Member at the time. I believe that you too were a member of the Committee, Mr. Deputy Speaker. We visited Australia and New Zealand, and looked at arrangements relating to freedom of information there. I think that ours was the first Committee of the House to suggest that the Government consider a Freedom of Information Act, so I feel I have some history when it comes to this subject.

When the House debated the Bill that became the Freedom of Information Act, Members on both sides argued for a strong Act that would give real force to freedom of information requests. That was entirely in keeping with the purpose of the Act. However, the Act was designed to enable open government to be balanced against the need for effective government. It was designed to help the public, not to disrupt the valuable work that Members of Parliament undertake on the public's behalf.

My hon. Friend the Member for Stoke-on-Trent, Central (Mark Fisher) referred to my right hon. Friend the Member for Blackburn (Mr. Straw), now Leader of the House, who was Home Secretary at the time. In a parliamentary answer last year, he said

> "I should just say that I was the Minister who had the unenviable task of taking the Freedom of Information Bill through its stages in the House, and we were asked by hon. Members on all sides to go further, rather than to provide what I thought were sensible protections, on requests for information, including requests from Parliament. However, the only people who supported those sensible restrictions were my hon. Friend the Member for Nuneaton (Mr. Olner), and myself, on the Treasury Bench."—[*Official Report*, 26 October 2006; Vol. 450, c. 1682.]

My right hon. Friend now feels that perhaps this is an appropriate time to reflect on the Act. If the Act is interfering with hon. Members' ability to serve their constituents, they should invite the House to look again at the protections that it offers.

It is clear there is increasing concern among Members about disclosure of their correspondence. Several Members have raised their concerns, both in the House and in correspondence with the Government.

Sir Peter Soulsby (Leicester, South) (Lab): The Minister opened by saying that she doubts whether any Members' views have been changed by the debate. I attended it perfectly prepared to hear evidence of the need for the Bill—to hear examples of the danger, which the Minister has just referred to, in respect of the relationship between Members and their constituents. However, as we have heard no such evidence, does the Minister not accept that in the absence of that—despite the considerable number of Members who have attended the debate and the considerable volume of correspondence that they must have had with, and about, their constituents—we must now be convinced that the Bill is not about the matter that it is claimed to

be about but that there are ulterior motives in that there are other matters that Members wish to protect from proper public scrutiny?

Bridget Prentice: I cannot accept that on the following basis: it is not for me to instruct, encourage or advise Members on the contents of their speeches on this Bill. I have tried to make it clear in this debate and on previous occasions that the Government are neutral on this Bill. It is entirely up to individual Members to decide which side of the fence they are on. If my hon. Friend feels that a convincing argument has not been made by the right hon. Member for Penrith and The Border and others, he should vote accordingly. I am not prepared to say or do anything to influence him on that.

Jim Cousins: Have the Government had representations from any quarter—from the data protection authorities, the Information Commissioner, or anyone else—that there has been any abuse of the public interest override on personal data? Has the Minister received evidence of that from any source?

Bridget Prentice: I can say to my hon. Friend that Members have raised concerns about that on a number of occasions, both in parliamentary questions to me and in points raised on the Floor of the House with the Leader of the House. My right hon. Friend the Leader of the House has commented that as this Bill is before the House, our debates on it would be an appropriate occasion for Members to debate such issues.

Dr. Evan Harris: The Minister has explained that the Government are neutral, and I do not doubt her own sincerity—she has not voted on the Bill. Are the Government neutral because they are neutral as to whether the Freedom of Information Act 2000 needs to be amended or are they neutral only as to whether it requires amendment in respect of correspondence being released—or are they neutral only because MPs are affected and therefore it is for the House to decide? In other words, if a Bill were introduced that said that councillors' correspondence should be exempt or all health service correspondence should be exempt, would the Government also be neutral?

Bridget Prentice: The Government are neutral on this particular Bill and its contents. We keep all such matters under scrutiny, and if it were proposed to us that there should be further scrutiny of the 2000 Act we would certainly consider that.

An MP should be able to offer their constituents an assurance that if that Member writes to a public body on their behalf their private affairs will remain confidential. The personal details of constituents and the issues they raise should remain private and there should be no danger of that information being released to the media or in any other form.

Mr. Fraser Kemp (Houghton and Washington, East) (Lab): I have dealt with a sensitive immigration case involving freedom of information and, in the end, the papers were not released, so some would claim that the legislation worked well. However, I will support the Bill because I want there to be the avoidance of doubt, so that people no longer go through the anguished waiting that the family involved in that case had to endure.

Bridget Prentice: My hon. Friend makes a good point, and similar examples have been referred to earlier. It is for Members to decide whether the Bill would give the certainty that my hon. Friend is looking for, or if there are sufficient obstacles in the current legislation to prevent information from being released. That is a decision that Parliament must make. It is entirely up to individual Members of this House to decide, on balance, which of those two things would improve the Act and their ability to represent their constituents. The Government obviously recognise the right to privacy that constituents deserve. I suppose that those advocating this Bill would say that it is about protecting not Members of Parliament but their constituents. If information is exempt from release under the Act, it should not be released; there are already exemptions to protect such information.

Mark Fisher: I am very grateful to the Minister for giving way. Will she concede that the Bill is not confined solely to correspondence? It goes much wider than that and is not solely about protecting correspondence or the identity of our constituents—assuming that that is the right way to go about doing so, instead of using the Data Protection Act 1998. The Bill covers all sorts of correspondence and does not address the particular point that was raised. I am sure that she will confirm that, given her knowledge of the Bill.

Bridget Prentice: My hon. Friend is right, but of course, the exemption in the Bill is a qualified one. The Bill does cover other areas, including expenses, although I have no huge problem with that. I am not party to those expenses, so it does not affect me; however, that is a personal issue.

Where it would be unfair to release personal data, they are exempt; where information is provided in confidence, it is exempt. However, those are legal tests. The exemption in proposed new section 34A would cover MPs' correspondence as a class of information—the point that my hon. Friend the Member for Stoke-on-Trent, Central (Mark Fisher) made a moment ago. It is therefore entirely right for Parliament to discuss whether the current protections are enough and whether the proposed exemption is necessary.

It is a real concern in itself that Members fear that information that should properly be withheld might be released. The Freedom of Information Act 2000 should not inhibit the flow of the information that is so valuable in our modern society, and I would not want our constituents to feel that they cannot ask their elected representatives for help. The Government recognise, however, that this issue is clearly of concern to many Members—hence so many being here on a Friday—so it is right that the House debate it and those concerns be addressed. It is up to Members of this House to decide whether the Bill progresses to another place.

Jo Swinson: On a point of order, Mr. Deputy Speaker. I seek your guidance. A lot of Members who rose to speak on Report were not called, and many are rising to speak now. Mr. Speaker said on Wednesday that

"on Friday everyone will get a voice in this Chamber."—[*Official Report*, 16 May 2007; Vol. 460, c. 625.]

[Jo Swinson]

Will you give an assurance that, in line with that guidance, you will use your discretion not to allow a closure motion while Members are still rising to speak on behalf of their constituents?

Mr. Deputy Speaker: The closure motion must be entirely a matter for the Chair, having taken into consideration the way that the debate has been conducted. The hon. Lady has raised a point of order and if she looks back through *Hansard* and sees how much time has been taken up by points of order today, she may perhaps revise her views.

1.33 pm

Mr. Jonathan Djanogly (Huntingdon) (Con): This has been a very interesting debate and let me say at the outset that the Conservative party remains neutral on this Bill. As many Members have pointed out, a balance clearly needs to be struck between ensuring that freedom of information requests can be made to maintain accountability, and between the right of elected Members to carry out their business and represent their constituents' interests without excessive intrusion.

I hear the opposition to this Bill as expressed sincerely by the hon. Members for Stoke-on-Trent, Central (Mark Fisher) and for North Southwark and Bermondsey (Simon Hughes)—they made their points well—and the belief that, the law apart, this will appear to be a retreat from the advance of freedom of information, and that it looks bad because MPs are treating themselves as being different. If the Bill is passed, the intention of the Bill will need to be carefully explained to the public. It could also be pointed out, however, that should the Bill fail, MPs will not have the right to stop FOI requests made against public bodies when MPs have written to local authorities on their constituents' behalf. Ultimately it will still be the public authority and not the MP who would in law have the right to decide whether the information was released. There is no guarantee built into the law, only guidelines, to ensure that the public authority would inform the MP.

David Maclean: On the subject of guidelines, has my hon. Friend seen the four pages of detailed guidelines relating to the handling of MPs' correspondence? They are so woolly that it is as if they were written by 10 QCs on different sides of the argument. On the one hand, one may do this or that, this may be released, that may be secret, one may consult or one may not consult. It is almost impossible to follow the guidelines and that is why we need a simple Act of Parliament stating that in all circumstances our correspondence is protected.

Mr. Djanogly: I take the point that my right hon. Friend makes. I have read those guidelines and they are woolly. Whatever happens to the Bill, the guidelines need reviewing.

The lack of a guarantee may have the unintended consequence of preventing MPs from pressing their constituents' issues as openly as they have been able to do until now, for fear that what they say may be more likely to embarrass the constituent at a later stage. I do not think that the information tribunal's decision on 16 January 2007, confined as it was to Members' travel allowances, need prevent us from action here. It would, however, have been helpful if the Information Commissioner had gone further and expressed the interrelationship between freedom of information and data protection in wider terms than he did in his judgment, not least because it would have prevented much of the existing confusion about MPs' staffing arrangements and data protection issues. In the meantime, the Information Commissioner seems to be waiting for the result of this Bill before issuing clearer guidelines.

Julia Goldsworthy: There has been an exchange about the need for regulation and how the area is woolly. Surely the key problem is that if there is a lack of awareness, it is important that enforcement action is taken when breaches of FOI legislation take place, rather than simply more regulation to confuse the matter even more.

Mr. Djanogly: I certainly agree with the hon. Lady to the extent that if problems have arisen, they should be highlighted so that they do not happen again. She makes a fair point.

Mr. Tim Boswell (Daventry) (Con): Does my hon. Friend agree that there is strong potential for a deterrent effect on constituents, who may be reluctant—to my personal regret and, I am sure, that of other hon. Members—to approach their MP because they fear that their case may later be rehearsed in public?

Mr. Djanogly: As the Minister said, when one weighs up how one intends to vote today, the point that my hon. Friend makes will be foremost in many hon. Members' minds.

Tim Farron: Will the hon. Gentleman give way?

Mr. Djanogly: No, I intend to conclude my remarks as so many hon. Members wish to speak.

My party's position on this issue was set out by my hon. Friend the Member for North-West Norfolk (Mr. Bellingham) on 20 April, and it is that we are neutral on this Bill and believe that it is for Parliament to take a view on a free vote on how best to proceed.

1.38 pm

Mr. Winnick: I find it difficult to believe that the occupants of the Front Benches are neutral. I can only come to the obvious conclusion that they support the measure. Nor should there be any doubt about those hon. Members who have come in to support the Bill. There has been a campaign—in line with parliamentary tradition, I suppose—to get Parliamentary Private Secretaries and Ministers into the Chamber. Some have come in, and others have refused or have other duties; otherwise there would not have been 100 voting for the closure motion.

The right hon. Member for Penrith and The Border (David Maclean) has said that the amendments are wrecking amendments. All that I would say about the amendments is that, if the Bill is to become law, it would be better were the amendments carried. They would make the Bill less obnoxious. I am totally

opposed to what the right hon. Gentleman seeks to do. It is wrong and it is against the interests of Parliament. We are in danger of bringing ourselves into disrepute.

Nor do I for one moment accept the justification made repeatedly that the measure is about confidentiality. Let me make it clear: when constituents write to me, as they have done over all the years that I have been a Member, they do so on the basis that their letters are confidential, and when I write on their behalf to officialdom—which, like other Members, I do day in, day out—I work on the assumption that the information, some of which is extremely personal, is confidential. If there is a problem, the Data Protection Act could be used.

The parliamentary Labour party received a letter telling us about the advantages of the Bill in preserving confidentiality. The Library was asked to comment and noted that in Committee

> "Members who spoke did not cite cases where correspondence had actually been released. There was more concern about the threat of release."

My hon. Friend the Member for Leicester, South (Sir Peter Soulsby) pointed out that he was neutral, although in cases of breaches of confidentiality there could be an argument for the measure, but I do not believe that there is any such necessity or justification.

It has been said that information about expenses could be requested that was completely unjustified, because it related not to us but to our staff. In fact, an application was made in respect of Members' staff, but no one would justify that—not that I would call it expenses; I pay my secretary a salary, not expenses. A certificate was issued by the Speaker under section 36(6) of the Freedom of Information Act to stop the information being given. The Speaker has the necessary authority and has used it to issue five certificates. In my view, his authority is justified and in the case of essential protections there is sufficient leeway in the existing law.

It has been said that if the Bill becomes law, information about our expenses will be published. I have no doubt that the Speaker's letter reflects what will happen, but there are some interesting points. Publication would be optional; it will not be part of the law. What a future House of Commons will do is a different matter—the process is entirely optional. Any local authority could make the same argument. Local councils could say that they did not need the law because they had given assurances that the necessary information about councillors' expenses would be published. Would we really be satisfied with that? If not, why should people be satisfied with what is being proposed in the Bill—that publication would be optional? Why should we be different?

The House of Commons should give a lead. We should set an example to the country of honesty and integrity, not find squalid ways to get round the law.

Julia Goldsworthy: Does the hon. Gentleman agree that it is a question not just of the expenses of individual MPs, but of the administration of the House of Commons? We would not, for example, be able to find out—as we did last year—that renovation in the House was being undertaken using unsustainable sources. That shows how freedom of information legislation allows such information to enter the public domain and ensures that the best standards are upheld.

Mr. Winnick: I completely agree. I take the view that as Labour Members we should be proud to support a Labour Government who introduced the Freedom of Information Act, which all our predecessors, and certainly the last Conservative Government, refused to do. The hon. Member for Aldridge-Brownhills (Mr. Shepherd)—if I may have his attention for a moment—introduced a private Member's Bill that was rejected by the previous Government, so if there is to be any party political propaganda, all I shall say at the moment is that I am pleased we brought the Act into being. Finding squalid reasons to exempt ourselves from it would be wrong.

It was not my intention to make a long speech. I know that other hon. Members rightly want to speak, so I conclude by saying that even if we work on the assumption that we have nothing to hide, the public will inevitably come to the opposite conclusion. They will not conclude that this is about confidentiality, because no evidence exists for that. In answer to the right hon. Member for Penrith and The Border, I should say that no constituent of mine has ever complained that information that they have given me as the Member of Parliament has gone into the public domain. The public will reach only one conclusion: that we have something to hide. That is why we are doing ourselves a disservice. Even if we do not have anything to hide, that will be the view that so many of the public will take.

What is intended today may well be carried, because, as I said, enough people have been enlisted. If the Bill is enacted, the danger is that we will do ourselves a grave disservice. We will be bringing into law an Act that puts a question mark over our integrity and our honesty, and that is all the more reason why I hope that, either today or in another place, the Bill is defeated.

1.46 pm

Mr. Shepherd: I apologise to the hon. Member for Walsall, North (Mr. Winnick); at that very moment, I was berating my Front-Bench spokesman. I echo what has been almost the universal theme of this House: this is a dreadful Bill. It arose out of the Commission losing a case—that is what this is about. It lost a case not on the correspondence of Members of Parliament, but on their expenses.

Let us consider this Bill and its construction. What does it seek to do? It seeks to remove the House of Commons as a public authority. That is the first point that should be made. If it were just about the correspondence of Members of Parliament, one could have approached the matter in a number of ways. But it is not, and the catch-all—the whole purpose of this—is to remove this place as an accountable body within the terms of the statute. The illusory even-handedness of the Minister and others in this House is just that: illusory.

Should we stand back from a measure that received pre-legislative scrutiny from the Public Administration Committee and, similarly, from the House of Lords? Following representations from a great number of people, distinguished jurists and so on, and the consideration of international experience, a conclusion was reached: why should Parliament be excluded?

[Mr. Shepherd]

The Government, on reflection, decided that Parliament should not be excluded, but they recognised, in the creation of the Freedom of Information Act, that it would need a long lead-in time—five years—so that public authorities could prepare themselves for publication. The legislation has been in force for only 30 months, and, as yet, the Government have done no review of its workings and they have not identified any weaknesses in it.

We come on to the purported reason that is given for this Bill: that we are vulnerable in the correspondence that we, as Members of Parliament, have with public authorities. It has been laid before this House more than adequately—that is certainly not what happened in the processes that took us to this Third Reading—whereby the arguments could be examined and tested, and proper evidence adduced. However, none has been. We have had relayed conversations and we have seen a wafted, redacted page in front of us. Who redacted what? Was it the public authority removing the personal details of an individual? Or did Members of Parliament fear that coming into the Chamber they might drop something and someone else would have knowledge of a constituent? I am trying to argue that the fear is not reasonable.

The Bill will be perceived as the House of Commons—and, stuck in with us, the House of Lords—looking to its personal interests. What are its personal interests? They are, no less, the administration of the House of Commons, and its expenses and costs. The point has been well made that that is public expenditure. The Bill will also cover our proper personal claims. Those are public moneys raised through taxation. I argue that no citizen in this country is not entitled to know those sums being paid by the people. That is a matter of principle, not just an argument of politics. The House is misjudging the situation if it thinks that the political judgment of excluding itself from the Freedom of Information Act is clever. The press will itemise and examine Members of Parliament.

In a curious way, the adventure of my right hon. Friend the Member for Penrith and The Border returns us to the 18th century. In truth, many Members of Parliament fear the revelation not of the personal details of an individual constituent—we have seen no evidence to suggest that that is a legitimate fear—but of the comments that they themselves make in a document. A Member might say, "I know that there is a road coming through my constituency and I think that it is a good idea, but my constituents might not think that. I want my personal opinion on this matter to be weighed, but not available to those whom we represent and whom elect us." In the 18th century, it was ghastly to think that the mere vulgar public beyond the House of Commons should know the arguments of Parliament and the reasons behind its deliberations. The House sat in secret and it was a criminal offence to publish its deliberations.

This extraordinary Bill seeks something that is wholly and absolutely inappropriate. The House should reject it, and do so cheerily, although as I look at the dour faces surrounding me, I have no confidence that that will be the outcome. We have been driven to a point at which a few—a band of stalwarts unsupported by Front Benchers—are trying to oppose a measure that is motivated and driven by something else. As the hon. Members for Walsall, North and for Stoke-on-Trent, Central (Mark Fisher) pointed out, this is so particular that it smells like bad fish. How will it allow us to reassure people and give them confidence?

The Chairman of the Joint Committee on Human Rights, the hon. Member for Hendon (Mr. Dismore), is in the Chamber. He, twice, has moved that the House sit in private. He might have had a legitimate reason—we know the reasons why he did so—but on the face of it, it looks as though the Chairman of the Joint Committee wants the House to sit in private.

Mr. Dismore *rose—*

Mr. Shepherd: I have not quite finished. It is the hon. Gentleman—this friend of Whips; this currier of favour—*[Interruption.]* I must rephrase that; this friend of Labour Whips. The hon. Gentleman has promoted a Bill, which is listed on the Order Paper, that would extend the definition of a public authority so that it would encompass private bodies. The fact that a man charged with such responsibility now wants us to limit the very nature of public authorities strikes at the heart of the purposes of this place. This has been a very clever affair.

Mr. Dismore: Will the hon. Gentleman give way?

Mr. Shepherd: As I have referred to the hon. Gentleman, I can hardly do otherwise.

Mr. Dismore: I disagree with the hon. Gentleman on the Bill. On the procedural motions that I moved, I simply say that he knows full well that that is the only way to test the quorum of the House. It is a device—no more, no less.

Mr. Deputy Speaker: Order. We are discussing the contents of the Bill now.

Mr. Shepherd: I believe that I was discussing the contents of the Bill, Mr. Deputy Speaker, because I was talking about public authorities and the manner in which we define public authorities.

What my argument stands on, too, is the fact that the process has been wrong. I emphasised that at the beginning and I re-emphasise it now. We know—our history tells us, other Members tell us, authorities say it—that a parliamentary majority is not just X divided by two plus one; it is the process by which we arrive at it. I do not believe that anyone outside this place looking at the way in which Members who tabled amendments were unable to speak to them because there was not time would understand. I have to accept that—it is the ruling of the Chair—but do we not want the public whom we represent and whose servants we are to be confident in the way in which we arrive at our decisions?

The first clause of the Bill—the removal of Parliament as a public authority—is enough to damn it. The second clause is so particular that it gives the lie to the greater aspirations. That is why I oppose it, too. I simply cannot imagine how the world will look upon

us who say, "My expenses are a private matter. My opinions as put in letters that have been redacted are a private matter. I alone shall be the judge of whether these are released or not. I alone." What is so special about I alone? Is there not a member of a public authority who would not very much like their letters also to have such privilege, and publication of their expenses also to be at their discretion? The particularisation is explicit in the Bill.

No Conservative could support this Bill. No Conservative party could support it. We stand for prudence and for something wider: liberty and the representation of the people who send us to represent them here. I know that that is true for many Members of Parliament on both sides of the House. I regret that they may not be here today to demonstrate that this Bill is wrong.

David Maclean: *rose in his place and claimed to move,* That the Question be now put.

Question put, That the Question be now put:—

The House proceeded to a Division.

Mr. Deputy Speaker: I ask the Sergeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 117, Noes 22.

Division No. 122] **[1.57 pm**

AYES

Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Atkinson, Mr. Peter
Bailey, Mr. Adrian
Balls, Ed
Bell, Sir Stuart
Betts, Mr. Clive
Blackman, Liz
Brown, rh Mr. Nicholas
Burgon, Colin
Burns, Mr. Simon
Butterfill, Sir John
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Cawsey, Mr. Ian
Chope, Mr. Christopher
Clark, Paul
Clelland, Mr. David
Coaker, Mr. Vernon
Cohen, Harry
David, Mr. Wayne
Dhanda, Mr. Parmjit
Djanogly, Mr. Jonathan
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Duddridge, James
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellwood, Mr. Tobias
Fitzpatrick, Jim
Flint, Caroline
Foster, Mr. Michael *(Worcester)*
Gardiner, Barry
Godsiff, Mr. Roger
Hall, Mr. Mike
Hammond, Stephen
Harris, Mr. Tom
Henderson, Mr. Doug
Heppell, Mr. John
Hill, rh Keith
Hollobone, Mr. Philip
Hurd, Mr. Nick
Irranca-Davies, Huw
Jones, Mr. Kevan
Jones, Mr. Martyn
Kemp, Mr. Fraser
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lammy, Mr. David
Laxton, Mr. Bob
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Lloyd, Tony
Maclean, rh David
Mahmood, Mr. Khalid
Maples, Mr. John
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCartney, rh Mr. Ian
McFall, rh John
McIsaac, Shona
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Moffatt, Laura
Morley, rh Mr. Elliot
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Neill, Robert
Norris, Dan
O'Brien, Mr. Mike
Pelling, Mr. Andrew
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Pritchard, Mark
Purchase, Mr. Ken
Randall, Mr. John
Robertson, John
Roy, Mr. Frank
Ruddock, Joan
Ruffley, Mr. David
Ryan, Joan
Salter, Martin
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, rh Jacqui
Snelgrove, Anne
Spellar, rh Mr. John
Stewart, Ian
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Tredinnick, David
Turner, Dr. Desmond
Vara, Mr. Shailesh
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Wicks, Malcolm
Widdecombe, rh Miss Ann
Winterton, Ann
Winterton, Sir Nicholas
Woolas, Mr. Phil
Wright, David

Tellers for the Ayes:
Mr. Tim Boswell and Mr. Andrew Dismore

NOES

Baker, Norman
Burt, Lorely
Clappison, Mr. James
Corbyn, Jeremy
Cousins, Jim
Farron, Tim
Field, rh Mr. Frank
Fisher, Mark
Galloway, Mr. George
Gerrard, Mr. Neil
Gidley, Sandra
Goldsworthy, Julia
Harris, Dr. Evan
Hoey, Kate
Howarth, David
Hughes, Simon
Kramer, Susan
Redwood, rh Mr. John
Shepherd, Mr. Richard
Soulsby, Sir Peter
Williams, Hywel
Winnick, Mr. David

Tellers for the Noes:
Mr. Alan Reid and Jo Swinson

Question accordingly agreed to.

Question put accordingly, That the Bill be now read a Third time:—

The House divided: Ayes 96, Noes 25.

Division No. 123] **[2.13 pm**

AYES

Ainsworth, rh Mr. Bob
Allen, Mr. Graham
Anderson, Janet
Atkinson, Mr. Peter
Bailey, Mr. Adrian
Bell, Sir Stuart
Betts, Mr. Clive
Blackman, Liz
Brown, rh Mr. Nicholas
Burgon, Colin
Burns, Mr. Simon
Butterfill, Sir John
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Clelland, Mr. David
Cohen, Harry
David, Mr. Wayne
Dhanda, Mr. Parmjit
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Duddridge, James
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellwood, Mr. Tobias
Fitzpatrick, Jim
Flint, Caroline
Foster, Mr. Michael *(Worcester)*
Hall, Mr. Mike
Harris, Mr. Tom
Henderson, Mr. Doug
Heppell, Mr. John
Hill, rh Keith
Irranca-Davies, Huw
Jones, Mr. Kevan
Jones, Mr. Martyn
Kemp, Mr. Fraser
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lammy, Mr. David
Laxton, Mr. Bob
Levitt, Tom
Lewis, Mr. Ivan
Lewis, Dr. Julian
Lloyd, Tony

Maclean, rh David
Mahmood, Mr. Khalid
Marshall, Mr. David
McAvoy, rh Mr. Thomas
McCabe, Steve
McCartney, rh Mr. Ian
McFall, rh John
McIsaac, Shona
McNulty, Mr. Tony
Merron, Gillian
Michael, rh Alun
Moffatt, Laura
Morley, rh Mr. Elliot
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Neill, Robert
Pelling, Mr. Andrew
Plaskitt, Mr. James
Pound, Stephen
Pritchard, Mark
Purchase, Mr. Ken
Randall, Mr. John
Robertson, John
Roy, Mr. Frank
Ruffley, Mr. David
Ryan, Joan
Salter, Martin
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Snelgrove, Anne
Spellar, rh Mr. John
Stewart, Ian
Tami, Mark
Taylor, Ms Dari
Thomas, Mr. Gareth
Tredinnick, David
Turner, Dr. Desmond
Ward, Claire
Watson, Mr. Tom
Watts, Mr. Dave
Wicks, Malcolm
Widdecombe, rh Miss Ann
Winterton, Ann
Winterton, Sir Nicholas
Woolas, Mr. Phil
Wright, David

Tellers for the Ayes:
Mr. Tim Boswell and Mr. Andrew Dismore

NOES

Baker, Norman
Burt, Lorely
Clappison, Mr. James
Corbyn, Jeremy
Cousins, Jim
Farron, Tim
Field, rh Mr. Frank
Fisher, Mark
Galloway, Mr. George
Gerrard, Mr. Neil
Gidley, Sandra
Goldsworthy, Julia
Harris, Dr. Evan
Hoey, Kate
Hollobone, Mr. Philip
Howarth, David
Hughes, Simon
Kramer, Susan
Maples, Mr. John
Norris, Dan
Redwood, rh Mr. John
Shepherd, Mr. Richard
Soulsby, Sir Peter
Williams, Hywel
Winnick, Mr. David

Tellers for the Noes:
Mr. Alan Reid and Jo Swinson

Question accordingly agreed to.
Bill read the Third time, and passed.

Simon Hughes: On a point of order, Mr. Deputy Speaker. Is there any way of formally recording in the *Official Report* or the Orders of the Day that a Third Reading debate has taken place with only the promoter of the Bill, and no one else, speaking in support of it?

Mr. Deputy Speaker: That is not a point of order for the Chair, as the hon. Gentleman well knows.

Post-16 Education and Training Bill

Order for Second Reading read.

2.24 pm

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): I beg to move, That the Bill be now read a Second time.

In the short time available, I shall provide a quick profile of the Bill. It is a modest Bill, but it will make a tremendous difference to many young people leaving school at 16. There is already the Children Act 1989 and we also have "Every Child Matters", which deals with five major outcomes for children. However, we still live in a country and society in which those outcomes seem to desert children at 16. We seem not to care very much about what happens to some children at 16. Many of them become NEETs—not in education, employment or training—and some go into routine, mundane jobs that have no training attached to them.

My Bill is in four parts. First, I believe that every child leaving school should have a guarantee of an holistic assessment of their time in education. That should involve not only the bare academic qualifications that they have gained—or not gained—but something much deeper and richer involving their strengths and weaknesses and their out-of-school activities, to give a fuller sense of what the person has achieved as well as what they might be able to achieve if they make the right decisions about their career. Such assessments should already be taking place in most schools through the Connexions service, but in many parts of the country that service does not deliver. Connexions is going through a time of change, and soon it will again be run by local authorities. This is therefore an opportune time to ensure that every child leaving school has the right to a profile and an holistic assessment.

Secondly, my Bill proposes a guarantee of a mentor for every child between the age of 16 and 18. That mentor would be there for the young person either via the internet or through face-to-face meetings. If the young person did not have the family backing that many children have, the mentor would be there to give advice and guidance at those critical times when a child must decide whether to stay on at school and do A-levels, go into further education or go in for an apprenticeship. That is the time when a mentor can be vital, particularly in the lives of children who do not have a rich backing at home.

Thirdly, my Bill would introduce vital guarantees for children with special educational needs and disabilities. When the Select Committee on Education and Skills, which I have the privilege to chair, recently investigated special educational needs the area that gave me the most concern was what happens to children with special educational needs and disabilities from the age of 16 through to 18 and beyond. My Bill will help those between 16 and 18, but of course that experience can be built on thereafter.

Lastly, my Bill would deliver for every young person between 16 and 18 a minimum of two weeks' intensive training in community leadership. I do not mean picking up newspapers and wiping off graffiti; I mean training in leadership skills. We know how to impart such skills, and we know that an intensive two-week period of community leadership training can make a

great deal of difference to getting young people into work, and into work with training.

This is a modest Bill. I am sure that any Government who want to ensure a fuller life for young people would want to back it. I am sure that the Minister will say that he backs it, and that the new Prime Minister would like to embrace it because he really wants to make a difference in our country.

2.28 pm

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Parmjit Dhanda): My hon. Friend the Member for Huddersfield (Mr. Sheerman) has put across the real qualities of his Bill very well in those four minutes. He will be aware, however, that the Government have a number of measures in train at the moment, not least the recent Green Paper "Raising Expectations: staying in education and training post-16". I know that he welcomes the measures in that Green Paper.

My hon. Friend also mentioned his focus on children with special educational needs. He and I have had many a debate, here in the Chamber and in Westminster Hall, on that issue, and I respect the work that he and his Committee have done on it. I am sure that we will continue to have a good, full dialogue on the matter.

I also pay tribute to my hon. Friend's work on a range of issues in relation to the measures in the Bill. Although we are pleased to hear him raise the issues, he will not be surprised, given that so much work in the Department—

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 29 June.

Remaining Private Members' Bills

SAFEGUARDING RUNAWAY AND MISSING CHILDREN BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 15 June.

BILINGUAL JURIES (WALES) BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 29 June.

ACCESS TO INLAND WATERWAYS BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 29 June.

DRUGS (RECLASSIFICATION AND ROADSIDE TESTING) BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 15 June.

HEALTH AND SAFETY (OFFENCES) BILL

Order for Second reading read.

Hon. Members: Object.

To be read a Second time on Friday 15 June.

PETITIONS

Highway Code (Cyclists)

2.32 pm

David Howarth (Cambridge) (LD): I wish to present a petition signed by Councillor Ian Nimmo-Smith and 1,190 people of similar disposition—not only residents of my constituency, where cycling is obviously an important issue, but citizens from many other places in the United Kingdom.

The petition states:

That there is significant concern that the proposed changes to the Highway Code will force cyclists to use sometimes inadequate cycle facilities and that the proposal to require cyclists to ride on the left-hand lane on roundabouts will place cyclists in greater danger.

Wherefore your petitioners pray that your honourable House shall urge the Department of Transport to reconsider the proposed revisions to the Highway Code so that cyclists are not required to use cycle facilities 'wherever possible'.

And your Petitioners, as in duty bound, will ever pray, etc.

To lie upon the Table.

Maudsley Hospital Emergency Unit

2.33 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I have two petitions to present.

The first is the petition of the residents of the London boroughs of Southwark, Lambeth, Croydon, Lewisham and others about the Maudsley hospital 24-hour emergency unit. I will hand in the many pages of signatures in a moment.

The petition states:

The Petition...declares the Petitioners' serious concerns about the decision to close the 24-hour emergency mental health clinic at the Maudsley Hospital, Denmark Hill in Camberwell.

The Petitioners further declare their anxiety that new replacement facilities at King's College Hospital will not be ready for a further 18 months and that even then they may not constitute an adequate replacement.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Health to postpone the closure of the 24 hour emergency mental health clinic until the incoming Prime Minister and health ministers have an opportunity to review the situation.

And the Petitioners remain, etc.

To lie upon the Table.

Crown Post Office (Borough High Street)

2.34 pm

Simon Hughes: My second petition ties in with the Adjournment debate on post offices that I am grateful to have been granted. I am pleased to see that the Minister for Trade is present to hear the petition as well as the debate.

The petition follows a recent announcement that the future of the Crown post office in Borough high street, in my constituency, is to be reviewed. I have long taken an interest in the post office, and have previously sought successfully to keep it open. Again, there are many pages of signatures.

The petition states

The Petition of residents, employees in and visitors to the London Borough of Southwark declare the Petitioners' serious concerns about the decision of the Post Office to review the future of the Borough High Street Crown Post Office at 239 Borough High Street, London SE1.

The Petitioners declare the importance of this Crown Office to thousands of people living, working in and visiting the Borough and surrounding areas, including the more elderly and disabled... and reminds Members of Parliament of the number of closures of local sub-post offices in the London Borough of Southwark over recent years.

The Petitioners therefore request that the House of Commons makes clear to the Post Office the importance of this office continuing as a Crown Post Office and the benefit of withdrawing as soon as possible any proposals which put at risk any of the existing services provided from this office.

And the petitioners remain etc.

To lie upon the Table.

Crown Post Offices (London)

2.36 pm

Simon Hughes (North Southwark and Bermondsey) (LD): I am grateful to Mr. Speaker for selecting this subject, and to the Minister for Trade for attending. I greatly appreciate his interest, and the way in which he always engages constructively with Members throughout the House. I say that most sincerely.

The debate was prompted by the sudden appearance on the radar of the uncertain future of the Borough High Street post office in the London borough of Southwark, in my constituency. I received a letter about it, dated 19 April this year, from Alan Cook, managing director of Post Office Ltd, setting out the general plans as they affect Crown post offices across the country.

I stress that this is separate from the decision announced this week by the Secretary of State for Trade and Industry, to which my hon. Friend the Member for Richmond Park (Susan Kramer) responded on behalf of my colleagues and myself. That decision related to the general outcome of the review of post offices across the country. Within a matter of weeks it has been announced that many Crown post offices in Greater London are to be franchised to WH Smith, and that others—including the Borough High Street branch—face an uncertain future. Then, this week, it was announced that thousands of other sub-post offices around the country would be similarly affected.

The proposal that came to us first—the London proposal—stated:

"We will continue to run, and invest in, 373 Crown Post Offices"

—referring to post offices in town and city centres. Those 373 offices would be

"alongside those branches run by private subpostmasters and mistresses...As part of the plan...a further 70 branches are expected to move to nearby WH Smith stores under a new partnership agreement, also announced today."

I was also told:

"For the remaining 15 Crown Post Office branches, including that at Borough SE1, further work to identify a franchise partner to own and manage the branch will be undertaken."

A letter that I received last week, dated 14 May, dealt more specifically with post offices in my borough and constituency. I expect that other Members representing seats in Greater London and beyond have received similar letters. The letter confirms the figures that I read out earlier, and also states:

"The following Crown Post Offices within your constituency are included within the 373 flagship Crown branches"

—that is, the protected branches. The other branches are clearly not deemed to be "flagship Crown branches". The "flagship" branches are listed as

"Blackfriars Road, London Bridge and Walworth Road."

Many colleagues whose London homes are in my part of the world will know and use them. Happily, I was told:

"We wanted to confirm to you personally that these branches remain within the Crown network and that Post Office Ltd will continue to own and directly manage these branches, thus ending a lengthy period of uncertainty for our customers and our people."

That statement was in a letter from Melanie Corfield, head of external relations, with whom I have regular dealings on the postal delivery service in London SE1 and other areas, about which my constituents and I are still not fully satisfied.

I am grateful that colleagues representing other London constituencies are present, and in order to be fair I want to list the affected London offices, as the issue is broader than just a Southwark issue. According to my calculations, 16 Crown offices in 13 London boroughs are being told that they will be relocated in nearby WH Smith stores. I should add that the first six offices that went through a period of consultation did not include any Greater London ones, but the remaining 64 are subject to consultation between April and July.

The following offices in London will be affected: in Bexley, the Crown post office in Bexleyheath; in Bromley, the Bromley Crown post office; in Westminster, the Charing Cross post office and the Oxford Street/Poland Street Crown post office; in Newham, the East Ham Crown post office; in Lewisham, the Forest Hill and the Lewisham post offices; in Hammersmith and Fulham, the Fulham Crown post office; in Hillingdon, the Hayes and the Uxbridge Crown post offices; in Hounslow, the Hounslow Crown post office; in Redbridge, the Ilford Crown post office; in Richmond, the Richmond Crown post office; in Lambeth, the Streatham Crown post office; in Waltham Forest, the Waltham Cross Crown post office; and in Greenwich, the Woolwich Crown post office. I am grateful to my colleagues the hon. Member for Bromley and Chislehurst (Robert Neill) and my hon. Friend the Member for Richmond Park for being present and for their interest in this matter.

In addition, one post office has already been passed over to a franchise with WH Smith: Hammersmith Crown post office in Hammersmith and Fulham. A further six, including the Borough post office, are "up for grabs" in that they have an uncertain future. The other five are: the Enfield Wash post office in Enfield; the 238 Essex Road post office in Islington; the Ludgate Circus post office in the City of London; the Tottenham post office in Tottenham; and the Maida Hill post office in Westminster. I never knew that there was a Maida Hill before; I only knew that there was a Maida Vale, but I am reliable informed that that is nearby.

That is the full list. Thirteen boroughs are affected. Westminster will suffer two losses, as will Lewisham—or two transfers, to be fair. Hillingdon will have two transfers as well, other boroughs will have one, and six boroughs might or might not have an office transferred to a franchise operation.

In all our communities there have been significant numbers of closures of offices. There have been a series of closures in Southwark over the years. Offices have closed at the Elephant and Castle, the Bricklayers Arms, Bermondsey Street and Abbey Street. The result is that there is much greater demand for the existing Crown offices. All those in my constituency have experienced increased demand: the Walworth Road office is often packed, with queues of people both inside and out; the London Bridge and Borough High Street offices are very busy; and the Blackfriars Road office is in the middle of a big commercial development. They are all in areas where building is going on—where there is regeneration and redevelopment. The result is that people who used to use their sub-post office are now having to use the Crown post offices that are left, as the sub-post offices no longer exist.

Robert Neill (Bromley and Chislehurst) (Con): I am grateful to the hon. Gentleman for giving way, and for raising this very important topic. Does he realise that his point is hugely reinforced by what is happening in Bromley, where we have precisely the same history? We are deeply concerned about a proposal to relocate the Crown post office in the centre of Bromley, which already has queues stretching on to the pavement outside because of increased demand, to the first floor of WH Smith, which also has queues stretching outside. There is only one escalator, going up, with stairs going down and a very limited lift, so it will be much harder to access than the current Crown post office, which is at street level and readily accessible by the disabled, the elderly, people with young children and so on.

Simon Hughes: That is exactly the sort of thing that persuaded me to raise this issue. I have no objection in principle to the Post Office sorting out its major financial difficulties through a variety of alternative methods. My hon. Friends the Members for Kingston and Surbiton (Mr. Davey) and for Richmond Park (Susan Kramer) and I have argued for alternative ways for the Post Office to raise money, such as selling a minority of its shares. It should try to be more solvent, although there is an argument that the Government could put in more money, which they have so far refused to do.

However, if the outcome of pursuing such alternatives is a less good service—a reduced chance of a speedy service, and one that is not as convenient—we will be seriously underselling our constituents. There will be local consultations in all the boroughs affected. Not all my London colleagues are directly affected as my hon. Friend the Member for Richmond Park and I are. However, they are certainly concerned, and they and my local government colleagues across London want to make sure that no such proposal in the boroughs that we represent leads to a good accessible service moving out of the general area where people normally congregate, or into a shop, thereby providing customers with a lesser service. To be fair, WH Smith stores are generally in the places where the population go, but that is not necessarily case. Normally, Crown post offices are ideally positioned and well established, and people are well used to using them.

I turn to my specific concern ahead of the game, as it were, which is the Borough High Street post office. Not long after I was elected, the then Conservative Government proposed to close that post office. In conjunction with all the community groups, Labour and Liberal councillors—it was not a party political matter—trade unions and pensioner groups, we fought a campaign. The other day I was shown a photograph of me in that campaign—looking considerably younger—with the right hon. and learned Member for Camberwell and Peckham (Ms Harman). She looked a little younger too, although she is, of course, wearing very well.

[Simon Hughes]

The reality is that we kept the Borough High Street post office only because there was such a vigorous community campaign. That campaign was important; history has shown how important it was to win that battle. The post office has been, and is, very well used, and once the recent announcement was made, the community's strong and immediate response was to express great concern at the idea of its being moved. The problem for the Post Office is that it cannot enter into a franchise with WH Smith because there is no branch of WH Smith anywhere near the Borough High Street post office. My guess is that the others on the list—the Enfield Wash, Essex Road, Ludgate Circus, Maida Hill and Tottenham post offices—are all in the same boat: there is no WH Smith partner to move conveniently to.

It is no answer to say that the post office can be moved to the Elephant and Castle—that would be nonsense, even though there is a WH Smith at the Elephant and Castle. There is not one at London Bridge, except on the station, and it is too small to be a practical option. It would be complete nonsense, having closed the Elephant and Castle post office last year, to close another one and move it to the Elephant and Castle branch of WH Smith, which is in a shopping centre that is about to be knocked down and redeveloped anyway. That is not an option.

The post office's location in Borough high street is extremely convenient. It is opposite Borough tube station. It is on many bus routes and it serves two local authority wards—Cathedrals ward to the west and Chaucer ward to the east. It is also an area with many businesses, shops and institutions. The Commission for Racial Equality is based up the road, as is the College of Occupational Therapists. South Bank university is just down the road, and there are large hostels for students from the London School of Economics and King's college, so it is very well located.

Is the Minister making it clear to the Post Office that if there is not an obvious neighbourly franchise partner who can provide as good a service or better in the same sort of location, it would not be acceptable to move the service significantly further away to a less convenient place, or to move it to a location that is inappropriate in terms of its catchment area? I believe that the Crown post office is listed. I may be wrong, but it is certainly an attractive and handsome building that has been there for a long time. It is part of the civic streetscape of Borough high street—the old high street of the old borough of Southwark, before the metropolitan borough was abolished. It is an important building in the community, and it is great that it is used as the post office. There are many buildings like it, and nobody has suggested that it is not fit for purpose. It has two main doors for access, a large space at the front, it is visible from the main road and it is very convenient. I would be grateful if the Minister could reassure me that that Crown post office, and others like it—I do not know the geography of the whole of Greater London—will not be moved and put into premises of franchise partners where that is not appropriate. I hope that the Minister can reassure me that if a Crown post office's future has not been decided, it does not necessarily mean that a franchise will be granted to WH Smith or anybody else. I hope that all or some will be kept as flagships.

I am glad that there are three flagship Crown post offices in my area. This is a plea that, if humanly possible, the fourth can be made a flagship. It has been a great flagship. People have rallied round it and used it well, and I hope that it can continue well into the future. We value the post office. I use it and my constituents use it, and I hope that the Crown post office network in Greater London can be strengthened, not weakened. I am sure that this will not be the last that the Minister or the people at the Post Office will hear from colleagues in London or from me.

2.52 pm

The Minister for Trade (Mr. Ian McCartney): I congratulate the hon. Member for North Southwark and Bermondsey (Simon Hughes) on securing today's debate. He spelt out, in no-nonsense fashion, the importance of postal services to his constituents as well as, in general, the arrangements across Greater London as a whole and, specifically, some issues that affect inner London. The Under-Secretary of State for Trade and Industry, my hon. Friend the Member for Poplar and Canning Town (Jim Fitzpatrick), who would normally answer this debate, apologises to the House. He has an urgent matter to attend to in his constituency. I will report back to him on Monday on the debate and whether he needs to follow up anything in particular with the hon. Gentleman.

This debate is déjà vu for me, as my first job in government 10 years ago was as Minister with responsibility for the Post Office. One could say that everything was fine when I was the Minister, but I had better not say that. We are having a debate about Crown post offices for one simple reason. I was the Minister who stopped an instruction by the previous Conservative Government to get rid of them all. Within a week of becoming a Minister I placed a moratorium on that policy and we changed it. Although we are having a debate about their structure, this Government saved them.

Susan Kramer (Richmond Park) (LD): With the Minister's experience of Crown post offices, is he aware that there has been no consultation on whether this move will be made? In Richmond we have received a letter that states that there is no consultation on whether it will happen, only—possibly—on facilities. The information on the start of that consultation came to me by email one day after the official consultation had apparently started. It was later followed up by a letter. Is that any way to engage constituents in a process that may take their Crown post office, sell the building—because of its location—and put it on the first floor of WH Smiths, where it will be far less accessible?

Mr. McCartney: I will come to the general issues, including the hon. Lady's Crown post office, in a moment. I am increasingly frustrated by comments made in this House about Crown post offices. The whole purpose of franchising is to save the Crown post offices.

I have a Crown post office in my area, but now that the town centre is being redeveloped it is in the wrong location because its customer base has moved. It seems to me that the post office should move nearer its customer base, although that has not yet happened. The whole purpose of the review is to ensure that the

Crown post office network is protected and invested in, which means that occasionally—I stress, occasionally—entering a franchise. I shall get to the figures in a moment.

The future of the post office network is a subject of great relevance to all Members of the House, regardless of the type of constituency we represent, be it urban, rural or, as in my case, a mixture of both. I have already participated—and will no doubt do so again—in consultations in my area about the review announced by my right hon. Friend the Secretary of State for Trade and Industry yesterday. Today's debate shows the need to answer specific questions relating to the Crown network and to the Borough office, in particular, but first I emphasise the fact that the Government share Members' concerns about securing a sustainable future for the network. That was the whole purpose of my right hon. Friend's statement.

The figures are stark; there is no way of getting around them. That is why the National Federation of SubPostmasters accepts the need to do something about the current size of the network. It is unsustainable. An average of 16 people a week use each of the 800 smallest post offices, at a loss of £17 per visit. Losses have risen to £4 million every week, despite an annual subsidy of £150 million and total investment of £2 billion since 1999. The hon. Member for North Southwark and Bermondsey said that we had not been investing in the network. That is not true.

Less than a third of the 14,300 post offices are commercially viable. Increasingly, people want to access services in different ways—using direct debits, ATMs, the phone and the internet. More than 5 million Driver and Vehicle Licensing Agency customers renew their car tax either online or by phone; a decade ago the number would have been nil.

Yesterday, my right hon. Friend the Secretary of State announced the Government's decisions, having considered the views put to us during the 12-week national consultation that closed on 8 March. The strategy to put the network on a stable footing will include investment of £1.7 billion, subject to state aid clearance, to support the network and keep it national, with a continuing annual subsidy of up to £150 million until 2011 and recognition of the need for ongoing subsidy beyond that date. Minimum access criteria will be introduced and will apply to all 2,800 postcode districts without exemptions to ensure that there is a national network with comprehensive coverage for customers in every part of the country. Overall, nationally, 99 per cent. of the population will be within 3 miles—at most—of a post office and 90 per cent. will be within 1 mile. Additional access criteria will protect deprived urban areas, some of which will be in the hon. Gentleman's constituency, and will apply to 15 per cent. of the most deprived urban areas, rather than only 10 per cent., as previously proposed.

In applying the criteria, Post Office Ltd will be required to consider the availability of public transport, alternative access to key post office services, local demographics and the impact on local economies. The company will draw up plans, to be put to local consultation, for an expected 2,500 post office closures, within the access criteria. Postwatch, local authorities and sub-postmasters will have input in the plans, which will be implemented over an 18-month period starting this summer. However, the fact that the remaining post office network of about 12,000 will still have more branches than the entire UK banking network should not be forgotten.

Postwatch, and subsequently the new National Consumer Council will monitor future decisions on the shape and size of the network to ensure that Post Office Ltd complies with the national framework. All the other decisions announced by my right hon. Friend yesterday related to investment and opening the network for services to rural and urban communities that suffer social stress.

The network of 450 Crown post offices is heavily loss-making; overall, it lost about £70 million last year alone. We support Post Office Ltd's policy for reducing the losses, which includes maintaining a core network of Crown post offices while continuing to drive efficiencies and to franchise branches where suitable opportunities arise. We welcome the commercial deal between Post Office Ltd and WH Smith, announced on 19 April, to franchise 70 Crown offices, which will secure the retention of the main post office service in each of those areas. The franchises are an investment, not a disinvestment.

Almost 14,000 post offices are already run by private business—either individuals or franchise chains—including about 900 of the 1,400 large, town centre main post offices. The network has always relied on private business for the majority of its outlets. The offices set to be franchised under the deal with WH Smith represent a tiny fraction of the network as a whole—less than a half a per cent. For the people and the communities concerned, had this deal not been done, it would have been at risk. Therefore, there has been 100 per cent. success in retaining the services by the franchising arrangement.

Simon Hughes: Will the Minister give way?

Mr. McCartney: I shall do so in a minute, but first I shall deal with the issues in the hon. Gentleman's constituency. He clearly has particular concerns about the future of the Borough post office. Indeed, along with his Liberal Democrat colleagues, he has launched a petition, as we saw today, to save it, despite the absence of any proposals to close it—there is no proposal to close it.

Simon Hughes: I know.

Mr. McCartney: I just thought that we should get that on the record, as it was not quite clear when the hon. Gentleman introduced his petition.

There are 115 Crown post offices in London, seven of which will be part of the arrangement with WH Smith. Post Office Ltd has also stated that the company will continue to run 373 Crown offices, 102 of which are in London. The Post Office has committed to keep three of the four Crown offices in the hon. Gentleman's constituency under its direct management: those in Blackfriars road, London Bridge and my old stomping ground of Walworth road. He will surely welcome the certainty provided in these cases. We recognise that, at this stage, Post Office Ltd is not able to confirm the future of the branch at Borough one way or the other,

[Mr. McCartney]

so inevitably some uncertainty is involved for customers. He is rightly raising the issue in that regard, and he deserves a response.

I know that the Post Office has written to the hon. Gentleman to explain the situation, but I do not think that that is sufficient, so I shall ask it to arrange a meeting with him—and any other London Members that he wishes to bring—to discuss its intentions, and the issues of consultation and WH Smith's engagement with local Members of Parliament.

I think that WH Smith has a responsibility to engage, so I shall give another commitment. Either myself or the Minister who has direct responsibility for this will write separately to WH Smith to ensure that it carries out its responsibilities to meet elected Members of Parliament and their representatives to discuss the process of the changeover—the taking over of the franchise—and ensure that hon. Members feel engaged and involved, and that they understand what is happening. I give the hon. Gentleman that commitment.

I know that the Post Office is working hard to deal with the issue of greater certainty over the future of the network. The fact that the company has already set out a clear position on the majority of the post office network is a welcome and significant step forward. So, I hope that the assurance that I have given about meetings with the Post Office and WH Smith will start the process of consultation and discussion.

The hon. Member for Richmond Park (Susan Kramer) raised the lack of consultation. There should, and will be, consultation, and I shall ensure that it takes place. I cannot make comments about the specific branch of WH Smith that she mentioned, because I have no knowledge of it, but I can say that any arrangement that is made is not about reducing access to post office services—whether or not that relates to disability; it is about improving access, the quality of access and footfall, which is what happens in the main.

A number of years ago, one of my local post offices closed, but we were able to get it put into an Asda superstore. People were up in arms at Asda running the post office, but the footfall increased from about 80 a month to about 80 an hour. Why did that happen? Because to shop at Asda, which has a turnover of more than £1 million a week, people had to go through the post office. This has been a boost and a boon to the village. This is about explaining things and engaging people, and it is about a sense of ownership: doing things with people rather than doing them to people. Again, I give an assurance about discussions on the particular branch that has been mentioned.

The hon. Gentleman raised the issue of the Charing Cross branch announced as part of the deal. May I just say for the record that we are talking not about the Charing Cross branch in London, but about Charing Cross in Birkenhead? I did not know that there were two Charing Crosses of such significance. Birkenhead is certainly significant in terms of the north-west.

Franchising is not about a closure programme. Franchising and conversions are not about reducing the number of post offices; they are about trying to improve and sustain the network. One thing that Post Office Ltd has is expertise in negotiation about franchising. It has lots of experience of that. A decade ago, that was taken from it, and some of the post offices have gone. Who knows whether they would have remained open as a commercial enterprise or whether the sites would have been cleared for other commercial purposes? However, the fact that we have been able to save these means that we have the opportunity, over the next 10 years, to ensure that each of the Crown post offices is in a place that will be accessible to the existing customer base and will allow that customer base to increase. That is certainly true in urban areas, where a great deal of public and private investment is regenerating shopping centres, building new places for shopping and putting in place new transport infrastructure. It is important that we can take account of the impact of that, which is sometimes negative. If that means reaching a genuine arrangement whereby the Post Office gives a franchise that maintains and improves services and increases access to them, hon. Members should move forward sensitively with their constituents. However, as the hon. Member for North Southwark and Bermondsey said, constituents need to be consulted and engaged with so that they are brought into the programme of work. I repeat that I give the hon. Gentleman a commitment on that.

I will write to the hon. Member for Richmond Park about the specifics of the Richmond post office and arrange a meeting with her about WH Smith. I will make the same arrangements for the constituency of the hon. Member for Bromley and Chislehurst (Robert Neill). Having been here all day, the very least that he can get is something out of the Minister.

Question put and agreed to.

Adjourned accordingly at six minutes past Three o'clock.

House of Commons

Monday 21 May 2007

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

Transport for London Bill [*Lords*]
Read a Second time, and committed.

Oral Answers to Questions

CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

UK School Games

1. **Gordon Banks** (Ochil and South Perthshire) (Lab): If she will make a statement on plans for the UK School Games. [137925]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): In 2006, the UK School Games in Glasgow involved more than 1,000 young athletes, and saw 98 personal bests and four new records.

This year's event in Coventry has eight sports for 1,300 competitors—300 more than last year. They are young, talented athletes. Seventy volunteers will also be drawn from throughout the country. I am delighted that, this year, table tennis for disabled athletes will be one of the competitions.

Gordon Banks: I thank my right hon. Friend for her reply. I am pleased that the UK School Games move around the UK and open up opportunities. What possibility do this year's and future UK School Games offer of promoting the opportunity for athletes to partake in the 2012 UK Olympics?

Tessa Jowell: I thank my hon. Friend for his comments. Obviously, young people who take part in the UK School Games compete at higher levels than they have ever done before. At every stage of a young person's participation in sport, there is more opportunity for competition. It is fair to say that every UK School Games between now and 2012 will be a training ground for our young athletes, many of whom benefit from the talented athlete scholarship scheme—TASS—or other schemes for promoting young talent. We hope that all those young athletes will win medals and be on the podium in 2012.

Music Copyright

2. **Derek Wyatt** (Sittingbourne and Sheppey) (Lab): What discussions she has had with the creative industries on the music copyright period. [137926]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Shaun Woodward): I hold regular discussions with the music industry about a range of issues, including copyright, in conjunction with Ministers from the Department of Trade and Industry.

Derek Wyatt: I hope that my hon. Friend will not mind if I congratulate Wasps and Leicester on their sensational final yesterday.

Given the Gowers report on copyright and the Culture, Media and Sport Committee's report on the subject, which are at separate ends of the spectrum, is a White Paper on the matter due this side of Christmas?

Mr. Woodward: First, I congratulate the Select Committee on the excellent report it produced last week. In the course of considering new media, it also examined copyright. It is a complex issue, which has been examined in detail, not least in the Gowers report. Although we will obviously spend the next few weeks considering the Select Committee's recommendations, we are not yet persuaded that extending copyright for performers is in their best interests.

Mr. John Whittingdale (Maldon and East Chelmsford) (Con): I thank the Under-Secretary for his remarks about the Select Committee report, which unanimously recommended an extension in the term of copyright to 70 years. When he considers the matter, will he bear it in mind that the beneficiaries of a copyright extension will not only be friends of the Prime Minister, such as Cliff Richard and the Bee Gees, but thousands of musicians? Perhaps he will especially bear in mind the remarks of Fast Eddie Clarke of Motörhead, who wrote to me and said:

"You may think that as a rock musician I should not expect to live until 80. I can assure you I did not think this was going to happen but... My royalties will be my pension and something to pass on to my family, so to learn that they will be stripped away before my 80th birthday is frankly unacceptable."

Mr. Woodward: I take the hon. Gentleman's points, and we are concerned about the central matter, which is whether extending copyright would benefit musicians and performers, whom I personally regard as equivalent to any other artists involved.

Let me make two observations. The Select Committee report was not entirely fair to Gowers, who considered more than the economics of the case. He also examined fairness. It might be worth reflecting again on the Gowers report and noting that extending copyright from 50 to 70 years or longer would rarely benefit the musicians. Indeed, the British Phonographic Institute's work through PricewaterhouseCoopers shows that probably less than 1 per cent. would go to those musicians. More significantly, the trade balance would be in deficit because the artists in the United States would benefit from changes to copyright law here, and that would have a disproportionate effect on our artists elsewhere, with their great international reputations.

Mr. Bob Blizzard (Waveney) (Lab): Does my hon. Friend agree that the position under current law is unfair and illogical? The people involved in creating a recording—composers, sleeve note designers, even those who write the sleeve notes—benefit from a term of life plus 70, while the musicians benefit from a term of only 50 years. That cannot be justified. If my hon. Friend agrees, will he take discussions forward with the Department of Trade and Industry so that we can lead the way in Europe and get this changed?

Mr. Woodward: My hon. Friend makes an important contribution to the debate. I will continue the dialogue with the industry, which I believe really matters. The issue is fairness, which is why my hon. Friend makes a moral argument, but I think that we should be fair to the Gowers report. The critical issue is the contractual arrangements between record companies and artists. For any extended term, many of those rights are signed away with the record companies. My hon. Friend should look again at Gowers, especially the conclusion in box 4.2:

"If the purpose of extension is to increase revenue to artists... it seems that a more sensible starting point would be to review the contractual arrangements for the percentages artists receive."

Dr. Vincent Cable (Twickenham) (LD): The Minister is absolutely right that a blanket extension would benefit super-rich stars, record companies and people who are already dead, but does he agree that there is a very serious issue for large numbers of backing musicians and people such as Eddie Clarke, who is my constituent? Does he further agree that the best solution would be a restricted extension on a use-or-lose basis for people who individually apply?

Mr. Woodward: The hon. Gentleman also makes an important contribution and I am certainly prepared to consider it. A comparison is often made with the United States, where the extension of term is to 95 years, yet within the US, 70 per cent. of eating establishments and 45 per cent. of shops, for example, pay no digital rights whatever. Performers get royalties only on digital radio. If we were to borrow the US system and incorporate it into the UK—if that were possible within the competence of the European Union—it would mean a loss to our artists of more than $25 million a year.

Arts Funding

3. **Mr. Rob Wilson** (Reading, East) (Con): What recent assessment she has made of the effect of expenditure on the Olympic games on arts funding; and if she will make a statement. [137927]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. David Lammy): The Government announced on 15 March that, subject to parliamentary approval, Arts Council England would contribute a total of £112.5 million towards the cost of the Olympics over four years. The Arts Council should still receive nearly £500 million of new lottery money between 2008-09 and 2011-12.

Mr. Wilson: The cuts in lottery funding for good causes could not have come at a worse time for my Reading, East constituents. The slashing of the European social fund grants budget in the south-east and the Government's decision that only 2 per cent. of it will be replaced by community grants means that we will be hit by a double whammy of cuts in arts funding and cuts in small community grants that help hard-to-reach local groups. How will the Minister ensure that important local groups continue to be supported?

Mr. Lammy: It is important that the hon. Gentleman understands that core funding for the arts continues and has risen by 75 per cent. He should also take comfort from the Big Lottery, which has made it clear that voluntary organisations and the third sector are to be protected. That will benefit his constituents.

Ms Celia Barlow (Hove) (Lab): My hon. Friend will be delighted to hear that my home city of Brighton and Hove was mentioned at the south-east launch for the Olympic games last week. It is currently hosting a cultural festival, which is in full swing and well worth a visit. It also hopes to hold a cultural festival in 2012. Does the Minister agree that, with its close proximity to London and its future sporting venues, it would be ideal for a sporting event?

Mr. Lammy: I congratulate everyone in Brighton on the festival's continued success, which I understand is attracting £20 million of inward investment to the city. My right hon. Friend the Secretary of State might also want to discuss with the local authority the possibility of Brighton hosting one of the training camps for the Olympics.

Philip Davies (Shipley) (Con): If the arts have to suffer a funding cut due to the Olympics, will the Minister confirm that one of the projects that will be cut is the Decibel Penguin prize, a short story competition that he launched and that has fallen foul of the Commission for Racial Equality because it discriminates against white people? Will he confirm that the prize will never see the light of day again?

Mr. Lammy: The manner in which the hon. Gentleman puts his question is rather unfortunate. The Decibel programme, across the Arts Council, has been successful in bringing black and ethnic minority people into the arts and encouraging and supporting them. It is a great shame that the hon. Gentleman degrades the success of the programme in that way.

Mary Creagh (Wakefield) (Lab): An important part of the Olympics will be the cultural Olympiad, and Wakefield is blessed in having two fantastic venues: the Hepworth gallery, the launch of which my hon. Friend the Minister attended and which will open in 2009, and our wonderful Yorkshire sculpture park, which my right hon. Friend the Secretary of State visited to see the Andy Goldsworthy exhibition. Will my hon. Friend write to me with the results of the meetings between the sculpture park's director and departmental officials about the costs of the park? The grant is just over £1 million a year for looking after 500 acres of historic landscape and many historic buildings and getting international artists such as Andy Goldsworthy along, which represents very good value for money. The park needs a one-off injection of funds to help Yorkshire and Wakefield fully to participate in the cultural Olympiad.

Mr. Lammy: I thank my hon. Friend for that. The achievements in her constituency represent a stunning success, and I was pleased to visit it a few months ago. I will look into the matter she has raised, and I will write to her.

Mr. Don Foster (Bath) (LD): The Minister has referred only to Arts Council England. Will he confirm from his own departmental figures that the total cut in funding to the arts across the United Kingdom to pay for the Olympics will be well over £200 million? Will he also confirm that there is very little additional funding—only £28 million—coming back from the legacy fund, much of which will come from the lottery anyway? How does he square that huge cut in arts funding with the Prime Minister's comment that the arts are of "fundamental importance" to the country?

Mr. Lammy: When we came to power, the arts were on their knees. The National Theatre was surviving on a diet of musicals, orchestras were going bankrupt, and regional theatres were having to close. Core funding for the arts has now increased by 75 per cent., and we are proud of that achievement. There is no bigger good cause than the Olympics, which will lift the aspirations of one of the poorest parts of London and of young people across the country as we aim to put on the best Olympics that the country has ever seen. The hon. Gentleman cannot support the Olympics while offering no proposals of his own for their funding.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): There is no doubt that funding for the arts is crucial to this country. In regard to the assessment of the impact of the increased spending on the Olympic games, will my hon. Friend assure the House that working class communities will not suffer as a result of that spending, especially at a time when some of those in the Government are rediscovering their working class roots?

Mr. Lammy: My hon. Friend is absolutely right to emphasise the participation of working class people—people in the lower socio-economic groups—in the arts. That is why the Department has public service agreement targets. It is also why we were keen to establish free museum entry, for example, which has resulted in as much as a 100 per cent. improvement in the participation in the arts by people in the poorer socio-economic groups.

Mr. Hugo Swire (East Devon) (Con): When the Secretary of State announced the latest raid on the lottery to pay for the Olympics, she described it as a "temporary diversion" that would be repaid through the sale of land. Since then, however, she has described the money as venture capital, but we have had no details of what the good causes can expect to receive. In fact, my written parliamentary questions on the issue have gone unanswered for a month, so no luck there. Will the Minister tell the House exactly how much the arts and the other good causes will eventually receive back? Will it be a fixed amount? Will it be a percentage share? Or is it simply the case that, two months after the announcement, neither he nor the right hon. Lady has any idea because they cannot secure an agreement from the Chancellor?

Mr. Lammy: Grow up. It is ironic that the Tories have a problem with investment. The hon. Gentleman knows as well as everyone else in the House that no one can predict property values in 2012. We have made a pledge, however, that the money should come back to the lottery good causes after it has gone to the Olympic Delivery Authority. We will stand by that pledge.

Sport and Physical Activity

4. **Barbara Keeley** (Worsley) (Lab): What recent assessment she has made of levels of participation of girls and young women in sport and physical activity. [137929]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): Certainly, more sport is being played generally, but marked inequalities still exist in women's and girls' participation and achievement. Through our national physical education and school sport strategy, which is engaging schools and their governing bodies throughout the country, we are working to address that. I am sure that my hon. Friend will join me, however, in welcoming Sport England's £350,000-plus grant to the Wigan community sport network to help boost young women's participation in sport in the area. I know that her constituents will benefit from that.

Barbara Keeley: I thank my right hon. Friend for that answer. I understand that physical activity among girls and young women starts falling off at age 10, and then falls off considerably. In my constituency of Worsley, the proportion of all our young people taking part in physical activity is already lower, at one in five, than the national figure of one in three. I am concerned that there is not a healthy level of physical activity among girls and young women in my constituency, because they do not participate. Is there now scope for initiatives targeted at girls to ensure that they understand that sport is fun, and to ensure that they find sport and physical activity as accessible as boys and young men obviously do?

Tessa Jowell: The answer to my hon. Friend's question is yes. Several specific initiatives exist not just to engage girls in the conventional school sports, but, for instance, to introduce dance to the school physical education curriculum, with a high level of participation among girls. Such initiatives also take account of girls' ambivalence about sport if they must wear clothing in which they feel uncomfortable. A range of things must be done to engage girls in such activity. Progress has been shown, but it is still slow, and we want to ensure that inequalities are properly addressed.

Mr. James Gray (North Wiltshire) (Con): The Secretary of State will know that 19 per cent. of women take part regularly in sport, compared with 25 per cent. of men. Does she agree that a good way of correcting that imbalance would be through community leisure centres, such as those in Malmesbury, Wootton Bassett, Calne and Cricklade in my constituency, which were nearly closed by the Liberal Democrat council, until it was swept from power on 5 May? Now that we have a Conservative district council, I very much hope that the centres will be maintained. Does she agree, however, that it would be terrible if the funding of those leisure centres was cut in any way because of the money being transferred to the Olympics?

Tessa Jowell: There was quite a lot of domestic strife in that contribution, so we shall stay well clear of that. I am delighted, however, that more is being done to engage more women in Malmesbury in sport. I am sure that they, too, will share in the Olympic spirit.

Helen Southworth (Warrington, South) (Lab): Women's and girls' football is increasingly rapidly in both popularity and success. Will my right hon. Friend do something to help girls such as Hannah Dale in my constituency? Hannah is a mad-keen footballer and a startlingly good player. Since her 11th birthday last summer, however, Football Association rules have banned her from playing with her local team just because she is a girl.

Tessa Jowell: I commend both my hon. Friend's and Hannah Dale's efforts to reverse that old-fashioned regime. It is worth noting that only 1 per cent. of women play football, compared with 13 per cent. of men, but the rate of growth in women playing football is 35 per cent. a year. The inequalities that I referred to in relation to the question of my hon. Friend the Member for Worsley (Barbara Keeley) also apply in relation to football. Hannah Dale, Minnie Cruttwell and many other promising young women footballers around the country find their careers stalled. When facing the top brass of the FA, they were more powerful advocates than, I suspect, anyone in the Chamber could have been. We hope that the FA will realise the urgency of the issue and the public support for a change in the rules to open up opportunities for Hannah and many other young women like her.

John Bercow (Buckingham) (Con): Given that it is now 30 years since Virginia Wade won the women's singles title at Wimbledon, and that very belatedly indeed the All England Club has recognised the unanswerable ethical case for equal prize money, in what way is the right hon. Lady using her very considerable powers of influence to encourage far more women to take up the game of tennis and to increase access to the sport for girls at state schools, and thereby perhaps to maximise the chance that before too long we might have another ladies' Wimbledon winner?

Tessa Jowell: Those of us on this side of the House would find very little difficulty in disagreeing with anything that the hon. Gentleman says sitting on that side of the House. The fact that a very substantial number of school sports colleges now offer tennis is one of the best ways of getting young people from state schools to play those sports—tennis, rugby, rowing, sailing and so forth—that for too long have been limited, or overly-limited, to young people from private schools. Opening up opportunity is how we get more champions.

Lottery Funding

5. **Paul Holmes** (Chesterfield) (LD): What assessment her Department has made of the impact of the increases in the budgeted costs of the 2012 Olympic and Paralympic games on lottery good causes funding for heritage. [137930]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. David Lammy): The Heritage Lottery Fund will contribute an additional £90.2 million towards the costs of the Olympics over four years, subject to parliamentary approval. The Heritage Lottery Fund should still receive more than £700 million of new lottery money between 2008-09 and 2011-12.

Paul Holmes: Over the past six days, I have met a variety of organisations—Heritage Link, the Arts Council of England, the Voluntary Arts Network, the National Council for Voluntary Organisations and the Central Council of Physical Recreation—all of which, whether they are from the heritage sector or other sectors, share the same concern about the impact of the Olympics' smash-and-grab raid. How can there be a cultural Olympics and a growth in grass-roots sport if the funding is taken away?

With regard to the heritage sector specifically, will the Minister guarantee that there will be no further cuts in heritage funding and that there will be a favourable funding settlement for the heritage sector in the comprehensive spending review to compensate for the lottery cuts?

Mr. Lammy: The hon. Gentleman knows that I cannot give any assurances about the comprehensive spending review. What I can say is that overall, looking at the contribution that the HLF has made and at our grant in aid to English Heritage and the other parts of the heritage sector—museums and archives—we are spending more on heritage in this country than ever before.

Sir Patrick Cormack (South Staffordshire) (Con): But the fact is that English Heritage is extremely concerned about what it is receiving and many deserving causes, particularly people charged with maintaining historic churches, are finding this a most anxious time. The fact of the matter is that the Minister and the Secretary of State have not been able to give the reassurances that we seek. Will he now give them?

Mr. Lammy: I say to the hon. Gentleman, particularly in his capacity as chair of the all-party group on arts and heritage and in light of his many years of lobbying on the issue, that there are, of course, sensitivities within the heritage sector at this time, but it would be unusual if there were not sensitivities in any sector leading up to a comprehensive spending review. We have seen a huge success in the open days across the heritage sector, with huge new buildings being revived and brought into contact with people who were not able to visit heritage institutions in the past. We want to build on that success and, quite rightly, that is the case that we are making to the Treasury.

Mr. Edward Vaizey (Wantage) (Con): I am sure that the Minister and the whole House will want to join me in expressing our enormous regrets at the loss of the Cutty Sark this morning. Does not the outpouring of grief that we feel show how important our heritage is? This is absolutely the wrong time to cut heritage grants. What assurances can he give us that he will redouble his efforts to get a better settlement for heritage in the forthcoming comprehensive spending review?

Mr. Lammy: I join the hon. Gentleman in expressing what I am sure is the whole House's concern about what happened to the Cutty Sark this morning. The Secretary of State and I will go to the Cutty Sark after questions today. It is a hugely important part of our national maritime heritage, and we hope, as does everyone, that it will be restored for the third time for the country to enjoy.

As the hon. Gentleman knows, I cannot pre-empt the Chancellor from the Dispatch Box and commit the Department's heritage spending over the next period. What I can say is that it is right for us to build on success. I remind the hon. Gentleman that we give English Heritage £130 million a year, and that the successful listed places of worship scheme has brought £56 million back to our churches. I can also say that the Heritage Lottery Fund will still have £700 million to spend between 2009 and 2012, of which we can all be proud.

School Sport Facilities

6. **Mr. Andy Reed** (Loughborough) (Lab/Co-op): What discussions her Department has had with colleagues at the Department for Education and Skills on the community use of school sporting facilities. [137931]

The Minister for Sport (Mr. Richard Caborn): The Government recognise that education facilities are playing an increasing role in the delivery of community sports facilities. The £45 billion building schools for the future programme will rebuild or remodel the entire building stock of England's secondary schools over the next 10 to 15 years, and will give schools an opportunity—as part of the extended schools provision—to provide wider community access to their facilities, including sports provision. My Department has a very constructive engagement and relationship with the Department for Education and Skills.

Mr. Reed: Given the golden opportunity for community sport that is offered by that £45 billion, and by the £500 million of New Opportunities Fund money that is being invested in schools, is my right hon. Friend satisfied that the remodelling and rebuilding is adequate for the purpose? What discussions has he had about removing the additional problem of VAT on community use outside the academy system?

Mr. Caborn: In 2001, 2 million young people were benefiting from two hours of quality physical activity such as sport. Last year the figure rose to 5 million, which means that young people in the education system are now spending 6 million hours per week engaged in sport or other physical activities. That success is being extended to out-of-school activities: we are committed to an extra two hours of out-of-school physical activity per week for every child aged between five and 16. All that will be assisted by many of the facilities being built as part of building schools for the future.

As my hon. Friend knows, the Chancellor has made announcements about VAT. I hope that we shall be able to make progress on an issue that I know has been of concern for some years.

Mark Pritchard (The Wrekin) (Con): Idsall school in Shifnal, in my constituency, has set aside a large piece of land next to the school for a community swimming pool. What funds are available for community swimming pools, which can be of value not only to local schools but to the wider community?

Mr. Caborn: I have no information about that specific pool, but I hope it is included in the strategy that is being developed by the governing body, the Amateur Swimming Association, with Sport England. We want development to be consistent, and to ensure that swimming pools and, indeed, all other facilities are built and refurbished in the areas where they are needed. If the pool is included in that strategy, it will be covered by the funding package that has been agreed with the ASA and Sport England. The aim is to create and fund such facilities with the help of the community and, in some cases, the private sector.

Mr. Brian Jenkins (Tamworth) (Lab): May I recommend dual use? For four decades a Labour county council and a Labour borough council in my constituency used such school facilities a great deal. Does the Minister realise, however, that the burden on school swimming pools in Tamworth has increased dramatically since the Conservative council sold the business for £1 to a private developer and a private operator, which has subsequently gone out of business? Now, those who use the pool, including schoolchildren and pensioners, must fall back on the only provision available under existing school arrangements.

Mr. Caborn: Again, I do not know about the specific circumstances of that matter, but if my hon. Friend writes to me I will look into it. However, it is unfortunately the case that Conservative and Liberal administrations are at the forefront of shutting down sports facilities around the country—but what is new?

Mr. Philip Hollobone (Kettering) (Con): If £45 billion is being spent on these measures, why is Southfield school for girls, a dedicated sports college in my Kettering constituency, struggling fully to fund a new sports hall? Will the Minister enter into dialogue with his colleagues at the Department for Education and Skills to ensure that Kettering schoolgirls get the funding that they deserve for sport in their schools?

Mr. Caborn: Very much so—and the example that the hon. Gentleman gives is the exception and not the rule because the vast majority of the 450 sports partnerships that are operating around England are highly successful. They are delivering an output that is second to none—I have given the statistics on that—and I do not believe that any country in the developed world has more physical activity and sport on its school agenda than has been the case in England over the past five or six years. However, I will look into the issue that the hon. Gentleman raises and get in touch with him about it.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich) (Lab): Will my right hon. Friend investigate how many local authorities are under-using facilities that have been provided for dual use with education? Unfortunately, Staffordshire is not alone in its mismanagement of vital

facilities, and a certain amount of imagination and urgency would improve the management of them and provide much wider cover for children.

Mr. Caborn: My hon. Friend might well have a point. As I travel around the country I talk a lot to those involved in the partnerships—such as the schools—on how they have been constructed. There is often a problem in having community use in school hours. There is an issue to do with the separation of the children from the general public, and the physical nature of the activities can create problems, as can the location of schools. I was in the east end of London last week, and I came across that. We are consulting on building schools for the future and Sport England and trying to introduce best practice, so I hope some such problems will be resolved in the future.

Miss Anne McIntosh (Vale of York) (Con): As the Minister appears to place such great emphasis on sport facilities in schools, how does he feel about the new school that was opened without any playing area, and about the fact that Sport England's budget has been cut owing to the lottery contribution to the Olympic games?

Mr. Caborn: I do not think that those two things are coupled, so let us park the last point and instead deal with the first one. It is my understanding that the decision on the playing area was made after dialogue between that school's authorities, the local authority and Sport England, so the school took that decision—and I assume that it will be using indoor sports facilities rather than outdoor. It took that decision on behalf of its pupils.

Sports Policy

7. **Ms Sally Keeble** (Northampton, North) (Lab): When she last met representatives of sports governing bodies to discuss sports policy matters. [137932]

The Minister for Sport (Mr. Richard Caborn): Both my right hon. Friend the Secretary of State and I meet regularly meet representatives of the sports governing bodies to discuss sports policy matters. The most recent meeting was on 16 May.

Ms Keeble: As my right hon. Friend will know, the sporting bodies are spending a lot of time and money on tackling ticket touting, especially on the internet, and on sports betting. What is he doing—perhaps by way of regulations—to support the sporting bodies that so that money that goes on what are in some respects frauds on the public can instead go on increasing community access to sport?

Mr. Caborn: Both of those issues were taken up at the meeting that I and my right hon. Friend the Secretary of State had with the five governing bodies. I am pleased that the Gambling Commission has today published its report on sports betting integrity, which is very important not only here in the UK but internationally. I know that all sports are taking that very seriously. All the main governing bodies have signed up to the 10-point charter on the integrity of sports betting. The issue of ticket touting was raised because there is great concern that money is seeping out of sport and into the private sector and that that could be damaging to sport. We had a long discussion. We believe that action now needs to be taken and we are in dialogue. The voluntary approach has not been as successful as we wanted. We are looking at whether the crown jewel sports events can be used as pilots, and I hope that we can make progress in the not too distant future.

Hugh Robertson (Faversham and Mid-Kent) (Con): I spent the morning at Bisley for the launch of national shooting week, as the sport's governing bodies provided an opportunity for MPs on both sides of the House to meet some of the young competitors hoping to compete in the London 2012 Olympics and in the Commonwealth games. They all raised one particular issue with me—the absurd position in which they find themselves, as they are supported by public money on the one hand but banned from carrying out that activity in this country on the other. I first raised that issue with the Minister for Sport 18 months ago, and he said that progress had been made. What has happened?

Mr. Caborn: To make it clear, there will be 17 disciplines in the Olympics, on 14 of which Team GB can proceed unhindered. There are three disciplines about which we have written to our colleagues in the Home Office, because Dunblane and the action taken in response are still with us. The hon. Gentleman knows that we put legislation on the statute book, and it was absolutely right to do so. We have asked, as we did for the Commonwealth games in Manchester, whether we could facilitate the practise of those disciplines. We could do so for the Commonwealth games, and I have no doubt that we will try to do so for the Olympics. Nevertheless, we have written to the Home Office, and asked it to review the issue, and it will come back with a response. The hon. Gentleman has met all those governing bodies, but it might not be a bad idea if he got the leader of his party to meet them. He is like the Scarlet Pimpernel—they seek him here, they seek him there, and the sport seeks him everywhere. He has not responded to any governing body—

Mr. Speaker: Order. These are not matters for the Minister.

Mr. Dennis Skinner (Bolsover) (Lab): One matter that is the responsibility of my right hon. Friend and the team is the question of Bolsover baths. I assure him that there is great excitement in the town and the local authority, given the efforts that we have made in recent times. Will he give me an update on the situation, or will I have to ask him in July after we have a new Prime Minister? Will he be there?

Mr. Caborn: I can answer my hon. Friend's first question far better than I can answer the last one.

Mr. Skinner: We have made representations for continuity.

Mr. Caborn: Those representations have been taken seriously, as my hon. Friend knows, by the ministerial team. I hope that an announcement will soon be made by Bolsover council that there will be a 25 m swimming pool in Bolsover in the very, very near future.

Regional Casino

8. **Mr. Andrew Mackay** (Bracknell) (Con): If she will make a statement on the recommendation for the location of the regional casino. [137933]

The Secretary of State for Culture, Media and Sport (Tessa Jowell): The House will recall that the vote on the relevant order was carried in the House of Commons and lost by a small margin of three votes in the House of Lords. The order dealt with the location of the 17 casinos. Following the vote in the House of Lords, Ministers are considering how to proceed, and we will make an announcement in due course.

Mr. Mackay: Presumably, the Secretary of State now regrets not taking our advice and failing to decouple the 16 small casinos from the super-casino. Will she put that right by bringing forth an order and legislation so that we can proceed with the 16 smaller casinos, which are largely uncontroversial?

Tessa Jowell: Like every self-reflecting Member, I have regrets, but I do not think that I have any regrets about advice that I have failed to take from the Opposition, particularly on an issue which, within the presumption of public protection, will create more than 7,000 jobs, many of which are in deprived areas, and bring hundreds of millions of pounds-worth of investment, but was the subject of nothing less than party political shenanigans by the Opposition—a cynical move. We will return in due course and inform the House of our proposals to take this forward.

Graham Stringer (Manchester, Blackley) (Lab): Professor Crow's recommendation was unambiguous, as was the decision by the House on those matters. Is not the only question before us when the House can impose its will on the other place?

Tessa Jowell: I note my hon. Friend's support for Professor Crow's recommendation. As I have made clear, and as he knows, we will bring forward proposals in due course

Anne Milton (Guildford) (Con): Will the Secretary of State say what "shortly" means? It sounds a bit like "in due course", with an unknown length of time ahead. However, it appears that the retiring Prime Minister wants two regional casinos, while the right hon. Lady wants one, and the Prime Minister-in-waiting wants none at all. Will she put an end to the chaos and confusion and confirm that we will have only one regional casino, and that no more will be considered until we see its social and economic impact in the three years after it opens?

Tessa Jowell: I have made the Government's position clear: consistent with our policy of public protection, there will be one regional casino during this Parliament. No others will be considered until that experience has been evaluated properly. There is no mess or confusion, except what is due to the unsuccessful attempts of the Opposition.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Smoking Policy

18. **Mr. Gordon Prentice** (Pendle) (Lab): What the Commissioners' policy is on smoking in properties for which they are responsible. [137945]

22. **Mr. Desmond Swayne** (New Forest, West) (Con): What preparations the Church Commissioners have made for the coming into force of the ban on smoking in enclosed public spaces with respect to cathedrals. [137949]

24. **Michael Fabricant** (Lichfield) (Con): What advice the Commissioners are giving to cathedral deans in England with respect to the enforcement of no smoking laws from 1 July 2007; and if he will make a statement. [137951]

The Second Church Estates Commissioner (Sir Stuart Bell): Smoking in places of worship has never been acceptable. Policies for many other Church properties, from offices through to schools and church halls, vary, although many, including the national Church offices, are already smoke free. By way of a statement, guidance about the new provisions is being discussed with the Department of Health and will be promulgated as widely as possible, including to cathedral deans

Mr. Prentice: But we are only a few weeks away from the smoking ban coming in, so would it not be absolute lunacy to require cathedrals and churches to affix no smoking signs to their doors?

Sir Stuart Bell: I agree with my hon. Friend. His original question had to do with the Commission's offices, and I can tell him that the national Church institutions have had a no smoking policy in place since 2000. They have updated the policy recently, to comply fully with the Health Act 2006.

Mr. Swayne: I speak with some feeling, as a man whose wedding photograph is marred by the fact that an exit sign on the ancient church door appears between my wife and myself. Will the hon. Gentleman resist the regulations vigorously? It would be ironic indeed if we were to give way on this matter as, when the members of the council of my parish church applied for permission to put up a plaque containing the 10 commandments, they were told to get lost.

Sir Stuart Bell: I certainly agree with the sentiments expressed by the hon. Gentleman. I am glad that his marriage is steadfast, notwithstanding the exit sign. I also agree with the Dean of Southwark that it would not be sensible to place no smoking signs on a beautiful Norman doorway that has been locked closed for 500 years. Discussions on the matters are taking place with the Department of Health, which I believe is taking a reasonable approach to signage.

Michael Fabricant: I was somewhat alarmed to hear the hon. Gentleman say that all smoking was banned, as I presume that incense is not covered. I support the smoking ban in general, and voted for it but, if he is right and we have to have signs, does he agree that they could be Gothic, with twirly whirly bits, or Norman? Signs like that would fit in more appropriately with beautiful cathedrals such as the one in Lichfield.

Sir Stuart Bell: I am grateful to the hon. Gentleman. The House will be pleased to know that the Government's signage policy will be reviewed in the next three years. In the meantime, I anticipate that we will see Gothic signs, if nothing else.

Simon Hughes (North Southwark and Bermondsey) (LD): The hon. Gentleman has got the idea that there is general outrage among anybody who has an interest in cathedrals. I have the privilege to represent two and I used to sing in another. I hope that he will tell the relevant Ministers that, if it is required, all parties should be absolutely willing to agree a very quick change in the regulations so that things can be absolutely clear before D-day and so that we have no stupid notices on buildings that have not needed them for the last 1,000 years.

Sir Stuart Bell: I agree entirely with the hon. Gentleman. The point that he made about regulations is interesting and I will put it to the Department of Health, but we require local authorities to be sensible in their approach and, as of this moment in time, we have no reason to believe that they will be otherwise.

Sir Patrick Cormack (South Staffordshire) (Con): Have the nincompoops who have insisted upon these signs also asked for them to be put up in crematoriums?

Sir Stuart Bell: If we are moving from churches to crematoriums, the hell fires are getting very close, but I can assure the hon. Gentleman that the lighted cigarette in our churches and cathedrals will not be the beginning of those hell fires.

ELECTORAL COMMISSION COMMITTEE

The hon. Member for Gosport, representing the Speaker's Committee on the Electoral Commission, was asked—

Scottish Parliamentary Elections

19. **Mr. Andrew Mackay** (Bracknell) (Con): If he will make a statement on the Electoral Commission's review of the Scottish parliamentary elections. [137946]

21. **Andrew Rosindell** (Romford) (Con): What reviews the commission is undertaking of the recent elections to the Scottish Parliament. [137948]

Peter Viggers (Gosport): The Electoral Commission has a statutory duty to report on the Scottish parliamentary elections. Following a request by the Scottish Executive, it will also report on the local government elections in Scotland. The commission has appointed an international specialist in electoral administration, Mr. Ron Gould, to lead a review of the elections. It announced the broad scope of the review on 14 May and further details are being announced today. I have asked the commission to place details of the approach and the timetable in the Library of the House.

Mr. Mackay: My hon. Friend will be aware that I have little faith in the Electoral Commission and think that it gets into all sorts of areas that it should not, but surely if there is any point at all in the commission it must sort out the debacle in Scotland, which was more characteristic of a banana republic. Can we have assurances that the report will be robust and quick?

Peter Viggers: Indeed. Mr. Ron Gould's report will be independent and it will be published in full. He has been asked to look at all aspects of the elections, but with a particular focus on the high number of rejected ballots, the electronic counting process, the arrangements for postal voting, the decision to hold parliamentary and local government polls on the same day, the decision to combine the two parliamentary votes on one ballot sheet, the process by which key decisions were made and the role of the Electoral Commission itself in the preparation of the elections.

Andrew Rosindell: Bearing in mind the fact that the Electoral Commission bears much of the responsibility for the fiasco in Scotland, should there not be a fully independent inquiry, in which the Electoral Commission plays no part, so that we can get to the root of what happened, rather than having the same people making the same decisions and looking into the same issue?

Peter Viggers: It is true that Parliament has laid on the Electoral Commission two specific sets of responsibilities: one is to assist in the electoral process and advise returning officers, and the other is to report on elections. When the Electoral Commission makes a report and it has itself been involved in the matter in an operational role, it is always its practice to appoint an outside expert to advise on that so that its own role can also be scrutinised.

Miss Anne Begg (Aberdeen, South) (Lab): In the long list of things that the Electoral Commission will look into with regard to the Scottish elections, the hon. Gentleman did not mention proxy voting. He mentioned postal voting and there were problems with that, but in my constituency, where I have a large a number of constituents who work offshore, it has become increasingly clear that those people applied for postal votes when they should have been encouraged to apply for proxy votes. There was little information or publicity about proxy votes versus postal votes, and the importance of a proxy vote for those who were going to be away from home for some time before the election.

Peter Viggers: It is quite true that the issue of proxy voting was not in the list that I gave to the House. However, Mr. Gould will be instructed to look at all aspects of the elections and I will undertake to ensure that the hon. Lady's point is drawn to his attention.

Mr. Jim McGovern (Dundee, West) (Lab): The Electoral Reform Society has claimed that the Scottish local government elections, in which as many as 45,000 people may have been disfranchised, were a "resounding success". Will the hon. Gentleman ensure that, whatever form the report from the Electoral Commission takes, it contains a good deal more intellectual rigour than that report?

Peter Viggers: I have looked at Mr. Gould's curriculum vitae. He has an exceptional record of supervising, or assisting at, more than 100 elections in 70 different countries. I am confident that he will produce a rigorous report. Of course, it is the Electoral Commission's statutory duty to report. Mr. Gould's review will inform the Electoral Commission's report.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Will my hon. Friend encourage Mr. Gould in particular to examine carefully the security of the postal vote system and to make urgent recommendations on how we can prevent its misuse?

Peter Viggers: The Electoral Commission has gone on record as saying that it would prefer to have individual registration, which it thinks would assist in tightening the postal voting system. However, I will ensure that Mr. Gould's attention is drawn to the specific point raised by my right hon. and learned Friend.

Mr. Oliver Heald (North-East Hertfordshire) (Con): Because two different voting systems were to be used, the Arbuthnott report recommended that the Scottish local and parliamentary elections should not take place on the same day. It said that that would reduce complexity and confusion and restrict the number of invalid ballot papers, yet the Labour party chose to blunder on, which led to many thousands losing their votes. Will my hon. Friend confirm that the Electoral Commission's report will investigate how that could have happened and exactly who was responsible?

Peter Viggers: It really is disconcerting that many of the problems that arose on 3 May were not only foreseeable, but foreseen. In 2004, the then Secretary of State for Scotland set up the Arbuthnott commission to examine the problems arising from having four separate voting systems in Scotland. My hon. Friend is correct that the commission recommended that the parliamentary and local elections should not be held on the same day. The decision that they should be held on the same day was taken by the Scottish Executive.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Investment Policy

20. **Hugh Bayley** (City of York) (Lab): When the Church Commissioners last met Christian Aid to discuss the commissioners' investment policies. [137947]

The Second Church Estates Commissioner (Sir Stuart Bell): We have had no such meetings. Were we to meet, I would be happy to advise that the investment policies of the commissioners mean that our fund is now worth £5 billion. That is an increase of £2 billion over the past 10 years, which is coincident with my 10 years as Second Church Estates Commissioner.

Hugh Bayley: I congratulate my hon. Friend on his contribution to the good state of the Church's finances.

In Christian Aid week, which was last week, Church members raised millions of pounds to fight global poverty. Christian Aid uses some of that money to campaign against companies that undermine development, or exploit workers or the environment in developing countries. Does not my hon. Friend think that it would be sensible for the Church Commissioners to meet another wing of the Church—Christian Aid—to ensure that their investments are not placed with companies that undermine development and the good work that Christian Aid members support through each year's Christian Aid week?

Sir Stuart Bell: We in the Church admire Christian Aid's energy as it campaigns on a wide range of issues—from Darfur to the effects of climate change—and the work that was done last week. As my hon. Friend is aware, the commissioners' investment policy is a matter for them. However, I have no difficulty in meeting Christian Aid in the non-too-distant future.

Miss Anne McIntosh (Vale of York) (Con): Some time ago, the Church used to have substantial investments in property, such as the MetroCentre in Gateshead. Will the hon. Gentleman advise the House of the ratio of property and share equity investments? Who advises the Church on those investments?

Sir Stuart Bell: Off the top of my head, I believe that 25 per cent. of our assets is in real estate, while the remaining 75 per cent. is in worldwide stocks and shares.

Clergy Stipends

23. **Tony Baldry** (Banbury) (Con): What proportion of clergy stipends are met by the Church Commissioners. [137950]

The Second Church Estates Commissioner (Sir Stuart Bell): In 2006-07, the commissioners provided about 17.4 per cent. of the total stipends bill for all clergy and licensed lay workers on the central payroll. That compares with 15 per cent. in 2001.

Tony Baldry: Does the hon. Gentleman agree that there is sometimes a perception that the Church of England is a bit like the NHS: free at the point of use for taxpayers? In reality, those of us who believe in the Church of England are happy and willing to support the clergy and realise that a free service will not be provided by the Church Commissioners. Although this is an established Church, there must be recognition of the fact that it still needs the support of those who regularly worship in Anglican churches and cathedrals.

Sir Stuart Bell: My hon. Friend is right. In relation to the Church's income, not a penny comes from the state, yet the Church costs about £1 billion a year to run. In relation to the stipends, £34.3 million comes from the Church. The rest comes from dioceses and parishes. We welcome their efforts and we are grateful to them. They make a significant contribution to the work of the Church of England.

PUBLIC ACCOUNTS COMMISSION

The Chairman was asked—

Private Finance Initiative

25. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What recent discussions on the cost and effectiveness of private finance initiative projects in the public sector the Commission has had with the National Audit Office. [137953]

Mr. Alan Williams (Swansea, West): None. The cost and effectiveness of PFI projects are matters for the Public Accounts Committee.

David Taylor: How confident is my right hon. Friend that the National Audit Office has adequate resources to do a proper job, in the light of the fact that continuing abject failures of PFI projects attract little interest from the NAO, whose critiques of these matters are often timid, lame, vacuous apologia for a concept that I devoutly hope the incoming Prime Minister will promptly abandon?

Mr. Williams: I should have thought that the fact that the NAO will save the taxpayer £660 million this year—nine times its own annual running cost—is clear evidence that it is doing a good job.

Planning White Paper

3.31 pm

The Secretary of State for Communities and Local Government (Ruth Kelly): With permission, Mr. Speaker, I would like to make a statement on the planning system. This year marks the 60th anniversary of the Town and Country Planning Act 1947, one of the great civilising reforms of Attlee's Government. The Act laid the framework for a planning system that has helped create thriving towns, protect our most beautiful countryside, and ensure green spaces around our cities. Its adaptability has been key to years of success. Further reform will help ensure its success for the future, too.

But today we also face significant and growing challenges that could not have been imagined 60 years ago, from climate change, to globalisation, to energy security in an uncertain world. If we are to meet those challenges successfully, planning must be part of the solution. In its current form, it is simply not up to the task. Both Kate Barker, in her review of land use planning, and Sir Rod Eddington, in his review of transport infrastructure, have highlighted the shortcomings of the planning system.

First, an inaccessible and sometimes baffling system makes it hard for people to have their say on issues that can have a big impact on their quality of life. Too often it favours the well-resourced over the less well-off. Secondly, decision making can be painfully slow, causing costs and prolonged uncertainty that are in no one's interests—not in those of individuals, communities or developers. Thirdly, where good and necessary development is held up, it can mean society missing out on the reliable transport, secure energy, clean water or public amenities that we all need. The costs of not acting are clear, and will only grow more acute in future: energy shortages, mounting congestion, loss of jobs and a worse quality of life. Indeed, an effective planning system is vital for delivering Government policy across a wide range of areas.

The White Paper that I am publishing today sets out a series of proposals to meet the challenges of the future and continue to reform the town and country planning system. The White Paper represents the result of joint working across Government, in particular with my right hon. Friends the Secretaries of State for Trade and Industry, for Transport and for Environment, Food and Rural Affairs. Let me first address the proposals on how we take decisions about major infrastructure, such as transport, environmental, waste or energy projects—everything from roads, to reservoirs, power plants and wind farms.

The system for taking those decisions has grown up piecemeal over decades with complex, unwieldy and overlapping rules. Some developments have to get approval under a number of different pieces of legislation, and make numerous separate applications. We need a simpler system to respond to the challenges that we face. The White Paper will ensure that decisions are taken in a way that is transparent and timely, and achieves the right balance of interests.

There are three key elements to our proposed new procedures for national infrastructure projects. First, Ministers will issue national policy statements about the infrastructure that the country needs for the next 20 to 25 years. Those statements will be subject to parliamentary scrutiny and intense public debate, making sure that people have early input into the formulation of the policy, rather than rehearsing the same arguments over and over again in different local inquiries.

Secondly, we are replacing the numerous and sometimes overlapping consent regimes for major infrastructure projects with a single system. That will provide a far clearer and more accessible application process than at present.

Thirdly, we propose to create a new independent infrastructure planning commission. That will bring together experts from key sectors, including planners, lawyers, environmentalists and others. Guided by the national policy statements, the commission will oversee the planning inquiry process on specific major developments and take the final decisions on whether they should go ahead. It will listen closely to local concerns, and where the commission approves an application, it will be able to specify measures to mitigate the impact on a local area. It will be accountable to Ministers and Parliament for its performance. We believe that it will bring greater objectivity, transparency and accountability to the decision-making process.

Some interest groups promote a false choice between speed and public engagement. Our reforms will achieve both, providing opportunities for better public engagement at every step in the process. There will be public engagement in the formulation of the national policy statements, at the scheme development stage and during the inquiry process. We are backing that up with a new legal duty for developers to consult the public. Consultation must not be a box-ticking process, but a genuine opportunity for local people to have their say in shaping the places where they live. In addition, we are increasing resources for bodies such as Planning Aid, which will help more communities and individuals get access to free professional planning advice.

As well as new procedures for major infrastructure projects, the White Paper outlines measures to improve the town and country planning system. Kate Barker's report recognised the progress that had been made in recent years to speed up the system and make it more effective, but it also stressed the need to reform further for greater flexibility, responsiveness and efficiency.

Our White Paper responds to those recommendations. Our aim is to create a level playing field that better integrates economic, social and environmental objectives. We will do that by building on the success of the plan-led system with sustainability at its heart. New planning policy statements on economic development and climate change will clarify the national policy on those vital issues. We will also streamline our planning policy documents to devolve where appropriate to local decision makers.

We will continue to promote prosperous and thriving town centres. Our town centre first policy has been a real success, with more than two fifths of retail development now in town centres, compared to just a quarter in 1994. It will remain in place, but there is scope for it to be more effective. The current needs test can sometimes be a blunt instrument to gauge the impact of development on town centres. In future, we will require better assessment of how new developments will affect town centres,

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including the impact on high streets and local shops. Development outside the town centre should not go ahead where it will impact detrimentally on the town centre. We are also reaffirming our commitment to the fundamentals of green-belt policy. It has served us well for 60 years and will continue to do so in the future.

It is vital that planning plays its part in tackling climate change. We will make it easier for householders to reduce their fuel bills and carbon footprint by installing small-scale renewable technologies such as solar panels. In addition, building on the progress made on new homes, my hon. Friend the Minister for Housing and Planning will work with industry to deliver a significant reduction in carbon emissions from new offices and shops.

We are strengthening the role of local government in planning, too. We want to enable local authorities to use planning effectively as a tool to achieve their vision for their area. We will continue to work with partners, including the Local Government Association and the planning profession, to improve performance. With this growing local expertise we aim to devolve further decision making to local communities and to reduce the number of town and country planning cases called in by the Secretary of State.

Our reforms will make town and country planning applications more efficient. We will make it easier for people to make minor improvements to their homes, such as building conservatories or small extensions, while continuing to protect the interests of neighbours and local communities. That will enable councils to focus resources on the genuinely difficult cases. We will also both simplify planning applications and speed up the appeals system.

Our reforms will be good for citizens, who will have greater opportunities to have their say at every stage in the process and the chance to make minor improvements to their homes more easily. Our reforms will be good for communities, by supporting sustainable and vibrant town centres and helping to create safe and healthy places to live.

Our reforms will be good for business, giving greater certainty about the national policy framework to encourage investment and faster decisions on developments. Our reforms will be good for the country, with better access to reliable transport, secure energy, clean water supplies and better local amenities. Finally, our reforms will put climate change and sustainable development where they belong: right at the heart of the planning system.

Our proposals build on Attlee's legacy and give us a planning system fit for the 21st century. I commend the White Paper to the House.

Mrs. Caroline Spelman (Meriden) (Con): First, I thank the Secretary of State for letting me have a copy of the White Paper at the same time as the statement.

It is just three years since the Government's last attempt at planning reform and some of the guidance reached councils only last month. Does the Secretary of State accept that the Government are having to re-do the exercise because the Act designed to speed up the process and engage local people has only made planning more sclerotic and left communities feeling more disempowered?

How does the Secretary of State explain that, after 10 years in power and with all the rhetoric about increasing home ownership, the number of home owners is declining for the first time in recorded history and the number of houses being built fell again last year?

Of course we all want to see a planning system that is simpler, swifter and seen to be fair. So why not start by abolishing the Deputy Prime Minister's regional planning bodies, which are unelected, unaccountable and unwanted? Does she not realise that the centralised planning, micromanaged targets and plethora of contradictory edicts that have snarled up the planning system have emanated from the Government and reflect their core philosophy of top-down control, with the bureaucrats in Whitehall knowing best?

It was the Chancellor who hired Kate Barker to review the planning process and he has bought her case for a centralised and undemocratic planning quango. How does that square with his promise last week to "devolve power to localities and listen to the people"?

The promised engagement and consultation are not the same as decision making, so why are local people being offered less say under the Prime Minister-elect than under his predecessor?

We all accept that there are some projects of strategic national importance that have been too delayed in the past, but is that a reason for creating an unelected and unaccountable quango as a means of passing the ministerial buck? Conservatives will vigorously oppose this erosion of local democracy.

We welcome the news that the Government have rejected Kate Barker's recommendation that regional planning bodies should review the green belt, but is that rejection meaningful when the present regional spatial strategies propose housing targets that compel the use of green belt to meet the housing quota?

I am sure that Members on both sides will be concerned about plans to relax restrictions on out-of-town retail development. How can the Government justify abolishing the needs test for out-of-town shopping when so many of Britain's towns have been turned into ghost towns by the dominance of retail parks on their peripheries? My right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) created a life support machine for high streets with planning policy guidance note 6—PPG6—that the Government are about to switch off.

We welcome more relaxed planning on home improvements, particularly the green energy measures that would have made the life of my right hon. Friend the Member for Witney (Mr. Cameron) a lot easier. Does the Secretary of State accept, however, that the huge increase in such applications arises when people have to extend their homes because they cannot afford to move? Should not the Government apologise for presiding over a house price crisis stoked by increases in stamp duty and a doubling of council tax?

On the subject of tax, I shall turn my attention to the planning gain supplement. We support the campaign to put i before e—infrastructure before expansion—but how can the Minister be so sure that infrastructure funding will find its way out of the Treasury and back to the local community? We accept that more homes need to be built, but why not seize the opportunity and

regenerate the suburbs around Britain's cities and use vehicles such as community land trusts to get local homes for local people in Britain's towns and villages?

I am disappointed that there is no recognition that garden-grabbing is an ongoing problem. The White Paper praises the increased use of brownfield sites, but what percentage of them are, in fact, gardens? Is it any wonder that appeals are up, when such development is so unpopular?

The Government have presided over a housing crisis of monumental proportions. Despite all their schemes, targets and meddling, key workers cannot afford to live near their work; the young cannot get a foot on the housing ladder; homelessness is higher than it was under the last Conservative Government; and the rate of social house building is down.

Only last week, the Chancellor pledged to stop politics being a spectator sport and to provide a voice for communities, but does not this White Paper show that the reality falls far short of the rhetoric and that when it comes to planning this Government choose centralised bureaucracy over local democracy every time?

Ruth Kelly: I was going to say that I was disappointed by the hon. Lady's response, but frankly I am staggered. After five minutes listening to her, it is still not clear whether she favours the proposals. This is a serious set of proposals to meet some of the challenges that we face as a country, particularly on major infrastructure. Is she in favour, or is she against? Whenever the Government put forward the substance of a policy, the Opposition duck it. Whether it is planning or increasing housing, which the hon. Lady obviously does not support in any single part of the country, when faced by long-term, difficult challenges, she has nothing to say.

The hon. Lady has said that the process will be somehow inaccessible to the public. I think that she misunderstands how the current planning system works for major infrastructure projects. The process for terminal 5 took seven years to complete, and there were 37 different applications and seven different pieces of legislation for different Ministers to consider throughout the process. At the end of the process, Hillingdon borough council had to withdraw from fighting the appeal through lack of funding and resources. That is not a system in which local people had the opportunity to have a real say.

We are putting forward policies where there will be an opportunity for early input from local people, environmentalists and different stakeholder groups on the national policy statement. There will be an opportunity for engagement before the development application is made when the scheme is being worked up, and there will be an opportunity for the public to have their say during the local inquiry process, too. The process will deliver greater speed and certainty, so people will have the opportunity to have their say. We will back that up with more planning resources to help hard-to-reach communities get involved.

The hon. Lady has argued that we are somehow centralising those measures, but throughout the White Paper we make it clear that we are taking decisions at the appropriate level. If a decision is made on a national infrastructure project, it is right that we have a national policy debate. When local decisions are made, it is right that we devolve more of them to local communities. We have said that some decisions currently taken by Ministers will, we hope, be taken by local authorities. That is one reason why the Local Government Association welcomed the proposals today—the Tory-led Local Government Association, dare I say.

I welcome the hon. Lady's support for making microgeneration easier. She also said that the issue of back garden development should be on the table. However, that does not add up to a serious policy proposal from the Opposition.

Let us consider the hon. Lady's town centre policy proposals. She says that we should not remove the needs test. Does she not accept that the needs test can have a perverse effect on town centres? We need a policy that promotes the vitality and sustainability of our town centres. *[Interruption.]* The hon. Member for Rutland and Melton (Alan Duncan) asks from a sedentary position how we are going to do it. I shall give an example. If a developer put in an application for an edge-of-town-centre development that would drain that town centre's vitality, it could be refused on the basis of a needs test saying that there was already existing capacity in relation to another developer who had an out-of-town site. That does not help town centres. In future, we want a stronger impact test that considers the impact of any development on the town centre.

I am incredibly disappointed by the hon. Lady, who has failed to meet the challenges for the future. She has failed even to say whether she welcomes the White Paper that has been put before the House. This package will be good for citizens and will deliver speed and certainty for business. I commend it to the House.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): The White Paper proposes an increased role for parliamentary scrutiny but also suggests that public representations would be taken prior to such scrutiny. Will the Secretary of State clarify whether that means that there would not be any direct interaction between parliamentary scrutiny and further public representations?

Ruth Kelly: My hon. Friend makes an important point. The public have a right to be fully engaged in the formulation of national policy statements, and early on in the process. When a national policy statement is drawn up, it is right that people should have an opportunity to get involved and to make clear their points of view, which will be reflected in its formulation. The national policy statement will then be scrutinised and debated in this House. That is a sensible way of drawing up national policy statements. We should determine need at the right time in the process rather than at various moments during local planning inquiries, where sometimes arguments are rehearsed repeatedly, leading to a waste of time and money.

Andrew Stunell (Hazel Grove) (LD): Liberal Democrats welcome the Secretary of State's statement and the publication of the White Paper, although not

[Andrew Stunell]

necessarily everything in it. I look forward to reading it first-hand rather than having to rely on the newspapers.

At the heart of any national planning policy statement must be a balance between environmental sustainability and economic sustainability. Without that, we will not have the social sustainability that is the foundation of healthy communities. Can the Secretary of State explain why she is tilting things away from environmental sustainability in favour of big business and big projects? The key to all this will be how the new national policy framework is implemented, what the Government propose, and what opportunities the House has to take sensible, binding decisions on that national policy framework. How will that aspect of her proposals be taken forward? If that goes wrong, anything that the independent commission does will be stuck in a cul de sac.

Will the independent commission have the power to refuse a project, or will it merely be a rubber stamp or a paper tiger? Unless it has the capacity to refuse a project despite what the Government or the House might have said about national objectives, its credibility and that of the whole system will quickly crumble. At the moment, we have the gravest doubts about it.

I welcome what the Secretary of State said about town centre development, but we are not sure what the mechanics of delivering it will be. The devil will be in the detail. What discussions has the right hon. Lady had with major retailers? How did they respond to the plan that she has brought to the House today?

We strongly welcome a new duty on developers to consult local communities. I would like to hear that mobile phone companies are included in that. We also welcome, in the Secretary of State's words, "a level playing field", although her next phrase—that she intended to build on it—was not so encouraging. Will the right to speak and vote on planning applications be restored to local councillors? If there is to be more community engagement, which will involve the hard-to-reach groups, surely it is wrong for those groups' elected representatives to be unable to participate in the process that the Secretary of State wants. I am sure that she knows that we have tabled an appropriate amendment, which will be discussed tomorrow, to the Local Government Bill. Will she support it?

We welcome the opportunity that the White Paper presents to hold a national debate on such important issues. We look forward with deep interest to the detail that may come in the planning Bill in November.

Ruth Kelly: I welcome the hon. Gentleman's more balanced approach to the proposals. His first point was about the balance in the proposals between the environmental, economic and social considerations. There are two parts to the proposals: the major infrastructure projects and the town and country planning system. In the latter, we have deliberately not taken an approach that favours one aspect over another. Indeed, sustainability in the plan-led process is at the heart of local planning. I hope that he welcomes that. However, we want people to think positively about planning, which is why we will revise the principles of the planning system and introduce a new planning policy statement on economic development.

I believe that I have already dealt with the point about major infrastructure projects in reply to the hon. Member for Meriden (Mrs. Spelman). The system will produce greater timeliness, greater transparency and the ability for local people to have their say in the process. When the hon. Member for Hazel Grove (Andrew Stunell) has time to examine the detail, he will realise that, for the first time, there will be a statutory duty to consult local people. To answer his specific question, local people will have the opportunity to have their say in hearings during a planning inquiry as the system moves from favouring those who can afford to pay lawyers' fees to enabling those who are hard to reach to influence the outcome of the inquiry process.

The independent planning commission will have the power to turn down an application even if it is consistent with the national policy statement if, for example, a proposal's local disbenefit or cost to a community is greater than its perceived national benefit.

The hon. Gentleman said that the devil was in the detail on town centre development. I grant him that: it is a complex subject. We have been discussing those issues with stakeholders and so on. They have not had an opportunity to read our proposals yet and I am sure that they are listening intently to the debate. However, we will introduce a stronger impact test, which we will formulate and publish so that people have the opportunity to have an input into its development, thus enabling us to promote our town centres and continue our town centre first policy. The sequential test will remain in place.

The package of proposals is sensible and will work for the benefit of citizens and communities as well as businesses, environmentalists and other groups.

John McDonnell (Hayes and Harlington) (Lab): The Secretary of State knows that Heathrow lies in my constituency and that 10,000 of my constituents could lose their homes as a result of the proposals for the third runway and a sixth terminal. There are genuine concerns that, in the proposals that she set out today, the local community voice will be overridden and the democratic processes of Parliament will be undermined. Will she give more details about the support that will be provided to local communities, the resources that will be available and when they will become available, because the planning application process for Heathrow could be imminent?

Ruth Kelly: My hon. Friend is right that it is important for his constituents to have an appropriate and early input into discussions on issues such as a new runway. As well as building up the planning capacity of local councils, we intend to double the amount of money that we spend on Planning Aid. It provides free legal and professional advice on planning to communities, particularly hard-to-reach communities. We will also provide guidance on how local authorities should consult those communities to ensure that they are adequately involved in the process. The key factor is that an incredibly long process, such as the one on the new terminal, does not benefit anyone. It certainly does not enable local people who are hard to reach to have a say. The new system should be more transparent. Together with the other measures that we are proposing, it will make it easier for local people to have a say.

Mr. Michael Howard (Folkestone and Hythe) (Con): While I doubt that the Secretary of State's proposals will be greeted with unbridled enthusiasm by my former colleagues at the planning Bar, I have long thought that some reform of the arrangements for dealing with national projects of major significance would be desirable. Does the Secretary of State acknowledge that all national projects have local aspects and local impact? In reply to a question from the hon. Member for Hazel Grove (Andrew Stunell), she referred to oral hearings. Will she give an assurance that the planning commission that she proposes to set up will sit locally and in public to hear representations on those local implications of the national projects?

Ruth Kelly: I welcome the right hon. and learned Gentleman's statesmanlike tone. It is absolutely right that he realises that, although we need to deal with the major infrastructural challenges of the future, we also need to do so in a way that recognises that local communities must have an appropriate influence on the national policy statement. Clearly, public investment is different from private sector investment, but where the plans are spatially specific—perhaps where the public sector outlines major road spending—it would be right for the local communities to be able to influence the drawing up of the national policy statement in the first place. It is right, too, for the infrastructure planning commission to sit locally and hear local input directly in order to bring that into its deliberations.

Clive Efford (Eltham) (Lab): I acknowledge that certain projects such as terminal 5 and Thameslink 2000 can get mired in process, but does my right hon. Friend accept that some schemes thought necessary and desirable by the great and the good can be the cause of much local concern? I am thinking particularly of the east London river crossing in my constituency and the local community uniting against the building of a six-lane motorway through Oxleas woods—a unique site of special scientific interest that would have been destroyed. Sometimes these good and necessary schemes are not in the public interest and certainly not in accordance with any environmental impact studies. Will my right hon. Friend give an assurance that, first, local communities will still be able to stop the great and the good imposing such schemes on them and, secondly, that in what she proposes today the environmental impact will be front and centre of any consideration?

Ruth Kelly: I can give my hon. Friend a categorical assurance on both counts. If the local disbenefits outweigh the national benefits, it is absolutely right that local people should be able to have an influence and that the IPC should be able to turn down any such proposals. It is right too that the environment is taken into account in the drawing up of the national policy statement. It is a key consideration that an environmental appraisal be part of the national policy statement; it would look not just at the overall impact of the statement, but at specific local impacts.

Mr. David Curry (Skipton and Ripon) (Con): Does the Secretary of State accept that the planning system exists to mediate between different views of what is in the individual, the local, the community and, indeed, the national interest, and that therefore we face competing public goods? I think, for example, of the landscape of the Yorkshire dales as against renewable energy, or the roofline of a Georgian terrace in an urban conservation area as against wind turbines or solar panels. Will she ensure that the processes of consultation are such that in our anxiety to make the environment more sustainable we do not threaten it?

Ruth Kelly: I completely accept the right hon. Gentleman's point. That is why a full national debate and parliamentary scrutiny of national policy statements is essential. I hope that he acknowledges that early input into the process from environmental groups and others with an interest will make it more likely that we get the policy right, which would have better results for the environment as well as for the economy and society. There is a potential win-win situation, with greater clarity and transparency as well as greater opportunity for influence.

Christine Russell (City of Chester) (Lab): As a former chair of a local authority planning committee, I welcome today's White Paper. The present system is confusing and can be time-consuming. As the representative of an historic city with more than 900 listed buildings, however, I must ask the Secretary of State for reassurance that nothing in the White Paper will undermine the protection and safeguards that we give to important listed buildings.

Ruth Kelly: I can give my hon. Friend that assurance. She is presumably aware of the recently published heritage White Paper that proposed a new, streamlined regime for listed buildings. There is nothing in today's White Paper that dilutes those necessary safeguards.

Mr. Nicholas Soames (Mid-Sussex) (Con): I am sure that there are things in the White Paper that, on close study, will prove useful, but does the right hon. Lady accept that her Government have been telling us for a long time now that planning applications for large numbers of houses, particularly in the south-east of England, where we acknowledge they are needed in some places, will be matched by infrastructure to support that level of building, but so far there is absolutely no sign of that happening anywhere? For example, in the major proposal for East Grinstead, there is no infrastructure at all planned by the Government. Will the right hon. Lady give me some assurance that the Government will reconsider those plans in the light of what she has said today?

Ruth Kelly: It would be useful if, before I answer that question, the hon. Member for Meriden were to acknowledge the country's need for the 200,000 extra homes identified in the Barker review. The hon. Gentleman is right to say that extra homes need to be accompanied by extra infrastructure spending, and the Government have a proposal to meet that extra spending: the planning gain supplement. I have yet to hear anything from the hon. Lady on the Conservative Front Bench about where that money would come from.

Harry Cohen (Leyton and Wanstead) (Lab): Although I support the general approach of this policy, the devil will clearly be in the detail. Will the Secretary of State tell us who will be able to make a referral to the independent planning commission? Will local residents

[Harry Cohen]

and citizens, particularly those with environmental concerns, be able to make a referral? How will the commission sit with the planning inspectorate?

Ruth Kelly: When the independent planning commission holds a local inquiry on a local planning application, there will of course be opportunities for local people to have a direct say, in oral hearings or through written representations. They will be able to approach the planning commission. It will also be possible for Members of Parliament to get involved and to have a say. The list of statutory consultees is set out in the White Paper. The planning inspectorate will continue to have a role to play in the town and country planning system, which is designed to deal not with the major infrastructure projects that we have been discussing but with more local planning matters.

Bob Russell (Colchester) (LD): The right hon. Lady has made many references to local people having their say, but she has been somewhat silent on local decision making. Who, for example, would uphold a unanimous decision that had been reached democratically in accordance with a borough plan, a local plan or a structure plan, if a Minister were to come in and allow 120 houses to be built on a natural flood plain, as has happened in Colchester? Where is the local accountability there?

Ruth Kelly: I am sure that the hon. Gentleman will understand that I cannot comment on a specific planning application. The planning White Paper sets out our proposals for reducing the number of call-ins that are made either by officials in Government offices on behalf of Ministers or directly by Ministers themselves. It also contains proposals for local members to hear appeals on local planning decisions more frequently.

Mr. Kevan Jones (North Durham) (Lab): I welcome the Secretary of State's emphasis on local decision making and a level playing field. It is clear, however, that she has never sat on a planning committee or been involved in the planning process. In planning law, there is a presumption to agree a planning application. Therefore, however many platitudes we come out with about level playing fields or giving more money to ineffective organisations such as Planning Aid, we will end up with a lot of frustrated and unhappy people, whose hopes have been built up but who will not be able to carry out their plans. I do not actually welcome the reduction in the number of call-ins, because there are occasions when the public need protection from politically corrupt local planning committees.

Ruth Kelly: My hon. Friend has already spoken to my hon. Friend the Minister for Housing and Planning about some of those issues. The key is to have a local vision of what is right for a local area, agreed with local people and implemented through the plan-making process. If an application is made in line with the plan, clearly, it would normally be approved. What is at issue is an application that is submitted outside the limits of a plan, in which case we want a system in which the environmental considerations are given priority alongside the social ones, so that a clear view is taken across all.

Mr. Patrick McLoughlin (West Derbyshire) (Con): What impact will the Secretary of State's statement have on national parks? As for small extensions, how would she describe a small extension to Chatsworth house?

Ruth Kelly: Very funny! On national parks, I have made it clear that our policies do not change our fundamental approach either towards green belt or protected public spaces. I am sure that the right hon. Gentleman would welcome that approach.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Does my right hon. Friend accept that the sequential test, the needs test and other tests, as part of PPG6 and then PPS6, have been largely successful in revitalising our town and city centres? Will she explain precisely what will be the effect of the change from the needs test to the greater and stronger impact test? What will be the effect on the balance of development between out of town and city and town centre locations? Does she accept that developers need long-term certainty if they are to assemble sites and carry out the complicated work of development in city and town centres, and that significant changes to the planning system can undermine that and stop developments going ahead?

Ruth Kelly: I do accept my hon. Friend's point, which is why we will consult on the new, stronger impact test to make sure that it takes such considerations properly into account. The impact test will be stronger because, for some of the reasons that I set out earlier, the needs test does not always work in favour of town centre development at the moment. The needs test can prevent appropriate town centre development from going ahead by protecting out-of-town developers who already have capacity and who can argue that no need exists for new town centre development. That does not promote the vitality or sustainability of town centres, help consumer choice or respond appropriately to market forces. In developing the new test, we have a real opportunity to underpin the reforms so far and to continue to create thriving, sustainable town centres in future.

Mr. John Maples (Stratford-on-Avon) (Con): The Secretary of State says in her statement that she wants to strengthen the role of local government and devolve further decision making to local communities. May I suggest one area in which doing so would receive widespread approval in the House: the impact of PPG3 and the density to which builders are allowed to build? I do not know whether it is happening in her constituency, but in towns across the country, such as Stratford-on-Avon, the look of streets of family houses with gardens is being ruined when one house is bought by a developer, knocked down, and houses are crammed on the site at 15 to the acre. That is not appropriate, and local planning authorities need to have greater discretion over whether they approve such developments.

Ruth Kelly: I completely agree with the hon. Gentleman, which is why we recently introduced a new draft planning policy statement 3. Its purpose, among others, is precisely to give local councils more flexibility to set their own densities. I urge him and his local council to study the new planning policy statement, as I think it gives exactly the flexibility for which he is asking.

Jeremy Corbyn (Islington, North) (Lab): Is the Secretary of State not concerned that by setting up an infrastructure planning commission we are reducing democracy in this country by effectively devolving powers to an unelected commission that is accountable to Parliament only for its performance and not for its decisions, and that major issues such as nuclear power stations could be pushed through without any democratic vote or voice whatever?

Ruth Kelly: No, I do not agree with my hon. Friend. I would not argue for a second that the current system allows democratic input at the final stage of a decision-making process by Ministers. Ministers act in a quasi-judicial role when they make decisions on planning applications. They cannot exert independent political judgment on those issues. They have to take decisions based on the evidence presented in front of them. In fact, by being more streamlined and more transparent, and by specifically involving local people at every stage of the process, the new process will make it easier for that democratic debate to happen and for early input into the process to influence the outcome.

Stewart Hosie (Dundee, East) (SNP): In the Secretary of State's statement, she mentioned power plants once and energy projects once, raised the spectre of energy shortages once, and spoke about energy security three times. Given that Ministers will be able to issue national policy statements, there is a real concern that the White Paper and the legislation that falls from it is simply designed to pave the way for the early building of new nuclear power stations, which are massively opposed in Scotland. Will she confirm that any legislation that falls from the White Paper, while it may be applicable in England and Wales, will not apply to Scotland in that regard?

Ruth Kelly: Although I think that the hon. Gentleman misunderstands the proposals, I can give him the confirmation that he seeks. That matter applies to England and Wales, and not to Scotland, which has devolved responsibility for some of the issues. Perhaps I should have referred to wind farms more than I did to energy security.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): I welcome the easing of planning application requirements for minor alterations to properties, but will the Secretary of State assure me that there will be no retrospective changes to the protection offered to estates such as the Moorpool estate in my constituency, which got an article 4(2) direction only last year requiring planning applications for porches and minor changes?

Ruth Kelly: In the future regime, as set out in the White Paper, we envisage that local authorities will still have the power to put in place appropriate safeguards in their areas where they think that is necessary for heritage or other reasons. I can give my hon. Friend the assurance that she seeks.

Sir Patrick Cormack (South Staffordshire) (Con): How big will the commission be? How many members will it have? How will they be selected? Will the appropriate Select Committee in this House have the opportunity to vet those members before they are appointed? How can we be sure that the commission will operate consistently? Will the members be full-time, and will they each attend every inquiry?

Ruth Kelly: The hon. Gentleman makes incredibly important points about the future composition of the infrastructure planning commission. We envisage that some of the members will be full-time, some will be part-time. There will be a broad spectrum and range of expertise so that the commission can draw on some of the members' expertise, depending on the type of inquiry. Clearly, we have asked a range of questions in the White Paper to get opinions from people, so that they can have their say and we can draw up the best possible composition, procedures for appointments and so forth for the infrastructure planning commission. We will set out our proposals in due course.

Mr. Paul Truswell (Pudsey) (Lab): My constituents are not opposed to brownfield development per se; indeed, in many cases, they actually welcome it. However, from time to time they feel it necessary to challenge over-intensive, unsustainable and downright profiteering applications. Will my right hon. Friend give me an assurance that nothing in the White Paper will reduce their ability to challenge such overblown applications, or the ability of councils to tone them down or reject them outright?

Ruth Kelly: I can give my hon. Friend that assurance. We have the Town and Country Planning Act 1990, and the local inquiry process will proceed as I have set out. There will be opportunities for local people to have an input to challenge applications. Although the appeals systems will be streamlined, it will work more effectively. However, I hope that we will have a system whereby we are less reliant on applications being called in to be determined by Ministers and whereby local people and local council members can determine more of the appeals themselves.

Mr. Mark Harper (Forest of Dean) (Con): Last Friday, a public inquiry into a National Grid proposal for a gas plant in my constituency was concluded. I will not ask the Secretary of State about it, because in due course she will be advised by the planning inspector and will make a decision. However, her proposals mean that instead of the planning inspector making a recommendation and the Secretary of State, as a democratically accountable politician—accountable to the House of Commons—making a decision, the decision will in future be made by an unelected quango. Why should my constituents have more confidence in the proposed arrangements than in the present system?

Ruth Kelly: The simple answer is that there will be an opportunity for earlier engagement of the hon. Gentleman's constituents in the drawing up of the original policy. At present, it is incredibly difficult for them to have a say. When a national policy statement involves a specific local impact, that will be taken into account in the way in which it is drawn up. I would argue that there will be more opportunity for public engagement under the proposed arrangements than there is in the current system.

Paul Farrelly (Newcastle-under-Lyme) (Lab): Three years ago, agencies and officials proposed an urban development corporation for North Staffordshire. Thankfully the Government turned down the bid. I for one had little confidence in the quality of the advice provided by unelected local officials, or indeed in their real democratic accountability. Before the Secretary of State changes the system, will she reflect on the fact that for Members of Parliament working with enlightened councillors of all political persuasions, influencing planning committees is often the only effective leverage against large-scale inappropriate development?

Secondly—

Mr. Speaker: Order. There is only a "first" when a Member asks a question.

Ruth Kelly: I understand why my hon. Friend champions the rights of his constituents. However, I think we can make the whole process more effective, and secure better local engagement and influence when it comes to major infrastructure projects, by involving local people early in the debate and ensuring that developers consult them on the options before an application proceeds. The local inquiry will then provide another opportunity for engagement. I believe that the new system will be more acceptable to my hon. Friend's constituents than the current one.

Dr. Julian Lewis (New Forest, East) (Con): It took a five-year campaign and a year-long public inquiry to stop Associated British Ports building a huge container port at Dibden Bay on the edge of the New Forest. Does the Secretary of State accept that in many cases the larger the proposal, the wiser it is to allow a long time to elapse before a decision is made? I believe that if that process had been foreshortened, there would now be a huge container port on the edge of the New Forest. I also believe that we would not have heard the admission last September that what the protesters had said all along was true, and that, having denied it for all those years, ABP could massively increase the productivity of its existing container port—which, indeed, it is now proceeding to do.

Ruth Kelly: I do not agree with the hon. Gentleman. The Dibden Bay application process cost £45 million, and ultimately the application was turned down. I understand that part of the reason was the impact on biodiversity. That could have been identified at the beginning of the process, during the drawing up of the national policy statement. In fact, it is precisely the sort of issue that ought to be identified in a national policy statement. If it had been identified then, there would have been appropriate public consultation, the developers would have known the Government's proposals and policy, and the proposal would either have been accepted or would never have got off the ground, because the policy would have been made clear at the start. That must be a more effective system.

Orders of the Day

Further Education and Training Bill *[Lords]*

Order for Second Reading read.

4.24 pm

The Secretary of State for Education and Skills (Alan Johnson): I beg to move, That the Bill be now read a Second time.

Our further education system has seen unprecedented investment and reform in recent years, and continued reform is vital if the United Kingdom is to become a country with world-class skills by 2020.

In the past, education was mainly to do with social progress, but with an economic stability dimension. Now, continued prosperity in our country depends on high-quality education and training for all learners. However, social progress is, of course, still an important dimension. Good-quality training leads to higher remuneration and job satisfaction and a fuller life.

According to Lord Leitch's review, we need a dramatic expansion of our nation's skills at all levels. The analysis suggests that by 2020 Britain will need 4.6 million more people with intermediate-level skills and that there will be merely 600,000 unskilled jobs in the economy, compared with 3.2 million at present. The analysis also suggests that at least 40 per cent. of jobs will require graduate qualifications. Leitch also pointed out that 70 per cent. of the 2020 work force have already completed their formal education. The further education system is therefore central to meeting the Leitch challenge.

Our 14-to-19 reforms are steadily opening up a wider range of options through a more intimate association with the workplace, apprenticeships and, from next year, diplomas. The aim is to encourage all facets of lifelong learning—the gaining of skills for employability or social development—but the principal focus must be on giving people the skills they need to secure worthwhile jobs. We want this country to have full and fulfilling employment.

We have increased investment in further education: funding for post-16 learning has increased year on year to £11.2 billion in the current year of 2007-08—a 48 per cent. real-terms increase since 1997. As a result, the FE sector educated and trained more than 4 million adult learners in 2005-06. More adult learners than ever before are taking up basic skills courses, and more employers are telling us that they are satisfied with the training of the staff whom they are employing. According to the Learning and Skills Council national employer survey, the proportion of employers classified as "very satisfied" with FE provision rose by 10 per cent. between 2003 and 2005.

However, our journey is far from ended. Lord Leitch has raised our sights, and we should be grateful. Existing targets are worthy but not nearly ambitious enough. We must aim to put Britain among the very best in the world, recognising that the skills challenge will define the winners and losers in the global race for the top.

The Bill builds on the reforms we announced in our White Paper of March 2006, which itself was modelled on the Foster review. It will lock in the progress we have made so far and boost the capacity of the FE system to deliver. We consulted widely on the White Paper and have debated the issues extensively. I look forward to continuing the debate with Members as the Bill progresses through the House.

I believe that we start from a consensus that recognises the importance of FE for our learners, employers and the economy, that appreciates the potential of our FE system and those working in it, and that accepts the need to make sure that FE provision is of the very highest standard. We have an excellent range of colleges and providers, and I pay tribute to the many excellent teachers and principals who are working tirelessly to meet the 2020 challenge. I also pay tribute to the LSC, which is a valued partner in this process.

Andrew Miller (Ellesmere Port and Neston) (Lab): On that point, my right hon. Friend will be aware of an exchange that I had with the Deputy Prime Minister about the wonderful West Cheshire college, which is in my constituency and that of my hon. Friend the Member for City of Chester (Christine Russell). It has made representations to me about where it fits in and its relationship with the LSC in respect of the clauses that were defeated in the Lords on the dismissal of senior college staff. I share its view that it would be a mistake to reintroduce those clauses. Will my right hon. Friend give me an assurance that he will listen carefully to such representations?

Alan Johnson: I can give my hon. Friend an assurance that we are listening carefully to representations, and I shall come on to what we plan to do with that particular aspect of the Bill.

The Bill is divided into four parts. Part 1 relates to the Learning and Skills Council for England. The Bill will restructure the LSC to make it as efficient and effective as possible in managing system reform, and more adaptable to the changing requirements of employers and learners. We propose to remove the 47 statutory local learning and skills councils and replace them with nine regional committees and a network of about 150 local partnership teams. That combination of a statutory regional structure and a flexible sub-regional structure will allow the LSC to respond quickly and effectively to the changing needs of individuals, employers and wider communities. The new slimmer and more focused LSC will promote more flexible working arrangements and reduce administrative costs, with savings of up to £40 million that can be passed on to the front line for the benefit of learners.

Mr. David Willetts (Havant) (Con): Will the Secretary of State tell us what he means by the new sub-regional structure that he has proposed for learning and skills councils?

Alan Johnson: First, I am delighted to see the hon. Gentleman in the Chamber. May I say how much we support his stance in seeking to convince his party to, in his words, "confront the evidence"? It is a huge compliment to Tony Crosland that the Opposition have someone such as the hon. Gentleman in their Front-Bench team.

Since the establishment of the LSC, all of us thought it was rather strange, to say the least, that although we had set up regional development agencies and a number of other regional structures, the LSC did not have a regional structure but 47 local learning and skills council organisations. That was a mismatch. Four years ago, we gave a regional dimension to LSCs, but the purpose now is to establish a full-blown regional committee.

As for local partnerships, in Greater Manchester one learning and skills organisation covers the whole area, but there will be 10 much leaner, much more flexible versions of the LSC that can deal with the different communities around Manchester. In a sense, that is devolution upwards to the region but, in another sense, it is a much more powerful approach to the LSC locally.

Stewart Hosie (Dundee, East) (SNP): Clauses 11 and 12 allow the Learning and Skills Council for England both to make arrangements with Scottish Ministers and to allow it to take part in arrangements made by such Ministers in relation to assisting people

"to select, train for, obtain and retain employment".

Will the Secretary of State explain how that will work under the LSC's new regional statutory basis, as opposed to how it would work under the current framework?

Alan Johnson: The skills challenge is a United Kingdom issue. Indeed, the commission for employment and skills will be a UK-wide body, so there will be an umbrella organisation covering the whole UK. It is perfectly possible in that situation to make arrangements to ensure that the skills needs in aerospace, for instance, are properly matched, and that the skills needs in other Great British industries do not stop at Hadrian's wall or, indeed, the Welsh border, and that there is a co-ordinated approach across the United Kingdom.

Mr. Stewart Jackson (Peterborough) (Con): Having worked in a previous incarnation for a training and enterprise council, and having experienced four reorganisations in the past five years, may I ask whether the Secretary of State seriously believes that the training and skills needs of, for instance, Kingston upon Hull, are the same as those of Northallerton, Selby, Skipton and Ripon? If he does, will he advise the House why that is the case?

Alan Johnson: No, of course I do not believe that that is the case. However, I believe that we need a strategic overview of skills in each of the nine regions in exactly the same way that there is an overview of all other aspects of economic development. Indeed, since their foundation, the RDAs have said that is necessary.

In fact, the local learning and skills organisation in Hull will be much better, in that it will allow us to concentrate on matters such as logistics and issues relating to the aerospace industry as they pertain to our area. In contrast, the present structure means that a larger organisation covers both sides of the Humber.

Kelvin Hopkins (Luton, North) (Lab): I agree with my right hon. Friend's response to that question, but does he agree that we must ensure that the quality of

[Kelvin Hopkins]

further education is raised to an equal level across the whole country? In that way, we will establish local flexibility, and equity for everyone.

Alan Johnson: My hon. Friend makes the crucial point about the Bill. The Foster report, the White Paper and these proposals have all been aimed primarily at lifting quality so that the hugely high standards of FE are uniform right across the country.

Mr. John Hayes (South Holland and The Deepings) (Con): Will the Secretary of State square what seems to me to be a paradox? He is embedding the LSC's planning function at regional level, even though the Leitch report—to which he has quite properly paid attention—says that planning bodies such as the LSC will require "further significant streamlining". That seems to be a paradox, at the very least, if not a contradiction.

Alan Johnson: It is not a paradox. The hon. Gentleman has said several times that we should have delayed the Bill and used it as a response to Leitch. We believe that the Bill is about supply, whereas Leitch was concerned primarily with demand. The Bill deals with the specific reference to streamlining in his report. It is a £40 million streamlining of the LSC, which is why Lord Leitch is extremely supportive of the proposals.

Jeremy Wright (Rugby and Kenilworth) (Con): Will the Secretary of State give way?

Alan Johnson: I will give way once more, and then I want to make progress.

Jeremy Wright: The right hon. Gentleman has been extremely generous. He says that the Bill's restructuring of the LSC will save £40 million, but does not the regulatory impact assessment suggest that the real cost will be something in the order of £55.7 million, a total that is subject to change when we have the final figures? I may have misunderstood what he said, so will he confirm that the LSC's 2005-06 annual report attributes the £40 million of savings to some 1,300 staff losses? Does that not mean that the £40 million has been rationalised already, without the abolition of the local skills councils?

Alan Johnson: We are talking about a further reduction, but the £55.7 million is a one-off cost to secure an annual saving of £40 million. An initial investment made a couple of years ago reduced the LSC's administrative costs from 4.6 per cent. of its total budget to just 1.9 per cent. That is an example of invest to save.

The education and training on offer must be both attractive to prospective students—appealing to a broad range of abilities and interests—and lead to qualifications that are useful to employers. New duties will also be placed on the LSC to encourage diversity, and to increase opportunity and choice in education and training provision.

It is essential that we listen to what learners and employers tell us that they need, and that we put public money to best use by designing provision accordingly, instead of implementing what the Government or FE colleges think that employers and learners need.

Sarah McCarthy-Fry (Portsmouth, North) (Lab/Co-op): I held an event at Highbury college in my constituency last year, which was attended by the Under-Secretary of State for Education and Skills, my hon. Friend the Member for Corby (Phil Hope). We brought together employers, FE providers and young people, but there seemed to be something of a mismatch between what the college was providing and what the employers wanted. Highbury college is very much in favour of being able to award its own foundation degrees. I am sure that my right hon. Friend will come on to that later, but does he think that that will be a key element in making sure that we get that correlation right?

Alan Johnson: I do, and the interesting fact that Foster pointed out—in a report that I am proud to say I commissioned when I was Minister of State in this Department—was that 80 per cent. of employers never go anywhere near an FE college. That shows that awareness of what employers need is crucial to the future of FE colleges.

We need to ensure that we are providing what colleges and employers need. That is why we have included a duty in this part of the Bill that the LSC must have regard to guidance on consulting employers, learners and prospective students, as it oversees further education provision in a system that is increasingly led by the demands of learners and employers.

Further measures in this part seek to clarify the power of the LSC to form and invest in any type of company in the provision of education and training, with the consent of the Secretary of State, and to design, develop and operate support services on behalf of individuals and educational institutions, again with consent.

Sarah Teather (Brent, East) (LD): On the point about diversity, does the Secretary of State envisage this being about diversity of providers or diversity of courses?

Alan Johnson: It is obviously about both, providing that we keep to the basic tenet of the Foster report and the White Paper that we are looking to prioritise those skills that are necessary to the future of individuals and the economy. In that sense, there is a huge diversity in provision and courses.

Gordon Banks (Ochil and South Perthshire) (Lab): Coming from an industry background, and as a former member of the board of management of Clackmannan college, which is now part of Forth Valley college, I understand what the Secretary of State says about the need for employers to play a bigger role in determining the skills that employees need. However, we are moving into an ever-changing and faster-moving economy, with faster-moving skills and demands. Can we ensure that flexibility is built into the provisions he is discussing so that the educational system can respond with the speed that the economy needs?

Alan Johnson: That is an absolutely crucial point, which is why, in this part of the Bill, we are including

the provision to form and invest in any type of company in the provision of education and training. Other measures throughout the Bill are particularly and precisely aimed at flexibility and the need to respond to changes. My hon. Friend is absolutely right: with the challenges of globalisation, we cannot set out something now based on what we believe the situation will be in 10, 15 or 20 years' time. Even in terms of Lord Leitch's report, we have to have the flexibility to change and adapt.

A further duty will be placed on the LSC to implement the skills and training strategies developed by other organisations, at the Secretary of State's request. In particular, the London skills and employment board will be created—chaired by the Mayor of London—and an adult skills strategy will be developed and implemented by the LSC. That does not change the LSC's obligation to comply with existing duties, unless I or my successors give express permission for the LSC not to implement a particular strategy.

The clauses in the second part of the Bill relate to further education institutions themselves. One of the most striking reforms—it is mildly controversial—will enable the Privy Council to grant FE institutions the power to award their own foundation degrees, which must currently be validated by a university.

Helen Jones (Warrington, North) (Lab): My right hon. Friend will know that some of us have reservations about that because the point of foundation degrees was that they should be not merely stand-alone qualifications but part of a system that allowed people to come in and out of higher education. How will he ensure that the curriculums of foundation degrees granted by FE colleges are sufficiently matched with the curriculums of honours degrees to allow people to go on to shortened honours degree courses if they wish?

Alan Johnson: If my hon. Friend will forgive me, I will come on to that precise aspect in a second. However, I would just stress that, as I am sure she agrees, although it is important to have progression routes, we must ensure that if people do a two-year foundation degree and are content just to do that, we do not somehow devalue that. I know that my hon. Friend agrees with that. I will come on to the issue of progression.

This reform will make a huge difference to an individual's ability to advance in his or her chosen career. Increasingly, employees need higher education qualifications to make progress; senior jobs are open only to graduates, and people without such qualifications are denied advancement. Foundation degrees provide a broad knowledge base and a multitude of career options for learners ranging from school leavers who prefer to work while they study, rather than begin a full-time degree, to adults returning to education or training. They are important qualifications in their own right, but—here I come to the point raised by my hon. Friend the Member for Warrington, North (Helen Jones)—they must also allow learners to move on to more advanced studies, including full degrees, should they choose to do so. We believe that 100,000 people will be taking foundation degrees by 2010, which will be a huge success considering those degrees did not exist before 2001. The Bill will make that aim a realistic possibility.

FE institutions must also have regard to guidance on the consultation of employers and learners, including potential learners, which mirrors the duty on the LSC under part 1 of the Bill. The Government are committed to an approach that builds services first and foremost around learners' needs. All parts of the system must adopt that approach for this to work effectively.

Kelvin Hopkins: My right hon. Friend will be aware that there is concern among the so-called modern universities—members of the CMU universities group—about permitting further education colleges to award degrees. Is he suggesting that the market will be so large in the future that the provision of universities will not be undermined by further education colleges expanding their degree courses?

Alan Johnson: I certainly am suggesting that. If 40 per cent. of jobs are to be filled by graduates and we have an ambition for 50 per cent. of 18 to 30-year-olds to be in higher education—not at university but in higher education, which will include taking foundation degrees in FE colleges—we can certainly reassure CMU universities about the concerns that they have rightly expressed.

This part of the Bill also aims to facilitate the way in which services are designed and delivered. It clarifies the powers of FE institutions to form or invest in companies providing FE training, or to form charitable incorporated organisations. In addition, powers to establish further education institutions or to dissolve FE corporations will be transferred from the Secretary of State to the Learning and Skills Council. Such measures are designed to encourage the use of new and innovative delivery models, such as federations, trusts and mergers, as part of our goal to broaden and diversify choice.

Along with a focus on the external influences on delivering FE reform, institutional leadership is vital. Provision is included for the Secretary of State to require college principals to achieve a stipulated leadership qualification before taking up a new post. We are working with partners to facilitate this. CEL—the Centre for Excellence in Leadership—has developed a new programme that, from September this year, all newly appointed FE principals will be expected to complete before they take up a post. Meanwhile, Lifelong Learning UK has published new standards for FE teachers, tutors and trainers and a specification for the role of FE principal. The Quality Improvement Agency has established a forum to allow practitioners and providers to share best practice.

Quality assurance is also essential. Excellence must be delivered as a matter of course, and when that is not happening, fast and effective intervention will be necessary. Members of the House of Lords; sorry, Members of the other place. A junior speech writer, I fear—*[Laughter.]* Some training will be carried out at a nearby FE college.

Members of the other place expressed concerns about some of our original proposals on interventions, especially the provision to enable the Learning and

[Alan Johnson]

Skills Council to instruct an FE college to dismiss its principal if such an action were deemed necessary. I have listened to their concerns and we will shortly be publishing new proposals.

We will hold firm to our original intention to take action in instances of underperforming colleges, because without that power we do not believe that we can put forward these proposals with the necessary reassurance. While that intention remains— including instigating the removal of a principal, should that be warranted—in response to the concerns expressed in the other place, we will make sure that the intervention is scrupulously fair, transparent and legally robust.

Mr. Hayes: I am grateful to the Secretary of State for giving way a second time. He is extremely generous. So that the House can be best informed about this aspect of his thinking, can he tell us how often the Secretary of State has found it necessary to use the existing powers, which include the removal of a principal? That would give us some feel for the legitimacy of the position that he is adopting by extending and enhancing those powers.

Alan Johnson: I do not think that we have used the powers—I will check—but having the provision available is a necessary means of ensuring that it never has to be used.

The remaining two parts of the Bill are shorter and more technical in content.

Gordon Banks: May I take my right hon. Friend back a moment to FE institutions and foundation degrees? Does he agree that the ability of FE institutions to provide foundation degrees will address some of the difficulties associated with rurality throughout the UK and allow a more equal spread of opportunity through delivery by the FE colleges?

Alan Johnson: I agree. That is a central feature of our proposals, to which I shall return.

Andrew Miller: I understand the powers described by my right hon. Friend as being necessary to serve as the ultimate deterrent, but will he confirm that that does not alter the fact that the college is the legal employer, not the Learning and Skills Council?

Alan Johnson: Yes, since incorporation that is exactly the case. I hope my hon. Friend will look carefully at our proposals. We have genuinely tried to address the legitimate concerns that he and others raised.

Part 3 of the Bill deals with industrial training levies. It seeks to amend the Industrial Training Act 1982 by modernising and streamlining the process that industrial training boards must go through to demonstrate support for a levy proposal among employers in the relevant industry. The measure will simplify the process, and reduce bureaucracy for all involved.

Some of the principles contained in part 2 are covered in part 4, in relation to higher education institutions, including clarification of their power to form and invest in companies, and a new power to form charitable incorporated organisations to encourage new delivery models. These powers are contained in a separate part, as they seek to amend different legislation. The fourth part of the Bill will also enable the Welsh Assembly to introduce FE reforms as it completes its current review.

In conclusion, this is an enabling Bill. It will enable a restructuring of the Learning and Skills Council, generating around £40 million a year in savings for service provision.

Mr. Brian Jenkins (Tamworth) (Lab): On restructuring, my right hon. Friend will have carried out some analysis on the last restructuring of the learning and skills councils and the problems faced by local FE colleges following incorporation. Will he make available to us the risk assessments that were undertaken and tell us what he sees as the advantages and disadvantages of his proposed scheme before we vote on it?

Alan Johnson: We published a regulatory impact assessment. We made various pieces of information available as the Bill progressed through the other place. We will do likewise as the Bill goes into Committee in this place. If my hon. Friend is making a bid to be a member of the Committee, I am sure the usual channels will have picked that up. *[Interruption.]* I am being unusually nice to my side at the moment.

The Bill will enable a restructuring of the Learning and Skills Council. It will enable learners and employers to convey their views to those who plan and operate services. It will also enable greater choice and diversity by establishing new duties on the LSC to create greater opportunities for learners and employers, and enable better FE management and leadership.

FE is undergoing the most radical reform in its history. That reform is initiated by Government, but driven by the sector. We want to create a system that leaves no one behind. It is not acceptable to target our efforts solely at those who want to take up provision and discard the rest. Often it is those who are unwilling actively to seek out services who need them the most.

Sarah McCarthy-Fry: I thank my right hon. Friend for giving way. I think we agree that raising aspiration is crucial. It is crucial in my constituency, which suffered 18 years of under-investment under a Conservative Government.

I notice that the hon. Member for Henley (Mr. Johnson) is not in his place on the Opposition Front Bench. He recently paid a flying visit to my constituency, and said that it was a drab city on the south coast that was full of obesity and under-achievement, and too full of Labour MPs. I do not think that raising aspiration is done by denigrating our young people; it should be done by trying to raise their aspirations and encouraging them. As the shadow Secretary of State for Education and Skills is my next door—

Mr. Deputy Speaker (Sir Michael Lord): Order. I think that the hon. Lady has made a sufficiently long intervention, and her point as well.

Alan Johnson: My hon. Friend makes an extremely good point. There are not many places in this country that the hon. Member for Henley (Mr. Johnson) can

revisit at the moment. If he were making a flying visit to Hull, I would advise my constituents to take cover.

The imperative is clear. We must insist on the same high standard of provision that we would expect from schools, universities, hospitals and all public services. The Bill will empower FE institutions, help the LSC to support them and provide the right balance of interventions in the system from Government and elsewhere. This is the key to making a success of Project Leitch: a strong economy, fulfilled employees and the UK one of the leaders in world skills. I commend the Bill to the House.

Mr. Deputy Speaker: I say inform the House that Mr. Speaker has selected the reasoned amendment standing in the name of the Leader of the Opposition.

4.57 pm

Mr. David Willetts (Havant) (Con): I beg to move, To leave out from "That" to the end of the Question, and to add instead thereof:

"That this House declines to give a Second Reading to the Further Education and Training Bill *[Lords]* because it will introduce yet another expensive reorganisation of the learning and skills councils, further entrenching the management of vocational training through a regional structure; it will grant the Learning and Skills Council draconian new powers to dismiss college governors, principals and senior managers; and despite the recommendations of the Leitch Review of Skills it fails to address the UK's relatively poor performance in intermediate level vocational skills, the growing problem of young people not in education, employment or training, the declining numbers of learners in apprenticeships at all levels, and profound doubts about the timetable for the introduction of the new 14-19 specialised Diplomas."

We welcome this opportunity to debate the future of further education in this country. Although we have reservations about the Bill, we can indeed take pride in a lot of what has been achieved by further education colleges in our country. They do particularly well in Ofsted inspections, with 63 per cent. of FE colleges assessed as good or better. Students report high levels of satisfaction; 67 per cent. are either very or extremely satisfied with their experience of FE colleges. Of course, of those employers who use FE colleges—sadly, many do not use them—82 per cent. report themselves satisfied.

We are proud of what many FE colleges achieve, and we on the Conservative Benches trace that achievement back to crucial legislation that we passed in 1992—the Further and Higher Education Act 1992, which gave FE colleges their freedom from local authority control and set them on the path to the success that they now enjoy. Indeed, in the report that the Secretary of State so proudly says he commissioned, Sir Andrew Foster says:

"Incorporation in 1993 is celebrated by many as a defining moment of liberation. And in many ways it was."

We take pride in what those colleges have achieved in the years since they were incorporated. However, we regret that the Bill is a missed opportunity to tackle the problems facing the FE sector now. Those problems and challenges have been identified in two very useful Government reports, the first of which, by Sir Andrew Foster, listed no fewer than 17 different regulatory and inspection bodies that were crawling over the activities of FE colleges. We would have liked to see those reduced. The report says:

"Currently, the rigours of proving the quality of provision to the plethora of interested bodies, including qualifications bodies, are in danger of detracting from the need for continuous improvement and the ownership of that by FE colleges...There is a galaxy of oversight inspection and accreditation bodies."

When we talk about the burden of red tape, a classic example is provided in the list of the regulatory burdens facing FE colleges contained in Sir Andrew Foster's report. Sadly, the Bill contains no measures that would reduce those burdens on colleges.

The second challenge that the Bill fails to address is that presented by Lord Leitch's report on skills. Lord Leitch is frank on the scale of the skills crisis facing our country. The Secretary of State quoted from the report and I agreed with the quotation that he cited. However, he did not go on to cite some of the other points in Lord Leitch's report; for example, that

"Previous approaches to delivering skills have been too 'supply driven' based on the Government planning supply to meet ineffectively articulated employer demand...The Review recommends a fully demand-led approach".

Lord Leitch also said that planning should not be done by bodies such as the Learning and Skills Council.

Lord Leitch's report identifies that there should not be the level of top-down planning that the system currently faces. Sir Andrew Foster's report identifies the burden of regulation on the FE sector. But the Bill does nothing to tackle those challenges contained in reports that the Government have commissioned.

In the Queen's Speech debate, the Secretary of State, I regret, made a virtue of the fact that the Bill does not engage with Lord Leitch, saying

"We do not see a need to wait for Leitch before the Bill. Indeed, we think that Leitch's report will make such radical proposals that there will need to be a further period of consultation. I doubt very much whether there is anything in Leitch that will necessitate our changing the Bill"—[*Official Report*, 16 November 2006; Vol. 453, c.251.]

As so often, there are big issues about the future of skills in our country that the Government have failed to tackle and they have missed the legislative opportunity to do so. Instead, we have far too much fiddling around and reorganising, exactly the kind of things that Governments do when they do not really know what to do at all; displacement activity. In fact, we have the fourth reorganisation of the Learning and Skills Council in as many years. It was established only in 2000. In January 2004, there was the creation of a new regional management team with the appointment of 10 regional directors. We had a reorganisation around two directorates, with three directorates being closed down and further reorganisations in 2004 and 2005.

As we have heard from Labour Members, and as a result of parliamentary questions from myself and others, the Learning and Skills Council has incurred redundancy costs of £54 million associated with the various reorganisations in the six years since it was created. If you add on the £62 million of costs from closing the training and enterprise councils that we created, £120 million has already been spent simply on reorganising various skills bodies in this country. That £120 million could have paid for an extra 32,000 apprenticeship places. We are far from convinced that we need another regional reorganisation.

Mr. Tim Boswell (Daventry) (Con): Does my right hon. Friend recall that when the Learning and Skills

[Mr. Tim Boswell]

Council was introduced, we were promised annual savings of the order of £50 million? What happened to those savings? Does he think that that is an awful precedent for what is promised now?

Mr. Willetts: My hon. Friend has made a good point. I was worried when the Secretary of State had to resort to describing all those extraordinary costs as "investments". It is a funny investment for an organisation that is supposed to be committed to high standards in skills and training to spend £120 million on redundancy and administrative change.

Mr. Stewart Jackson: Is my hon. Friend concerned, like me, that in December 2003 our new, spin-free Chancellor said:

> "Everyone on Jobseeker's Allowance will be assessed for their skills and...attend a mandatory skills course."?

And is he surprised, like me, that nothing has happened?

Mr. Willetts: My hon. Friend, who follows those matters very closely, has made an excellent point. When we hear an announcement on the "Today" programme, we all know that nothing will actually happen in the real world—as so many people know, that is all too often the case.

There has been a great deal of expenditure on reorganising the learning and skills councils. In the Bill as originally drafted—we have heard that sadly these provisions will return in some form—there were powers over FE colleges, particularly with regard to the position of principals at FE colleges. I invite the Secretary of State to recognise that the creation of those bodies as corporations—legally free-standing bodies—was supposed to mean something real. It was supposed to mean that they would be masters of their own destinies. I had the privilege of sitting on the corporation at Havant college for several years after incorporation, and we regarded ourselves on the governing body as being responsible for running that college, including having responsibility for the appointment of the principal of the college. It is simply not possible on the one hand to announce that those bodies are supported as free-standing corporate bodies and on the other take the power to allow the Secretary of State to remove the principal. That is completely inconsistent with those bodies being free-standing corporations, and we think that that is a failure to grasp the real powers that those bodies have enjoyed since 1993.

Kelvin Hopkins: I seem to remember that in the era of the hon. Gentleman's Government, many colleges were found to be financially incompetent, but nothing was done about them. It was only when this Government took over that we started to clear up the mess left by the previous Government.

Mr. Willetts: I recognise that colleges sometimes have those problems, but when we established the legislation in 1992, there was a clear legal framework about who was responsible for what. The Secretary of State is in danger of dividing responsibility between the governing body of the corporation, which is supposed to take legal responsibility for the college, and the Secretary of State and the Department for Education and Skills. Each will blame the other, which is a recipe for the type of problems that the hon. Member for Luton, North (Kelvin Hopkins) has referred to, which happened in the past and which, I fear, will recur again.

Dr. Julian Lewis (New Forest, East) (Con): Ms Di Roberts is the principal of Brockenhurst college, which is an outstanding college in my constituency. She has contacted me on that particular point to say that there could be severe legal difficulties if someone who had been dismissed not by the governors but by a third party were to mount a legal challenge. Furthermore, governors might themselves be deterred from dismissing someone who ought to be dismissed, because they would erroneously believe that it was probably safer to rely on the LSC to do the dirty work for them.

Mr. Willetts: My hon. Friend is absolutely right. I want to hear whether the Secretary of State agrees with paragraph 7.39 of his Government's own White Paper:

> "A college, led by its governing body, is responsible for determining its own mission, managing its own affairs, meeting its statutory responsibilities and improving its own performance."

We accept that definition of the role of a college. If that is how a college is to be run and how the corporation functions, how on earth is that consistent with taking that strange power to intervene? That is inconsistent with the Government's own statement about how they see a college. Concern has been expressed by many principals and others involved in further education. The Association of Colleges says:

> "The appointment or dismissal of a principal are amongst the most important decisions a governing body has to take. The intervention of a third-party into the relationship between a governing body and a principal would have made it more difficult for governors to take action, particularly as this might create grounds for an individual to argue they have been unfairly dismissed."

That was the crucial point made by my hon. Friend the Member for New Forest, East (Dr. Lewis), which has not been dealt with by the Secretary of State. We will look with a beady eye at the proposals that he says he will bring forward during further consideration of the Bill.

Another feature of the Bill that has generated controversy—for such a short Bill, it has got Ministers into one or two scrapes in the other place—is the power for FE colleges to award degrees. It is odd that that was not seriously proposed in the White Paper. One of these days we will discover the origins of the proposal—where it came from and when. It suddenly appeared very late in the day, although the Minister has done a great job of providing a retrospective justification for it. We do not object in principle to FE colleges having powers to award degrees, but there are still serious concerns about how it is to be done. As Members on both sides of the House have argued, it would be a tragedy if the new powers had the perverse effect not of strengthening progression from FE into higher education but of reducing the number of opportunities that FE students have to progress from FE to HE. Paradoxically, many universities are worried

that as a result of these provisions fewer students will come to them from FE. What assurances can Ministers give us on that point?

Dr. Roberta Blackman-Woods (City of Durham) (Lab): Does the hon. Gentleman accept that foundation degrees should be seen as free-standing qualifications in their own right, and that one possible disbenefit of the strong link with universities is that they are seen as being a stepping stone to university instead of a route into employment or further training?

Mr. Willetts: In saying that we accept that FE colleges should have degree-awarding powers, I meant that I recognise that it should be possible for an FE college to provide such a course on its own if it is of sufficient rigour to warrant a degree. However, we want to hear a bit more from Ministers about how they are going to ensure that progression is not threatened. We also want to hear more about the status of the degree. We can all take pride in the fact that British university degrees are internationally recognised and valued. As we know from briefings from organisations such as the British Council, they are something that students around the world wish to secure. It is important that we do not do anything that damages the prestige and value that attaches to a degree from a British educational institution, be it FE or HE.

My hon. Friends and I have received a letter from the Minister for Higher Education and Lifelong Learning. We welcome the concessions that he has made and appreciate that he has already moved significantly from the original proposals in the Bill in the light of debate in another place, as well as the extraordinarily constructive and statesmanlike role played by the shadow Ministers for further education and for higher education—my hon. Friends the Members for South Holland and The Deepings (Mr. Hayes) and for Henley (Mr. Johnson)—who have put country before party in a remarkable way. The documents that the Minister sent provided us with some reassurance, but we still need to know more about how he is going to take forward the assurances given by Lord Adonis that the safeguards on progression will be put on to a statutory footing by way of a Government amendment. We greatly look forward to studying that.

We have heard the Government's bold rhetoric, read the extraordinary reports of Sir Andrew Foster and Lord Leitch yet we have a Bill that tries to reorganise the Learning and Skills Council, intervenes unnecessarily in the powers of appointment of a principal and changes the degree-awarding powers. If we compare those relatively modest provisions with the genuine problems that face further education and the skills agenda that faces our country, the omissions are extraordinary.

Why have not we heard from the Secretary of State about what is really happening to apprenticeships? When the Chancellor—or the Prime Minister elect—talks about apprenticeships, he hopes that we think that he means an experienced, gnarled craftsman, wearing his blue overalls—[Hon. Members: "Or her."] Okay. I know that gender is a sensitive issue for the Secretary of State. The Chancellor expects us to envisage an experienced craftsman transmitting a body of knowledge that he has picked up over the years to a younger student—male or female—who wishes to learn a craft. Sadly, that is not what apprenticeships as delivered by the Government mean. All too often, they mean being present at a further education college for a further education course, which may be valuable, but has insufficient employer involvement and sometimes too little practical work experience.

Mr. Jenkins: The hon. Gentleman could help the House to understand the role of apprenticeships in this country because Conservative Members are undoubted experts on the matter. Will he tell us how they destroyed so many so that we can apply a reverse policy? He could help the nation in that way.

Mr. Willetts: Starts in apprenticeships have reduced from 135,000 in 2004-05 to 123,000 in 2005-06. Advanced apprenticeships, which we might view as traditional apprenticeships, are also falling by a modest amount. Despite the rhetoric from the Chancellor about all the extra apprenticeships, starts in apprenticeships are declining under the Government.

However, the number of young people not in education, employment or training—NEETs—is increasing. When the Government came to office, 1,082,000 young people were not in education, employment or training. Despite the new deal and all the initiatives that the Government launched, the figure is now 1,240,000. When Ministers launched the new deal, I do not believe that they were prepared to settle for nearly 200,000 more young people out of education, employment and training. That is why they need radically to rethink their skills strategy, but I am afraid that they have not done that.

Let us consider diplomas. The other day, the Secretary of State famously said:

> "Things could go horribly wrong, particularly as we are keeping A-levels and GCSEs... there is a danger of the Diplomas becoming if you like the secondary modern compared to the grammar."

That is a live topic on both sides of the House. However, we still need to know what is happening to diplomas. It is clear from the Select Committee report, which was published last week, that there is much concern about whether diplomas can be delivered. It states:

> "Too often in the past, initiatives have been rolled out in a rushed manner, with negative consequences in terms of quality".

Again, that is the story of the Government—rushing through ill-thought-out initiatives.

The Bill fails to implement the proposals in Sir Andrew Foster's report or in Lord Leitch's report, does not tackle the problem of the decline in apprenticeship starts, settles for an increasing number of young people not in education, employment or training and does not tackle growing concern about the diplomas. For those reasons, Conservative Members will vote for our reasoned amendment this evening.

5.19 pm

Mr. Paul Murphy (Torfaen) (Lab): For the first time in 16 years, I rise to speak in the House on an education Bill. It is interesting that it coincides with the shadow Secretary of State's comments about the inception of the incorporation of further education. I was a Member of the House when that was debated and discussed, and it was not such a noble birth. It

[Mr. Paul Murphy]

came about, of course, as a result of the chaos surrounding the poll tax. When all that collapsed, the Government wanted some money, so they brought in the concept of incorporation of further education. I would not reverse that decision and I am sure that my right hon. Friend the Secretary of State would not either, but that was the reason why FE was incorporated in the first instance.

I also speak as someone who taught in further education for nearly two decades. What astounds me about the comments of the shadow Secretary of State is how he fails to recognise some of the most important and significant statistics on FE. For example, 4 million people—more than all our sixth formers put together—are benefiting from FE, almost half the entrants to higher education come from further education and almost 250,000 people over the age of 16 go into our FE institutions and benefit from the courses they provide. I remember being a young 22-year-old, know-it-all teacher, teaching European history to a 75-year-old woman who had lived through the period I was teaching. At the end of the year, I knew that I should not have been quite so arrogant.

I welcome the detailed provisions in the Bill. I shall not comment on the Learning and Skills Council for England, as it does not affect my constituents, but I would like to comment on degree-awarding powers. I agree that there is a need to ensure the proper quality of the degrees offered at FE colleges, and I am sure that when the Minister for Higher Education and Lifelong Learning winds up the debate, he will provide us with an assurance about that.

I am not quite so sure about the difficulties that some hon. Members have with the dismissal of principals. I would like to refer to an incident that occurred more than a decade ago in Wales. Members for what was then the county of Gwent got together because of the huge financial problems at Gwent college, which was moving into financial chaos and ruin. Those MPs instructed the National Audit Office to look into the problems and to let the then Secretary of State for Wales know about what had happened. The then Welsh Office, together with the governing body, decided between them that the principal had to go; otherwise the college would have gone from worse to worst. The important point is that in some areas of the country, FE colleges provide all the post-16 education, so unless there is a guarantee of proper management at the top of those colleges, the education of our post-16 youngsters—and, indeed, the not-so-youngsters over 16—could be greatly affected.

I know that the overwhelming majority of college principals are good men and women, but there will be some who are poor performers and their continued employment in that job will mean youngsters fail to benefit from further education in our constituencies. In those instances, the best way around the problem is for the Government to talk to the governing bodies in order to reach a decision jointly. There has to be an ultimate deterrent; otherwise the people who suffer will be the students attending those colleges.

Mr. Boswell: I am following the right hon. Gentleman's argument with care and a great deal of sympathy. Would he agree that, certainly at the time when I had some responsibility for further education in England, if there were a problem in a particular college, we could commission an in-depth investigation? In one case, I remember that an ex-permanent secretary at the Department was involved, who looked into the affairs of that college and made a report, following which, in conjunction with the governors, the necessary changes were made.

Mr. Murphy: Yes, in most cases, that would be the answer. I suspect that the Minister will tell us that, ultimately, he needs some power in order to put into effect the results of any such investigation. I would hope that the matter would be dealt with in that way. It is wrong to assume that every principal in the country is excellent—occasionally there will be difficulties.

I also welcome the Bill's attention to the skills in our country. Anyone who looks at the Republic of Ireland, for example, will see that that Celtic tiger, as it is known, has quite rightly become one of the most prosperous—if not the most prosperous—member of the European Union because of the attention paid to further education there.

My main concern is about clause 25, which devolves to the National Assembly for Wales legislative powers relating to further education. Let me say straight away that I entirely agree with what the clause does. I am concerned, however, about the way in which we deal with the pre-legislative scrutiny of Bills and orders that give the National Assembly for Wales new legislative powers. Jane Davidson is the Minister for Lifelong Learning in Wales, and on 1 February this year, she made a speech in Cardiff welcoming the Bill. I repeat, therefore, that I have no problem with the principle of devolving the powers to the National Assembly.

However, in the debate on Second Reading and other debates on this issue in the other place, my noble Friend Lord Ted Rowlands made reference to the fact that this is not quite what was expected when the Government of Wales Bill was debated in this place. As a former Secretary of State for Wales, I took some time to speak in the debates on that legislation to ensure that this House gave proper scrutiny to any primary law-making powers that were to be devolved to the National Assembly.

I have asked a number of parliamentary questions on this issue. The Minister for Higher Education and Lifelong Learning told me in a written reply that:

"Members of both Houses will be able to scrutinise and suggest amendments to the Bill during its remaining parliamentary passage, including in relation to the provisions for Wales."—[*Official Report*, 9 January 2007; Vol. 455, c. 559W.]

My right hon. Friend the Secretary of State for Wales went further, saying:

"To assist parliamentary scrutiny, all framework powers granting wider and more permissive powers to the Assembly will be accompanied by an explanatory memorandum"—

which I and all Welsh Members have received—

"setting out the policy context underlying the proposals. Copies will be sent to all Welsh MPs and will be placed in the libraries of both Houses."—[*Official Report*, 11 January 2007; Vol. 455, c. 661W.]

That has indeed happened.

I welcome all that; these are important developments. I am concerned, however, about the pre-legislative scrutiny; we probably missed it in this case. I hope that all Departments will take care to ensure that, when parts of Bills—as opposed to orders—delegate to the National Assembly new law-making powers of a primary nature, this House takes a proper look at those elements in a pre-legislative manner, particularly through the Select Committee on Welsh Affairs.

I say that in the context of the completely changed position in regard to devolution. Last week, we saw dramatic changes in Scotland. We have yet to find out what the nature of the Government in Wales will be. There might be a coalition with the Liberal Democrats, or some kind of agreement with Plaid Cymru, or none of those things, resulting in a so-called rainbow coalition—although I am not sure how we can take the red out of a rainbow. Any such coalition should have regard to the party that was granted the most seats and, indeed, the most votes. That, however, is another issue.

The point is that we are in uncertain waters, and what we shall see over the next four years will be very different from the devolution that we have seen in the past. It is therefore incumbent on the Government to ensure that, when we give law-making powers to the National Assembly for Wales, the House of Commons has proper scrutiny of those powers.

5.28 pm

Sarah Teather (Brent, East) (LD): This is not a particularly exciting Bill. It has been described by Ministers elsewhere as largely a tidying-up exercise. I do not think that it merits the view expressed by the Secretary of State that 2007-08 is the year of skills. The Secretary of State is no longer in his place; I assume that he has gone off to run his campaign, which is probably a lot more exciting than listening to a speech from the Liberal Democrat Front Bench—[HON. MEMBERS: "Hear, hear!"] I know my place.

The Government have initiated two major reviews of the further education sector in a relatively short time but, rather bafflingly, they have now produced this short and rather technical Bill that fails to implement most of the recommendations of either review. The Secretary of State referred at the outset of his speech to the Leitch review but, as he acknowledged, the Bill contains nothing that deals with the Leitch recommendations.

The hon. Member for Havant (Mr. Willetts) spoke about Foster's recommendations on regulation. Of course, Foster recommended major changes to simplify the funding of further education, and the further education White Paper promised a technical funding group to consider the issue, but there is nothing in the Bill to implement that. It is a real shame that the Government have failed to use the Bill to simplify the complex and confusing funding arrangements between learning and skills councils and local authorities. If only they had chosen to shift funding for 16-to-19 provision to local authorities, we could have proper joined-up funding. That could herald the beginning of a system in which money could follow students as they move between schools and colleges, enabling them to mix vocational and academic courses. Schools and colleges could thereby collaborate on a fair footing, instead of one on which college students find themselves short-changed by as much as £200 each.

Similarly, the Bill does nothing to address the UK's long-term skills needs, which Leitch's report outlined, as others have said. It says nothing about the link between skills and welfare to work. Looking forward to 2020, it says nothing about the optimal skills mix to maximise economic growth, productivity and social justice. When will the Government bring forward a meatier Bill to tackle the issues outlined in the Leitch report? Perhaps we will have to wait for the next Prime Minister for that.

This is a short Bill, which says little and does less. I am not convinced, however, that its vacuous nature alone is sufficient reason to oppose it, as the Conservatives appear to be suggesting that they will. For a short and not very exciting Bill, it certainly provoked some controversy in the other place—controversy would be reason to oppose it. The Bill that we are debating, however, has been amended by the other place. While the Liberal Democrats will seek further changes, reassurances and clarifications in Committee, we will not oppose the Bill's passage at this stage.

I am a little baffled by the Conservatives' reasoned amendment and sudden opposition to the Bill, which is out of kilter with their stance during its passage in the other place. It appears to be something of a grandstanding gesture, and perhaps a bit of a distraction from the internal row last week. *[Interruption.]* The hon. Member for Havant is so busy talking, he has not even heard me insult him.

Furthermore, the reasoned amendment criticises the Bill for containing something that is no longer there: the most controversial aspect of the Bill—the transfer of powers from the Secretary of State to the Learning and Skills Council to remove college principals—was taken out by Opposition parties in the other place. If, as the Secretary of State suggested, the Government insist on putting that provision back in the Bill, we will vehemently oppose that in Committee and subsequently. That is an issue of principle. As others have pointed out, the Bill appears directly to contradict the Government's White Paper. FE colleges are independent corporations, and we should also note that Learning and Skills Council funding represents but one share of a college's funding—others being student and employer contributions. It is not therefore clear why the Learning and Skills Council alone should have that power, especially as it is not even an elected body with accountability.

Tim Farron (Westmorland and Lonsdale) (LD): The White Paper also says that a college led by its governing body is responsible for determining its own mission, managing its own affairs, meeting its statutory responsibilities and improving its performance. I believe that the Leitch report said that the FE sector was the "neglected middle child" of education, and we are now seeing FE colleges being treated very differently from the higher education sector, which is undermining staff and students within that sector.

Sarah Teather: I agree with my hon. Friend. Legally, the college, not the Learning and Skills Council, is the employer of its own staff. The original proposals were therefore fraught with difficulty and left many questions—

[Sarah Teather]

about employment practice, appeals procedures and who would be responsible for paying compensation if a decision to remove an employee were challenged in the courts—unanswered. Furthermore, the Secretary of State acknowledged that there is a high level of satisfaction with colleges among students and employers. It seems an odd solution to what already appears to be a high level of quality. We will all watch with interest to see what proposals the Government introduce in Committee, but we want to place on the record that we are not happy with the Secretary of State's tone in the debate.

Another area of controversy is the relationship between local authorities and the new regional councils. From our perspective, the lack of democratic accountability of the Learning and Skills Council makes that problematic, pretty much regardless of how it is organised. Moving 16-to-19 money to local authorities would deal with part of the problem, but 19-plus funding would remain distributed by a body with no accountability to its local area.

We have been able to overcome that problem in London by giving the powers to the Mayor and the assembly, but no analogous elected body exists in other areas. For that reason, the relationship between the regional council and a locally democratically elected body is vital. My colleagues in the other place extracted considerable reassurances from the Minister there, which are on the record, about collaborative working and consultation. Clearly, that is of paramount importance. It is vital that local plans are taken into account when regional strategy is set. Furthermore, local authorities, the regional learning and skills councils and businesses, as well as individual colleges and schools, will have to work together to deliver the 14-to-19 diplomas. Although we accept that the Minister in the other place moved some way to reassure us, we will want to probe some of those points further in Committee.

The final area of controversy surrounds the power of FE colleges to award degrees and to confer degree-awarding powers on other colleges—that is, franchising. The proposal appeared from nowhere, without consulting either the FE or the university sector. Again, colleagues in the other place succeeded in obtaining many improvements to the proposal, but we have concerns, as many hon. Members on both sides of the House do, about progression arrangements in particular. The Committee will need to consider the draft guidance published in support of the Bill carefully to ensure that students' ability to progress is safeguarded. Collaborative progression arrangements may well be in place when degree-awarding powers are given to a college, but they may break down in the first six years before the Privy Council reviews that ability. That may prevent the college from further awarding degrees, but that will be of no consolation to students who have enrolled on courses in the meantime. The Government have given reassurances on the franchising ability of colleges, but we will also want to probe considerably in Committee the extent to which that will apply to overseas courses in particular, about which we continue to have concerns.

My concern about the debate and row about foundation degrees is that it clouds the real issue. Many students begin to study in an FE college because of caring or work responsibilities and they cannot study away from home. They are often likely to be from poorer backgrounds and are much more likely to be from ethnic minority backgrounds. They will want a flexible system that allows them to move flexibly between different types of institutions, often in a non-linear pattern—they may want to study for a while, take a break, and then move on. They will want to have a fair system whereby they are not having to pay all their fees up front.

The Bill does not deal with any of those issues, and that is the real concern for many students who are beginning to study at an FE college. We must rethink those issues. I hope that the Government will consider them carefully when they introduce proposals next time to deal with the matters raised by the Leitch review. I also hope that they will think carefully about progression arrangements all the way through the system for students of all ages who may be studying part-time.

This is a short Bill, so I have made a short speech. We look forward to the Committee stage. As I said, we will continue to probe issues of progression from foundation degrees and collaboration with local authorities in particular. We hope that in the near future the Government will introduce something far more meaty for us to get our teeth into.

5.39 pm

Mr. Don Touhig (Islwyn) (Lab/Co-op): I welcome the Bill, which will equip learners with the high-quality skills that they need in order to compete in the global jobs market. As one who has always argued that we must constantly re-train and upskill our people to meet the challenges of a global economy, I am pleased that the Bill ensures that employers will have the same opportunities to gain new skills in order to make their businesses succeed in a competitive world.

In my constituency, almost all post-16 education takes place at a college of further education. A similar situation exists in most of the constituency of my right hon. Friend the Member for Torfaen (Mr. Murphy), who spoke a little earlier. Like him, I well remember the problems that we faced at Gwent college, and the need—in order to save that college from financial ruin—for steps to be taken to change the senior management and remove the principal. Heaven only knows what would have happened otherwise.

Although I welcome the Bill, I am troubled—as was my right hon. Friend—by clause 25, which makes amendments to the Government of Wales Act 2006. If the clause is approved, it will transfer substantial responsibility to legislate for further education and training from Parliament to the National Assembly. Although I do not oppose the idea of using framework legislation to transfer power from Parliament to the Assembly, I think it wrong to do so without full parliamentary scrutiny of such a change to the devolution settlement. Notwithstanding the way in which it is being presented, the Bill contains a substantial constitutional change, and Parliament should have an opportunity to consider whether it is right to transfer those powers to the National Assembly.

I am all the more concerned because this is the third time Parliament has been asked to transfer power to the National Assembly without proper scrutiny of the reasons for doing so. We have done it twice before, in the Education and Inspections Act 2006 and in the NHS Redress Act 2006. I am particularly worried after reading the memorandum prepared by the National Assembly in support of clause 25 and provided for us by my hon. Friend the Under-Secretary of State for Wales. The memorandum implies that the format set out in clause 25 for giving the National Assembly primary legislative powers will become the norm. My noble Friend Lord Rowlands of Merthyr Tydfil and Rhymney, to whom I spoke earlier today, was a member of the Richard commission, which examined changes in the powers of the Welsh Assembly, and he believes that that contradicts the spirit of the Government of Wales Act.

The memorandum tells us that the provision to enhance the legislative competence of the Assembly reflects the new constitutional law-making provisions introduced by the Government of Wales Act. That is fine as far as it goes, but while the Bill may be the right way in which to deal with the future of further education and training, I think it quite wrong to make changes to the devolution settlement unless Parliament has first had an opportunity to consider the principle of transferring law-making powers to the Assembly. Clause 25 means that the Assembly, not Members of the House of Commons, will scrutinise and finally approve the proposals in the Bill. That has constitutional ramifications that clearly need to be debated separately from the Bill.

Even more worrying is the implication in the memorandum that, unlike in England, the Assembly has not even consulted interested parties on what it should do with the powers if they are given to it. Parliament is not only being given no opportunity to consider the merits of transferring the powers, but being asked to transfer them when the Assembly has no settled view on the use of such powers. The memorandum tells us that until the Assembly consults interested parties, it is not in a position to specify the subordinate legislation that would be required.

Under the Government of Wales Act 1998, secondary legislation is a matter for the National Assembly, but let us consider what that has meant in practice. When the Government have asked Parliament to delegate particular powers to a Minister of the Crown, draft regulations have often been published so that the House can better understand how Ministers will exercise such powers. Since devolution in 1999, when the Government have presented England and Wales Bills and have asked Parliament to delegate similar powers to the National Assembly as are being delegated to Ministers of the Crown, there has been an indication of how those powers will be used. That has been done very successfully, without impinging on the Assembly's right to make secondary legislation.

One useful method that I employed when I was a Wales Office Minister was to publish an exchange of letters between myself and the relevant Assembly Minister so that Members of this House could, in effect, see something similar to draft regulations. Alas, that cannot happen in this case because the Assembly has consulted no one and has no view on what to do with the powers that the Government are asking us to pass on to it.

We are told that only after carrying out a consultation and settling its own views will the Assembly be able to bring forward coherent proposals for legislation relating to its Welsh priorities and time scales for further education and training in Wales. If ever there was a case of putting the cart before the horse, this is it. We are told that the enhanced legislative competence sought by clause 25 will provide the framework for the implementation of key components of the Assembly's education policy in Wales. The memorandum tells us that that policy will be informed by the proposals of the Independent Review of the Mission and Purpose of Further Education in Wales in the Context of the Learning Country: Vision into Action—the Welsh can always be trusted to use 20 words when one will do.

Mr. Hayes: The right hon. Gentleman is making a significant point. May I invite him to ask the Minister to intervene to clarify what discussions have taken place, because it is inconceivable that the Government have not anticipated some of the points that the right hon. Gentleman makes, and this House needs to know precisely what preparations have been put in place to stop the circumstances he describes from occurring?

Mr. Touhig: The Ministers on the Treasury Bench are very skilled and able, and if they feel the need to intervene on me I am sure that they will do so.

The point I am making is that the outcome of the review is not expected until autumn this year, which could be a full six months away, and the time scale could slip even further given the current situation in the Assembly, which was referred to by my right hon. Friend the Member for Torfaen. At present, we are unsure who will run the Assembly.

At a time when further education and training in England will gain from the benefits introduced by the Bill, Wales will have to wait for the Assembly to make up its mind. That is complete nonsense, and we are being made fools of. The Government are, in effect, asking us to write a blank cheque. We are being asked to give new powers over further education and training to a devolved Administration who have consulted no one on the use of such powers—indeed, the Assembly has no settled view on what it would do with the powers, even if it had them.

It has always been my contention that the transfer of any further law-making responsibilities to the Assembly should be the subject of proper pre-legislative scrutiny and debate. I am opposed to transferring primary law-making powers by the back-door method in clause 25. The Government should ask the Welsh Affairs Committee to look at the proposals, take evidence and report to the House before any decision on the transfer of power is made. That could be done without impeding the progress of the Bill, and we could decide on Report whether clause 25 should remain in the Bill, or be deleted or amended.

Education and training in Wales differs somewhat from that in England, and I recognise that legislation needs to reflect that. For example, the Learning and Skills Act 2000 makes different provision for funding

[Mr. Touhig]

and inspection of further education in Wales than in England. There must be tailored solutions for Welsh circumstances. I have never been opposed to a "made in Wales" solution to a problem, but I have always been opposed to a "made in Wales" solution to a problem just to make it different.

However, that is not the argument. In this country, Parliament governs in the name of the people. It is not right that Parliament is being asked to transfer powers to a devolved Administration without any form of parliamentary scrutiny or debate on the merits of transferring such powers. I hope that the Government will give us an assurance that Parliament will have the opportunity to consider this transfer of law-making power before we are asked on Report and on Third Reading to pass the Bill and to enact it.

5.49 pm

Mr. Tim Boswell (Daventry) (Con): It is a privilege to follow the right hon. Member for Islwyn (Mr. Touhig). I paid particular attention to what he said and, if I find myself serving on the Committee empanelled to consider the Bill, it may be something in which I take an interest. I listened with sympathy to his comments and to those of his right hon. Friend the Member for Torfaen (Mr. Murphy). The House may not know that there is a reason for my doing so, as recently—I hasten to add, as the right hon. Member for Torfaen is aware, that this was not on my own account but because of family connections with Wales and with education in Wales—I was invited to join the board of a higher education corporation in Wales, so perhaps there will be contributions from both Government and Opposition Members on the matter in Committee.

The Welsh take education, particularly further education, seriously, and rightly so, for the reasons that the right hon. Gentlemen gave. The House will know that, in my view, further education is a very important sector indeed, and it is dear to my heart. It was with some concern that I realised that it was 12 years ago that I demitted my ministerial responsibility for it under the previous Government. One loses the command of detail that one has as a Minister but, nevertheless, when one revisits the subject one finds that the issues are exactly the same and, in certain cases, have not advanced as much as one would hope. I am afraid that that is what I find to be the case now.

In addition to my accolades for the two right hon. Gentlemen from Wales, may I praise the Secretary of State for his characteristically cool introduction to the subject, and praise my hon. Friend the Member for Havant (Mr. Willetts), who made all the spiky criticisms appropriate to the Bill? May I pay tribute, too, to my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes), who has hugely advanced the salience of skills, as well as interest in them among members of my party and in the national debate? He is a very practical person, who understands the importance both of building on the subject and its contribution to our national life.

In looking at further education, we start with some difficulties of definition. I have noticed that, typically, further education is defined as a negative. To take the activity itself, it is something that one does not do at school or in higher education—it is somewhere in between. As for its role in the delivery of education, is it vocational? What does that mean, except that it is not academic or is not specifically job-related, which overlooks the fact that the majority of A-levels are delivered in further education colleges, rather than in sixth forms?

There is some difficulty, too, in tying down the institutions themselves. There are further education colleges, nearly all of which are public corporations under the Further and Higher Education Act 1992, but we must consider, too, the role of private training establishments and of sixth forms themselves. May I tell Ministers—because sometimes I think that the impression is given in the House that, on their part, nothing good was invented before 1997, and on our part that nothing good has happened since then—that there have been constructive developments in beginning to integrate the offers between schools and colleges and looking at the perspective from 14 to 19 rather than from the end of compulsory schooling only?

In relation to that point, may I rehearse the offer that I made as a Minister more than a dozen years ago, and offer the modest sum of a pound to anyone who can find a better title than "16 to 19" for the young people concerned? The ground work has been done—it is now "14 to 19"—but no one has come up with the magic phrase. We still tend to look at further education as something in the middle; something between childhood and adult life; and something that is somewhere between school and university. We do not really give it the value that it should have in its own right.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): In support of what the hon. Gentleman has just said, will he acknowledge that in relation to young people with special needs, the artificial boundary between 19 and adulthood is completely irrelevant? Many young people with special needs are still in need of further education and training into their early 20s.

Mr. Boswell: I could not agree more. The whole business of transition planning for all children, particularly those with special educational needs, is unsatisfactory and inadequate. We do not pay it enough attention—sometimes it is not even delivered to statutory levels—and we ought to pay it much more attention. The irony of the situation—I said that further education is defined by its not being something else—is that further education is the one sector of post-compulsory school life that is universal. One day, half our young people may well have some experience of higher education by the age of 30—incidentally, a great deal of that will be delivered in further education anyway, as has been said—but we must remember, too, that when many people graduate they are not job-ready or employable, and need to acquire further education skills, whether it is enhanced IT, languages and so on, so that they are fit for the specific job that they will do. Even if someone becomes a barrister, they have to do a vocational course. However that is expressed, and whatever the legal label, it is an act of continuing and further education.

We should therefore not look at the subject as an easy progression ever upwards and onwards which culminates in some higher degree; we should look at

what is necessary at the start of employment, going on to all the many changes that we anticipate in someone's working life—perhaps they will have three changes of employment—in which they have to return all the time to acquire vocational skills, at whatever level is appropriate.

Mr. Stewart Jackson: I pay tribute to my hon. Friend's long experience in this area. Does he share my great concern that many young people at age 19, including those who have taken part, for instance, in the YMCA Foyer project in my Peterborough constituency, must because of benefit rules make a painful choice between continuing to study and continuing to live in their chosen residence? They lose housing benefit if they continue to study, and that issue should be looked at again by the Department for Work and Pensions and by Ministers generally.

Mr. Boswell: That is certainly worth revisiting. There have always been difficulties with it and with the 16-hour rule. No one is advancing unlimited resources tonight. As a general principle, we must promote people's studies, not frustrate them in their pursuit of those studies.

There are concerns across the piece—and they have surfaced a little today, particularly in relation to the controversial clauses on dismissal—about the quality of the delivery of further education. One would not be surprised if a sector involving 4 million students was subject to patchiness. One must recognise, too, that it is not simply the objective measurement of the grades attained by students taking A-levels in general FE colleges that is important, but the value added by a wide range of people, and not automatically the high flyers who are encouraged to stay on in school sixth forms, for example.

A final problem in that area is the question of status. I had a telling exchange in my first two weeks in the Department of Education with a senior official, for whom I had the highest respect. A document came up saying, "This will require two A-levels." I knew that I needed to put down a marker, so I said very firmly, and in public, "Or, I take it, the equivalent vocational qualification." He turned round, with an angelic smile on his face, and said, "That, of course, Minister, goes without saying." He could not have been more eloquent about the way in which we still default to the academic model.

I therefore welcome the Bill's practical focus on what further education does and how it works. At the same time, however, I celebrate FE's role in what I used to call the Heineken effect of education—it reaches the parts that other measures cannot reach. I want to emphasise, too, its role in the midfield. I once delivered a lecture in Berlin on the British politician as a midfield player. I think that you, Mr. Deputy Speaker, will not wish me to go too far down that road, but I do see further education as the midfield, moving forward on its own account, delivering and receiving the ball, and being able to meet all its objectives in a way that no other sector can.

My reservation about the Bill is that it hardly exemplifies what an American President once described, rather inelegantly, as "the vision thing". I shall come back to that before I conclude, but I am surprised by its title. Perhaps another essay could be written about the escalation of Bill titles, but it is now extremely unfashionable to attach the phrase "miscellaneous provisions" to any measure. I think that this ought to be called the Further Education (Miscellaneous Provisions) Bill. A more substantial response to Leitch may come along in the future, but this is a tidying-up exercise and not a major piece of legislation.

I shall spare the Minister the inelegance of looking at the numerous speeches that I made during the passage of the Learning and Skills Act 2000. I said then that I did not like a structure that had a central point and 47 local delivery points in the same model. I must congratulate the Government on beginning—rather slowly and at some expense—to claw themselves back to the Conservative model of the 1990s, which involved a Further Education Funding Council and a modest representation in nine English regions. In my view, that representation was perhaps over modest, as there is a useful planning role to be fulfilled alongside the central model, but all the bureaucracy that we have had since then has not yet entirely disappeared. Even attenuated, the total cost of the LSC bureaucracy comes to £1.8 billion—a very heavy burden, and it comes out of what is available for front-line education.

I wish the Government good luck with their proposed new regime incorporating the Mayor of London, but that will add another body. Characteristically, the only two bodies being removed by the Bill are the panels serving young and adult learners. The National Institute of Adult Continuing Education, with which I am still involved, shares my concern about the position of adult learners. Most of the LSC's expenditure has been concentrated on the cohort of young learners—that is, those at the 16 to 19 school-leaving age—but their numbers are about to decline. That means that the people who must be upskilled for employment will come from the existing adult labour force. We have somehow managed to reduce still further the direct representation of adult education interests in the LSC. That can be overcome, but I am serious when I say that we must strike a better balance.

I share the two reservations about the Bill already expressed by various hon. Members. The first has to do with the "sack the principals" clause, which I find difficult in practice. It has been suggested that it might be useful in an emergency, but any hand-in-the-till problem can be overcome—or should be—by the governors. Typically, a much longer period of dysfunction will be involved: as I said in exchanges with the right hon. Member for Torfaen, it will be difficult to sack someone without a proper, in-depth investigation. After that, the matter can be brought to the governors, and they can assume their responsibility. My late father brought me up on the maxim of never hiring a dog and barking oneself. If we are prepared to give colleges and governors their freedom, they should be allowed to use it. The process will go wrong occasionally, and mechanisms—including financial sanctions—exist to rectify matters when that happens, but we must not work on the assumption that colleges and governors are always on sufferance, because they are not.

My second difficulty has to do with the powers to award foundation degrees. Again, I have no objection in principle—indeed, as a strong supporter of further education, I rather welcome them. However, I can see

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all the difficulties that will be encountered with articulating them with progression, the interests of the modern universities, and the wider sector. Credit accumulation is one matter that has not been discussed so far. Can we be sure that a given institution will continue to exist? Another problem has to do with the "Bologna" process: I do not want a person from a less functional higher education system in another EU member state saying, "Not only have we to swallow your three-year first degrees, but what about that further education college that is now issuing its own degrees?" That is a real worry.

A deeper worry is the relationship between an FE college and progression. I have heard various eloquent presentations about what is good in the Bill, but anything that causes a college to be isolated, with no reference to the schools with which it should be working in partnership as people arrive or to the higher education institutions to which they should progress naturally, would be a mistake. We need high standards, with FE colleges offering the maximum opportunity and progression.

I said earlier that my concerns were about the Bill's lack of forward vision. Getting the administration right is important, but the Leitch agenda is not really addressed. No doubt that will be the subject of debate in the future, but I believe that the Government may be placing too much emphasis on train to gain. It may be a good idea, but we need the maximum number of potential vehicles to attract people into further education. Individual accounts and the self-management of learning are part of that.

The Bill is also silent about qualification issues. They may be nuts and bolts matters, but they are very important. My hon. Friend the Member for Havant spoke about getting the diplomas right, but it is also about getting the right context for academic qualifications and what employers are likely to specify. We must also ensure that the relationship with apprenticeships is appropriate: I am still not clear whether diplomas parallel apprenticeships, or are alternatives to them, or whether they offer a natural progression to higher education. All those relationships need careful attention.

Mr. Hayes: As ever, my hon. Friend speaks with great authority on these matters. Will he comment on the idea that the fit between qualifications is not as it might be, and that that is a key factor in undermining their credibility? Employers do not know how one qualification fits with another as clearly as they ought to.

Mr. Boswell: I agree with that idea, which is perhaps a subset of a problem about which no one would argue—that employers need to be involved much more actively in the whole process of considering these matters. However, they should not adopt a purely literal approach, and believe that they can ring up and get a group of people who are absolutely ready for employment. An employee needs to be able to perform a particular job, developing all the while and then moving on to even more responsible roles.

My final point has to do with something that has been omitted from the Bill. I shall modestly puff the Post-16 Education and Training Bill, which received about 12 minutes of consideration on Friday, when other matters were also considered. It was introduced by the hon. Member for Huddersfield (Mr. Sheerman), the Chairman of the Education and Skills Committee, and I am a co-sponsor of it, although I did not give tongue when it was debated.

The Post-16 Education and Training Bill aims at providing some important elements in the transition mentioned by the hon. Member for Sheffield, Hillsborough (Ms Smith) in her earlier intervention. That Bill focuses partly on special educational needs, but more generally on mentoring, proper assessment before people leave compulsory education, proper work experience, support and careers advice. In that way, it would give people guidance along a path towards employers who are better informed about the process. The mechanisms would always involve further education and include appropriate qualifications. If we can adopt that approach, we will begin to draw the elements of the system together, and prevent them from operating separately as they sometimes have in the past.

In conclusion, the Bill can be quite useful, although we have reservations, which have been expressed in the reasoned amendment. However, we need not oversell the legislation: it is a necessary but not a sufficient condition for progress in this area. It will not, except in exceptional circumstances, help further education colleges or training providers if it mires them in bureaucracy or trips them up and questions their governance, and it will not win the battle of vocational credibility on its own.

We have to ask two questions. First, how can we, through the Bill and other actions that the Government are taking, more actively involve employers in specifying and helping to create the right framework for skills so that they can tell us what they want in a balanced way and we can make it clear that the system can respond? Secondly—this is equally important because it takes two to tango—how successful will the Bill and other Government measures be in attracting learners back into learning to upskill themselves and build the skills that are essential for national competitiveness, in which all the reports I have seen show we are, despite our efforts, sadly lacking?

6.11 pm

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): I follow what I thought was an incredibly thoughtful and well-considered speech by the hon. Member for Daventry (Mr. Boswell). I share his commitment to further education and I thought that I would start my speech by outlining my nigh-on 20-year involvement with further education.

I was a full-time vocational student in an FE college from 16 to 18. I moved on to work full-time and became a part-time adult evening class student for three years at my local college, where I studied A-levels, taking a two-year course and then a one-year course. Not surprisingly, given what FE had done for me and the opportunities that it had given me, after university I ended up back in further education where I spent nine years as a tutor. I was also a governor at our local

college—not the one I worked at, but a different one—and a cabinet member for education and training. So I have been involved in further education across the range: I have studied full-time and part-time and been an adult learner, a tutor, a governor and a strategic director involved in where the city of Sheffield was going in terms of its further education and post-16 provision.

It is important to set out in some detail what is special about further education and to measure that against the proposals in the Bill. I want to talk first about the quality of the tuition that I received as a learner in further education, because, too often, it is assumed that the quality of that tuition is generally lower than the quality of that received in sixth forms or universities. I would contest that quite seriously because the tuition that I received—even at the vocational level as a 16-year-old girl—was excellent; it was stretching and tough and it delivered.

Mr. Boswell: I am grateful to the hon. Lady for her generous personal remarks. Would she not also agree—I am sure that she has seen this many times—that one of the most heartening, but at the same time sobering, things is to go into a further education college and see a group of young people who have been quite demotivated by their experiences at school suddenly find that there is a vocational relevance to what they have to do? Instead of finding work unattractive, they actually fire up and can make a really positive contribution.

Ms Smith: I agree entirely with the hon. Gentleman's comments. Indeed, as someone who tore up all her school books and put them in the bin on the last day of school, I was absolutely delighted to find that FE was exactly the place for me, and I saw that as a tutor with the hundreds of students who moved through the FE institution that I worked for.

I studied shorthand and was the highest-achieving shorthand writer in more than a decade at my local FE institution. That in itself opened up an alternative career choice. If I had taken that route, I might well have been up in the Press Gallery taking the notes on this debate, rather than down here delivering one of the speeches. I chose not to take that route and, in many ways, I am probably grateful for that—although we very much value the work that is done in the Gallery.

I want to draw attention to the commitment of the many students that I taught in FE. That relates to the hon. Gentleman's point. In my adult learning role, I have witnessed many students who have been willing to take time off work and to come in of an afternoon to receive one-to-one tuition in order to achieve their goals—in order to achieve the GCSE English or the key skills that they needed to move on to an alternative career or to move up their chosen career structure. I know that students took time off work to attend special study periods and even to do their exams, because not all employers recognise the importance of their employees voluntarily taking up part-time evening class opportunities in education and are not even willing to give them time off for exams. That is an important point. When I took my A-level exams, I had to take annual leave. As a Government, we should think about that issue.

Many adults who take night classes will leave work at 5 o'clock or half-past 5 and will come straight into college without a break. They do not even have a chance for an evening meal. They are in the classroom 10 minutes before the class is ready to start because they are so keen to soak up and absorb what is on offer. One of the most inspirational periods of my life and one of the most rewarding aspects of my work as an FE tutor involved delivering adult education. I took a bunch of students down to Stratford to see "The Merchant of Venice". Those adults had never been to the theatre before. They had never been to the theatre in Sheffield, never mind Stratford-upon-Avon. Can Members imagine how rewarding it is to see adults from working-class communities such as Wath-upon-Dearne—the sons and daughters of coal miners—going down to Stratford and not only enjoying "The Merchant of Venice", but appreciating it? The whole experience had the potential to transform their lives by providing them with other avenues and forms of fulfilment. That applies not just to future employment opportunities, but to how they enjoy their lives and what they make of that rich experience.

Jeremy Wright: Does the hon. Lady agree that what she is describing very eloquently is education as a second chance—the opportunity to go back and correct what one did not do to one's satisfaction the first time round? If she agrees with that, would she further agree that it is important that, whatever structure we have for skills training and re-education, we do not focus too much on those who are below the age of 25 to the exclusion of those who are above 25 who need to take advantage of those second chances?

Ms Smith: Indeed. It has to be said that, given the way in which our economy is now structured and moves, it is important that we remember that people need to reskill and move on continuously throughout their lives. In the context of second chances, it is also important to remember that confidence levels among adult returners are often low. FE tutors understand that better than any other deliverers of education in the entire system. They know how to build confidence and they understand that confidence is the key to success in education. The whole experience is a rich one for a tutor.

For me, one of the more enlightening aspects of GCSE work was delivering speaking and listening opportunities to many of the adult students. Unlike 16-year-olds, especially lads, who will deliver the inevitable lectures about football—or, in my case, on the 1993 Sheffield Wednesday-Sheffield United FA cup semi-final—adult learners will offer talks on varied topics ranging from bricklaying to beekeeping. I have even heard a talk on the history of chocolate, which finished with the offer of chocolate to all who had listened. I think that the offer was made to me in the hope of a better grade. That is the way in which adult education works.

Another really rewarding aspect of the work of an adult education tutor is sharing students' success. When the results come in, they are almost as important to tutors as they are to students. Seeing someone who failed at school and could not cope with school

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learning structures—the chalk-and-talk approach and the constant drilling of knowledge without an opportunity to find alternative learning styles—achieving B and A grades in subjects such as English makes one realise just how valuable further education is. One sees sulky, reticent 16-year-olds being transformed into confident and mature 19-year-olds who are ready to take on the world. Mature students have broken down in tears during their one-to-ones with me because they lacked confidence in taking exams and all their hang ups and problems of the past had returned to them. When one sees such people pulling through, it makes one realise that further education can be transformational.

Mr. Hayes: The hon. Lady speaks with both eloquence and feeling. Does she acknowledge that many of the people she is describing are attracted back into education through non-accredited courses? The Government have focused on accredited level 2 training and non-accredited courses are under threat. How damaging is that to the kind of people she is describing?

Ms Smith: It is entirely true that what we in the trade call small, bite-sized chunks of learning can play a valuable part in building adult returnees' confidence and capacity so that they can move on to the more formal accredited learning opportunities that FE offers. I understand that the Government's direction has always been that colleges and other training providers should be encouraged to make such bite-sized chunks of education available as part of a package of progression for individuals from the moment they walk through the door of a learning centre so that they can go on to FE and then formal learning courses.

FE at its best brings out the best. It brings out the full potential of young people and adults, whatever that potential might be. For example, the expectation and culture of maturity associated with FE, through which young people are expected to take responsibility for their behaviour and learning, brings on a 16-year-old who has just left school as an individual more than anything else. There is no patronising in further education, or any sense of drilling things into people. Those in further education are independent learners. Many young people find independent learning valuable and are natural independent learners who are capable of finding their way through the material and concepts on offer. We underestimate the extent to which young people learn in a variety of ways. The best can be brought out of young people by further education, rather than school, because it offers an alternative culture and a different approach to delivering education and learning. It thus creates incentives and motivates people.

I hope that I can entertain the Chamber with another anecdote about my A-level days at night school. In my third year, when I was studying for the Bernard Crick A-level in government and politics, we suffered a serious misfortune in that our lecturer was suspended from his post two or three months before our exams. I will not go into the details of the suspension, but we thought that the reasons were pretty paltry. Everyone in the night class got together to visit local dignitaries and politicians and to make a fuss. We secured an offer from a local barrister—I pay tribute to him; he was a Liberal Democrat candidate in the local elections—to the effect that we could set up a Saturday school in the premises of his bridge club so that we could continue our studies with our tutor, in addition to attending the classes at the college.

The students on my course were ready to give such a commitment to their learning. They gave up their Saturday mornings to turn up at the local bridge club and set out their materials on a series of card tables so that they could make the most of the opportunities that were provided for them. We did that all the way through to June and even took a week's annual leave so that we could have a study school so we could catch up following the disruption that we had suffered. The group's results were absolutely stupendous. I think that an overwhelming number of us got grade As and secured our places at university because of the commitment that we gave to our education and course. To this day, I remain proud of what we did. We took control of our destiny and learning and ensured that we got what we needed. Again, that is something that further education often cultivates.

All that makes further education especially fit to meet the skills challenge, about which we have heard a great deal in this debate. FE develops the rounded and mature individuals for whom employees are looking. The stats have already been cited, but I will point them out again. We all know that Leitch has said that by 2020 we will need 40 per cent. of adults to be qualified at level 4 and above. However, it has not been mentioned that we will need 95 per cent. of adults to achieve the basic skills of functional literacy and numeracy, and that more than 90 per cent. of adults will need to be qualified at level 2, at least. I congratulate the Government on making it clear that FE provision up to level 2 will be free of charge. That represents a significant contribution towards making sure that we deliver the skilled workers this country requires and the skills we need to compete in a global economy.

Although this is often said, it is worth repeating: our country can survive in the global economy and make the most of the opportunities created by the opening up of markets in China and India only if it meets the skills challenge. The only way to do that will be to work at the high-value end of the employment, job-creation and manufacturing markets.

In my city and constituency, Corus is dedicated to the high-value end of the steel castings market. Corus is now under the ownership of Tata, so I suppose that I should call it that, but old habits die hard. The company has told me that it does not think it could consider moving abroad the Stocksbridge plant in my constituency because the skills that are needed to produce such sophisticated engineering products are available only in such cities as Sheffield. We have to ensure that things stay that way and that further education, higher education and our schools are geared up to continue to deliver such very skilled workers for good, well-paid jobs that are highly satisfactory and rewarding.

Rollem Patent Products, which is in Ecclesfield, is less well known than Corus. It is dedicated to the production of bespoke engineering products, which are special solutions requested by the customers it attracts. The firm exports all the way across the world, to China and south America.

Most of Ronseal's products are manufactured in my constituency, and they really do what it says on the tin. It is a chemical engineering company that makes an incredible contribution to the wealth of my constituency, which is higher than average for Britain as a whole. The managing director of Ronseal has told me that the quality of the local provision in our schools and further education college is critical to the future success of the company. We must meet that challenge.

In Sheffield we also have the teaching hospitals and the medical expertise not just of the doctors and nurses, but of the technicians and researchers. We have growing expertise in sports and leisure, and Sheffield is the world climbing and mountaineering centre. We have an engineering company called Gripple which manufacturers the equipment used by our mountaineers. That is a neat example of engineering and sport coming together. For a city like Sheffield, the challenge is to ensure that Gripple, the sports and leisure facilities, the teaching hospitals and the universities continue to get the excellent, highly skilled staff that they need, and the Bill will contribute towards that. It is the natural vehicle to deliver the skilled workers we need.

As we have heard, there are 4 million students in further education colleges, the vast majority of whom are adults studying part-time. That point is often overlooked. There are more 16 to 18-year-olds in colleges than in school sixth forms. Colleges deliver more than 800,000 vocational qualifications every year and provide 44 per cent. of entrants to higher education. They deliver 11 per cent. of higher education provision. They are already proven deliverers of higher education opportunities. Nearly 300,000 college students are over 60. That is a tribute to the capacity of human beings to study at every stage of life. The importance of further education is illustrated by those facts. FE has taken on the lion's share of post-16 education delivery, and long may that continue.

I welcome the proposals in the Bill to restructure the Learning and Skills Council, particularly the requirement that the new learning and skills councils consult more closely with employers. They should also consult more with schools, parents and young people. We need a more co-ordinated strategic approach to what is delivered in further education if FE is to move from its excellent base to meet the challenges that the Bill requires of it.

I would welcome the Minister's comments on how local learning and skills councils are responding to the needs of employers. We feel the need to move forward, but how far? In my view, based on the experience of Sheffield, we need to move some way. We have had serious engagement with employers in Sheffield, but I still do not think that we have forged the important links with employers that will change FE and make it more responsive to their needs. However, we will at some stage have to say to employers "Put up or shut up", because they too must engage seriously with the system and demonstrate their commitment, not necessarily always in terms of resource but in terms of expertise to ensure that FE is able to deliver what employers say they need.

Mr. Brian Binley (Northampton, South) (Con): I have been listening intently to the hon. Lady, from whom we have heard sound common sense, as I would expect from someone who comes from Sheffield. The responsibility of employers is part of the equation that the Bill does not cover. Does the hon. Lady agree that it is employers' responsibility to become much more involved and that employing organisations should play an active role in achieving that objective?

Ms Smith: Indeed, and in its own way the Education and Inspections Act 2006 tries to do the same in relation to our schools. If we want employers to be formally involved with the work of our schools, we should say the same in respect of FE colleges. One of the things that is overlooked in the Bill is the power to form trusts or charitable arrangements for the involvement of outside bodies in the delivery of further education. The involvement of employers is central to that.

If the learning and skills council works properly, it must provide leadership. My experience as a cabinet member was that the quality of input from the LSC in Sheffield and more broadly, in south Yorkshire, and the degree to which it responded to local need was critical in determining whether post-14 or post-16 provision developed and progressed. That has been the case for some time. My experience leads me to believe that the time has come to regionalise the LSC and to require it in legislation to respond more closely to the needs of the city, the district and the region. If local strategic partnerships are fulfilling their proper role, they too can play an important part in making sure that the LSC at regional level responds to what a district or a metropolitan area needs in order to raise the skills levels of young people and adults.

In relation to the powers proposed for the LSC, the power to incorporate and dissolve will rightly be devolved from the Secretary of State to the LSC. If we were truly radical, we would go further and put in place regionally elected structures to enable learning and skills councils to be accountable to elected representatives. For me, that is the way to ensure that the devolution of power envisaged by the Bill achieves its fullest potential. Regionally elected bodies to which the LSC could be accountable would be the clincher, ensuring that the Bill worked to its maximum effect. We are where we are on that, but I am sure we will return to the matter. That debate is by no means dead and gone.

The powers suggested in the Bill for the LSC to intervene when colleges are coasting or underperforming are entirely appropriate. That power already exists for local authorities in relation to our schools. The 2006 Act gave local authorities more power to intervene more quickly when schools are seen to be coasting or underperforming. That is absolutely right. The role of the elected representative in the local authority is to be the champion of parents and young people, ensuring that what is delivered for young people is of the highest standard and is always excellent.

We do not have the same mechanism in relation to further education, however. The move towards giving the LSC more powers to intervene is a step in the right

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direction. I return to my previous point: if the learning and skills councils were accountable to an elected body, I would be absolutely confident about the measure. Nevertheless, it is a welcome first step.

Mr. Hayes: I am intrigued by the hon. Lady's support for the measure. She must be one of the very few people who support it, given the debate in the Lords and outside this place. She said that it is a step in the right direction. Which destination is she aiming towards, however—even greater powers for the LSC to intervene in all aspects of colleges' lives?

Ms Smith: No. I thought that I had made myself clear. My point about the measure being a step in the right direction is that, ultimately, I would like the LSC to be accountable to an elected body. There is currently no real accountability for further education other than with the governing body. That is not always sufficient to deliver effective action when colleges are seen to be underperforming or coasting. The measure is welcome as a first step towards recognising that although most college governing bodies are very good, they do not always provide such a check, and the accountability necessary to ensure the highest standards.

Mr. Stewart Jackson: I am puzzled by the hon. Lady's argument. She seems rightly to be lauding local education authorities' ability to intervene directly and quickly on schools, but not further education colleges. Does she share Opposition Members' concern that a fairly aloof regional learning and skills council may get into a dispute or encounter a legal problem if it takes presumptive action in respect of mergers, closures or disciplinary action, especially if there is no local accountability via that learning and skills council, which is a regional body?

Ms Smith: If Opposition Members wish to table amendments relating to colleges' accountability to local authorities, I am sure that they will do so. My only point is this: at the moment, when FE colleges start to stray and fail to deliver, very little can be done to bring them to account. When the governing body is too weak or ineffectual to act, very little can be done. In such a situation, a college may start to spiral downwards and its numbers begin to fall, and confidence in that institution will begin to fail. I do not want that to happen again. I have seen it happen in Sheffield, where we are still rebuilding. Indeed, that is being done very well under the current leadership, but I do not want to see Sheffield college go through the process again. From a pragmatic point of view, I am glad to see in the legislation some kind of mechanism for holding colleges to account.

The removal of principals is part and parcel of that argument. We cannot have a situation in which poor performance goes unchecked. Indeed, an earlier speaker referred to a case in which no account was taken of poor performance by a principal. I could give my own example. The lecturer whom I mentioned earlier who was removed from their post went to an appeal panel run by the governing body, which had dismissed him and then recommended an inquiry on the leadership of the college. That inquiry never took place. That is not really good enough. If governing bodies are not robust enough to deliver what we need, something should be in place to ensure that that weakness is remedied.

Just as I welcome the measures relating to the LSC, I welcome the approach taken on another important point that has not received much attention in this debate—the duty placed on the LSC to promote diversity in provision. For me, that is the absolutely critical point with regard to the clauses on the LSC. Training providers of various kinds are already operating at post-16 level, where we have sixth forms, sixth-form colleges and further education. In Sheffield, however, we do not have enough sixth forms. We have just six in a city of 27 secondary schools. All those sixth forms are concentrated in the south-west of the city. I tell a lie, actually: two more sixth forms have opened in the past year in deprived areas because of the opening of two city academies. We now have eight sixth forms, but they are concentrated in one part of the city. In effect, a number of students do not have access to sixth-form education or the choice of pursuing either further education or sixth-form education that many young people have in many other parts of the country.

Kelvin Hopkins: If my hon. Friend has a shortage of sixth forms in Sheffield, would it not be sensible for consideration to be given to setting up a sixth-form college that provides an enormous variety of courses, the best quality teaching and optimum class sizes, based on all the economies of scale involved? How would we generate such a college under the present arrangements? Could we not ask the Government to do that?

Ms Smith: Whether there is a sixth-form college or sixth forms attached to a range of schools is an open question. My key point is that we need choice for young people. I do not believe that many parts of the country—particularly to the north of my city, in Sheffield, Hillsborough—have that choice at that moment. When most young people reach 14 or 15, they either have a clear preference for a more independent learning environment in going on to their level 3 or even level 2 courses at 16, or they require the more pastoral, protected environment of a sixth form. It is very important that we do not close down the ability to choose one of those very different learning environments. Many young people would benefit from a mix of both; those who enjoy the pastoral environment offered by a sixth form may also enjoy receiving some of their provision at the local FE college.

The key point is the individual learner. The learner has to come first in this post-16 world. At the moment, the learner does not always come first, because they do not have the choice of institutions necessary to progress their studies at 16. Partly as a result of incorporation, FE colleges have become much more focused on survival and finances, and on protecting their own market, to the extent that they will put pressure on the local learning and skills council to ensure that no new sixth forms open in their neighbourhoods. That issue must be resolved. I welcome the proposals in the Bill to place a duty on the learning and skills councils to rise above the pressures put upon them not to deliver more choices in post-16

education and, to take notice of what parents and learners want, rather than of what local vested interests may want or require. There is nothing wrong with opening up opportunities for people at 16. This is not about being more competitive in terms of the different courses available in different colleges and schools; it is about saying that local people need variety and choice if they are to achieve their full potential. I feel very strongly that the LSC needs to take a more strategic view on those matters, and it needs to learn to put the learner first.

One of the more positive developments in the Bill is on foundation degrees. So far, mention has not been made of the fact that 61,000 students were provisionally on HE-funded foundation degree courses at the beginning of this academic year. The number of entrants has grown more than eightfold between 2001-02 and the current academic year. That in itself is testimony to the success of foundation degrees, which are delivered and assessed by further education but validated by universities. The success of the foundation degree over five or six years means that we can trust further education not to only deliver and assess foundation degrees but validate them as well. If it is good enough to do the one, we should have confidence that it can do the other.

If higher education has a problem with the quality standards applied to the validation by further education, let us by all means put the safeguards in place that have been demanded by the other place. However, if HE is so doubtful of the standard, why is it not questioning the quality of the delivery of foundation degrees in our FE institutions? I am not aware that that is the case. I would welcome the Minister's comments on that.

Another important point is that the delivery of foundation degrees in FE institutions means that we are opening up education opportunities at level 4 for a range of people who could not have accessed those opportunities had we kept them enclosed within an HE system. I live in a city with two first-class universities; I am lucky in that respect. But the town in which I was born and bred has no HE institution; many parts of this country do not have HE institutions. We have to deliver HE opportunities in a range of locations and contexts if we are to meet the skills challenge and develop the potential of all adults and young people.

The majority of people on foundation degrees are part-time learners; they work; they are single parents; they are mature students. Most importantly, they are often from working-class families. A far higher proportion of those enrolled on such courses are from working class backgrounds than in any traditional HE institution. The importance of that cannot be underestimated. If we are to meet the skills needs of the nation, we need to be responsive and flexible and maximise participation.

Provision must be of a high quality. Another important provision is the Bill's requirement that the principal of a college must have a leadership qualification. That is a long overdue measure and is already in place in our schools; it was introduced by the Government for head teachers and has been a great success. If we are to value FE and give it parity with school education, we must recognise that principals need to be as highly qualified and as expert in delivering leadership to their institutions as any head in any school. The leadership of the FE college is critical to whether the ethos, quality and consistency are right in terms of delivering standards. FE can occasionally be found wanting in that respect, just as schools can be, and the key to resolving the problem has to be the leadership of the college or school. I very much welcome that measure.

I want to draw attention to what has been called mission drift. Mention was made of this in the other place as a result of the power to award foundation degrees and so on. I entirely disagree with that accusation. In my view, the mission of FE is to play a crucial role in delivering the potential of all our young people and of people of all ages who need to access FE's facilities and opportunities. It is about lifelong learning and meeting the skills challenge. That is the mission of our FE colleges and the Bill ought to be approved. I look forward to it going into Committee, where I hope that the clauses taken out in the other place will be reinstated.

6.55 pm

Mr. Brian Binley (Northampton, South) (Con): First, I pay tribute to the hon. Member for Sheffield, Hillsborough (Ms Smith) whose speech was long but very thoughtful. I was particularly grateful to hear of the concerns for the over-60s. That made me feel wanted and that I was still useful to society.

I thank the hon. Lady for her remarks about employers and their involvement in the process, because one of the weaknesses of the Bill is their lack of involvement. The Bill talks at length about consultation, but not enough about involvement; there is a sizeable difference there about which I want to speak.

Before I do, I pay tribute to my hon. Friend the Member for Daventry (Mr. Boswell). He is my neighbour and it was particularly good to hear his very informed comments on this debate. I particularly liked what he had to say about my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes), because I have had the good fortune to be present at two of his important speeches on this subject. I know that members of the further education profession enormously appreciated his contributions, which were vital to the discussion.

I declare an interest, which is relatively straightforward and people know of it; I am a business man from a business background. I have built up two companies that I am delighted to say are successful and employ reasonable numbers of people. That is reasonably well known in this place but I am not sure that it is as well known that both of those businesses rely totally upon new entrants with relatively high degrees of numeracy and literacy, yet both suffer from skills shortages in those subjects. I recognise that we live in an age where employment is high—that needs to be taken into account— but it is becoming increasingly difficult to recruit people with the basic skills levels that those two businesses need.

I am equally pleased to say that both are in the SME sector, which I believe is the most vital sector to Britain's future. We are in the middle of a 10-year cycle, in which we are seeing sizeable changes to employment in this country. It has been said on a number of occasions that plcs in the UK as a sector will be

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shedding 1.5 million jobs in that 10-year period. As a business man from the SME sector, I am delighted to say that we would be in serious trouble were it not for that sector, which is expected to add 2 million jobs over the same period. We are discussing a sector that is vital to Britain's future.

Within those figures, we need to set the background to the challenge that Britain faces as a commercial and industrial nation, which is the growing and potentially overwhelming competitive challenge over the next 30 years from emerging countries. I do not need to tell the Minister that it has been projected that India and China alone will control 60 per cent. of global trade by 2050. Bearing in mind the figures that I have quoted, Britain's future depends on the strengths of the SMEs. The sector is important in terms of not only job growth, but creativity—much of the creativity of British industry and commerce emerges from it, and it creates much of our commercial and industrial well-being.

SMEs are massively important in terms of supply chains to plcs. For example, Airbus directly employs 13,000 people, but it has been reckoned that there are a further 135,000 jobs in the supply chain that keeps it going. That means many hundreds of SMEs working together in a team scenario to create Airbus's success in this country at this moment. It is vital that we understand that background before we discuss the role of further education in skills training.

If we are to compete, we must be a highly skilled, high-tech nation that does not directly compete with third-world manufacturing. The old days are gone, and we need to recognise that and to build the impact of that statement into our plans for the future. We need a knowledge-based economy that matches that of the USA, Germany and other advanced nations, if we are to have any place at all. An advanced economy needs advanced skills. That is a truism almost too simple to need repeating, but it is vital that we do. The alternative to becoming an advanced economy based on an advanced skills set is to continue the drift down the competitive ladder, and I know that the Minister does not want that particular drift to occur for our children and grandchildren.

Today, we are discussing the long term, and I want to turn my attention to skills training for the long-term, starting with the basic areas. Let us consider the Government's record in that respect over the past 10 years. The Government say that they have increased spending on education, which is, of course, completely true, but it does not highlight the fact that one in six adults do not have the literacy skills expected of 11-year-olds. That is not directly the fault of this Government—my hon. Friend the Member for Daventry has said that Opposition Members have the habit of saying that everything bad started in 1997 and that everything good started before that point, which is nonsense and does not take us any further forward. More importantly, more than half of adults do not have the levels of numeracy expected of 11-year-olds, which underlines the point made by the hon. Member for Sheffield, Hillsborough about the importance of not only our basic educational structures, but the second-chance structures, which she discussed so eloquently.

The figures show that each year around 120,000 11-year-olds leave primary school unable to read or write properly. That figure is not from a Conservative pamphlet—it is from *The Independent*. We are not creating the basic skills that we require for an advanced economy. The Government have told us that more money is being spent on apprentices, of whom we have more than 250,000 in England alone. Unfortunately, however, 50 per cent. of them did not complete their full programme in 2005-06. Indeed, the take-up of advanced apprenticeships has now fallen to below the 1997 level. I do not say that to attack the Minister and the Government; I say it because it should concern us all. We need to get the issue right irrespective of party politics, because, as I have said, it is vital for the children and grandchildren who will follow us and whom we are thinking about today.

The fact is that we are not creating the necessary vocational skills for an advanced economy. The Government have told us about the money that they have spent on the youth employment programme, which is true, but the number of 16 to 18-year-olds not in education, employment or training—the so-called NEETs, who have been referred to on a number of occasions—has risen by 27 per cent. since 1997. None of us wants to live in a society where inactivity among the young is increasing rather than decreasing. The Government have told us that funding for FE colleges has increased, which is also true. However, only 14 per cent. of British employees have intermediate level vocational qualifications compared with, for instance, 46 per cent. in Germany.

I hope that that has set the background to the task that we all face in this place. The previous Government, this Government and Governments to come share responsibility for ensuring that the figures that I have quoted in response to the Government's spending statements are improved dramatically and quickly, if we are to face the global challenge that I explained earlier.

We need to recognise that money is not everything. It is not enough simply to identify a problem, allocate money, create objectives, set targets and think that the problem has been solved. If life were as simple as that, we would all believe that we could solve the problem in a couple of hours and go for a drink before half-past 9. In many respects, a decision made within a set of parameters is not absolutely vital. What is vital is how one manages, monitors, assesses and polices once a decision has been made within a given framework.

We have seen too many failures of management to ignore the importance of management within the context of further education. The Government need to recognise that we need to manage FE better, a point which a number of hon. Members have made today. The Government need to monitor and police more effectively; they need to evaluate and assess more effectively; and they need to fine-tune and be more flexible. Whatever system they decide to implement, they need to take account of management qualities, which are so important to the outcome of decisions made in this House.

If we did that consistently, we would not need continually to reorganise. This is the fourth time that the Government have restructured the skills network since they came to power. I am sure that they do not want to be in that position or to have had unnecessarily to spend so much money on restructuring. We want to get it right and to do so by adopting management practices of the kind that I outlined. The fact that the Bill does not mention those requirements is a sadness and something that the Government need to think about if they hope to get FE right on this occasion. They need to recognise that, as noted by the British Chambers of Commerce, we have a massive skills crisis. I am not saying that we did not have such a crisis 10 years ago or that the previous Government handled the matter with all the necessary skill and success—they certainly did not. However, we face the problem now. It is vital that we eradicate complacency and ensure that this legislation is not yet again seen as a missed opportunity in 18 months' time.

Let me turn to what I consider to be the most important oversight in the Bill—its undervaluing of the potential role of business managers, especially those from the SME sector and especially with regard to their involvement in the nation's skills training programme. We can talk about consulting management, but I want to go much further, as, in truth, does the hon. Member for Sheffield, Hillsborough, who wants more involvement from business. She agreed with me when I asked her about placing responsibility on businesses' heads, and I was delighted to hear it. Business is not accepting its responsibility in this area of our nation's life as much as it should. Sadly, the Bill centralises skills training and removes controls over it from the local arena. It fails to recognise that SMEs operate locally, not nationally, unlike plcs. Transferring responsibility from local skills councils to regional councils makes it harder for SMEs to be involved in skills planning, skills delivery or the creation of training programmes.

SMEs have a massive role to play not only in the provision of skills training but as benefactors of the skills that are provided. The Minister should be aware of the results of a British Chambers of Commerce survey that touches on the issue of skills for industry and commerce. I want to cite a few of its findings. It says that more than 55 per cent. of SMEs find it more difficult to find skilled staff than they did five years ago. That is partly the result of an economy that has less unemployment than 20 or 30 years ago, but it is still an indictment of our further education and skills training programme. There is immense support for training from the SME sector: more than 80 per cent. of SMEs spend £100 or more per annum per employee on external skills training, and 50 per cent. spend £250 or more per annum per employee. That is a sizeable amount of money, taken in the round, and it should be used more effectively. More than 75 per cent. of SMEs spend time identifying training needs for their staff. More than 60 per cent. evaluate the effectiveness of training that they have paid for. Most said that the main barrier to training was the lack of financial resource and the absence of staff involved in training. I welcome the Government's promise to pay up to the level 2 stage to make it free. Only 3.8 per cent. of SMEs said that training was not a priority. That massive set of facts shows that SMEs are committed to training and that they spend significantly on it but have limited resources to go further. They are ready, willing and able to help to create a trained, skilled work force and a knowledge-based, advanced economy.

As to whether colleges of further education are successful at working with business, 80 per cent. of businesses surveyed used independent advisers. One said:

"we tend to choose training providers that have a particular specialist skill, or are recommended or with whom we already have an established relationship".

Sadly, only 20 per cent. of SMEs use FE colleges. That suggests a sizeable breakdown in communication somewhere, if not all on one side, which must be put right. I recognise that some of the other 80 per cent. will be in receipt of Government funding, but the figures make it clear that the situation is ad hoc and there is no real assessment of effectiveness. We cannot afford to put up with that in view of the importance of skills training in the challenges that this country faces. The numbers achieving level 3 qualifications dropped from 42,000 in 2000 to 28,000 in 2006. That further underlines the fact that we are missing out in that crucial area of activity.

As a business man, I welcome train to gain—it is a good package and a good product—but only 5.8 per cent. of SMEs have taken part in it. I recognise that it is new; it has been rolled out for only a little under a year. Of those who did take part, however, 87 per cent. were satisfied or very satisfied with the product, so it is worth while. However, despite considerable advertising, 67 per cent. of the sector was unaware of its existence. There is a problem in relation to marketing correctly, communicating and connecting. As regards skills councils, 68 per cent. of SMEs were unaware of councils that represent them in their sector, and only 16.7 per cent. had had any contact from a skills council. Am I making my point, Mr. Deputy Speaker? I can see that I might be boring you now. There is a massive breakdown in the connection between Government training schemes and the SME sector and I fear that the Bill does not pay enough attention to that. We can talk about structures or money, but unless we talk about getting people together we will continue to fail.

Let me make some suggestions that the Government might consider in Committee and before Third Reading. We should face the problems head on by creating structures that allow vocational and skills training to focus much more on the needs of the world of work. That means greater involvement of SME managers locally in creating such processes.

Vocational and skills training should be workplace driven and local business needs should motivate and direct local vocational programmes. If we do not get together, that cannot happen. It will not happen if we do not communicate or involve business enough, and if business does not accept its responsibilities enough.

We must simplify the processes that we create and concentrate on the need to involve quality business management from across the business sector. If that requires sizeable outreach, so be it. Outreach must be designed by business managers for business managers and the emphasis must be on benefits, not features. The Government are for ever selling features but we need to emphasise benefits. Any salesman of note will say that one never sells on the basis of features—one sells on the basis of benefits.

[Mr. Brian Binley]

Training programmes that business managers and educationists create jointly must fulfil local needs, and learning and skills councils must be prepared to deliver the programmes in the workplace if necessary. Many SMEs and small businesses cannot reach out in the way in which we would like. Again, the hon. Member for Sheffield, Hillsborough made the point that, in many areas—including important industrial areas—people cannot get to a centre of skills training. We must reach out to them.

All too often, ill-designed packages have been created and delivered away from the workplace and are distant from the ethos and culture of the working environment. That applies not only to new products and service sectors but many of our traditional, locally based manufacturing businesses, which have contracted in the past 30 years but continue to represent an important part of local activity.

In my town of Northampton, we have shoemakers of international repute. You will forgive me for advertising in this place, Mr. Deputy Speaker, but Church's and Crockett and Jones make wonderful products. However, 30 years ago, they had a sizeable pool of experienced craftsmen on which to draw. Whenever they advertised, they had many responses. That pool has shrunk because the industry has shrunk, yet they tell me that, when they ask for on-site training, which they have to do nowadays, there seems be no interest from our colleges of further education or other Government skills bodies. They tell me that there is little understanding of their problem.

We cannot afford another missed opportunity to deal with a massive problem, the solution of which is vital to the future of our nation. I therefore genuinely urge the Minister for Higher Education and Lifelong Learning and the Government to reconsider the Bill seriously in the light of involving business managers in creating and delivering training locally for local business.

We all know that time is running out if we are to meet the challenge of globalisation. Action is urgently needed. We can make more of the Bill and I hope that the Minister will pay attention to that plea and perhaps take action in Committee so that we can proceed more confidently with skills training.

7.24 pm

Kelvin Hopkins (Luton, North) (Lab): It is always a pleasure to follow the hon. Member for Northampton, South (Mr. Binley). I reassure him that whatever he says is not boring and I was most interested in his comments. I shall remember some of his points, and I am especially concerned about his reference to being unable to recruit staff with sufficient literacy and numeracy skills for his companies. That problem bedevils our country. Another skill that we do not have in sufficient quantity in Britain is oracy—a new word, meaning the ability to express oneself orally. On the continent of Europe, it is commonplace for working people to speak another language as well as their own, whereas we have difficulty in commanding only our own language. We should worry about that, too.

I am pleased to have an opportunity to speak about the Bill, which is positive, and I welcome that. However, we must go much further. I am alarmed by the state of skills in Britain. The hon. Member for Northampton, South spoke about skills being lost. If we lose skills in specific industries, we lose the industries and we can never regain them because the skills have gone. Many countries that try to develop cannot do that because they do not have the necessary skills. Rebuilding skills from scratch is difficult—much more difficult than retaining skills and perpetuating them for future generations.

Further education is the most vital sector of Britain's education and training provision. It has been frequently neglected in the past. The hon. Member for Daventry (Mr. Boswell) said that officials often dismissed further education or did not take it seriously. He put it very amusingly. I believe that the reason is that officials have no experience of further education. They typically go from a grammar school or a public school to Oxbridge or some other elevated university and never come into contact with further education, which is more vital now than many elite universities. They are splendid, do well and we welcome their presence but we need further education much more. It is not properly valued. That is partly because of lack of experience of it and knowledge about it, but also because of a sort of elitism.

Those from my generation and previous generations who left school at 16, 15 or even 14 never went near college. No one will win an election by championing FE; nevertheless, it is vital to do much more for it. It is a truly massive sector with an enormous spread of activities, from A-level mathematics to bricklaying to basket weaving. It covers almost every activity that one can imagine. Its breadth means that it is difficult to focus on it. We know what schools and universities do, but further education is much more difficult to grasp. However, we must raise it in the public consciousness and, indeed, here, to ensure that we take it seriously in future.

I have a personal interest because, 35 years ago, I was a lecturer in further education when I taught A-levels. It was interesting, but more interesting for me were the day-release students to whom I taught liberal studies. Teaching resentful, alienated young people on a Friday afternoon and trying to get them interested in politics was not always easy. However, I started to understand some of the problems with the education system and our society.

I also taught highly motivated adults at evening class. That is another important component of further education that we forget. We have not done very well by adult students in recent years. I have criticised colleagues on the Front Bench for squeezing the adult education budget, especially the non-vocational budget, to focus on young people. We must ensure that young people are skilled and have the qualifications to do the jobs of the future, but, as my right hon. Friend the Secretary of State said at the beginning of the debate, millions of adults do not have skills now and they need to be trained and retrained. When manufacturing companies closed down in my constituency, many middle-aged people were asked to do mathematics tests and burst into tears because they could not do them. We have a big job to retrain and

re-educate our adults in the most sympathetic and supportive way. Many studies have been undertaken of companies in America that trained their staff in mathematics and language. They showed that training made staff not only better workers but happier. It raises workers' morale. Motorola in Detroit was one such company that improved the quality of the work force, made everybody happier and also made the company more productive. Focusing on adult workers is therefore very important.

Not only did I use to teach in FE, but I went back to the same college some years later to teach part-time. I have to say—this is a criticism of Opposition Members; I hope that they will forgive me for raising it—that when I taught in FE 35 years ago, morale was high. Teaching staff did well and felt good about their students. When I went back to the same college 22 years later, I found that they felt much less happy. Morale was much lower, and they told me so. When I taught a long time ago, we typically had better pay and conditions than teachers in schools. When I went back, pay and conditions were much lower than those in schools and understandably staff felt pretty bad about it. Other factors had also entered into their lives, which made them feel less happy. We must ensure that the staff and people who work in FE have high morale, and feel good about their work and valued.

I have two absolutely first-class colleges in the FE sector in my constituency. I describe them as first class because they genuinely are. Barnfield college was the first ever general FE college to be given beacon status and regularly gets a grade 1 in inspections. I spoke to the principal earlier today about the Bill. We also have the Luton sixth form college, which also regularly gets grade 1 inspections and has beacon status. It does a superb job and has improved remarkably in recent years. Both colleges have a high proportion of students from ethnic minorities. In the Luton sixth form college, 60 per cent. of students are from non-white ethnic minorities, and the college does a fantastic job sending its students off to a whole range of universities—from Oxbridge to our own local university of Bedfordshire.

Twenty years ago, I was chair of the governors of what is now the university of Bedfordshire and was then the Luton college of higher education. It was in the local government sector, but when I was chair we moved into the polytechnic sector and eventually towards university status. I was not thanked by some of my political colleagues when that happened, because it was Conservative legislation that got us into the Polytechnics and Colleges Funding Council. However, it worked and we became a university.

Both the beacon status FE college and the university are rather worried about what is going to happen with degrees. In fact, I have had communications from all three of our college principals and vice-chancellors to ensure that I have their viewpoints. I shall pass on their written comments to Ministers to ensure that they are properly aware of all their concerns about FE colleges being able to award their own degrees. I will support the Government, but they should take account of the concerns of the modern universities, one of which is the university of Bedfordshire.

FE colleges do well. As has been mentioned, however, we must focus on the problem not of elites and the highly skilled but of NEETs—those not in education, employment or training. My Luton constituency has very large numbers of NEETs, despite the great lengths to which we have gone to improve our schools, and despite our first-class colleges and our relatively high employment compared with other parts of the country. There are large numbers of these young people, but a couple of weeks ago I found out, most astonishingly, that we do not even know who they are. What we must do first is track the NEETs.

If we do not address this serious problem now, we will in future have a permanent under-class of people with no skills and no jobs, living a relatively poor street life. We cannot contemplate that. We have to deal with that now, and we can start by finding out and tracking these people, then doing something to bring them back into the mainstream of economic life through education and training. We have to identify these people properly. They are not on our radar at the moment and they ought to be. It is no good just talking about them; we have to do something about them.

The Organisation for Economic Co-operation and Development drew attention a little while ago to the enormous gulf between the best and worst in Britain's education and training. According to the OECD, in our top 10 per cent. we have some of the best and most academically capable people in the world. Our best universities compare with the best elsewhere, but equally, at the bottom end, we have some of the worst educated and most poorly trained people of all. The top 10 per cent. are brilliant; the bottom 10 per cent. are appalling; and the bottom half are not very good. That is where our problem has been. For generations we have been concerned about grammar schools, universities, whether we should reform A-levels and have international baccalaureates and so forth, but we have not faced up to the real problem, which is the lower half, the lower third and the bottom 10 per cent.

A report by Claus, now Lord Moser six or seven years ago drew attention to the fact—as did the hon. Member for Northampton, South—that 20 per cent. of people were functionally illiterate and 50 per cent. were functionally innumerate. I have said this before in the Chamber: 50 per cent. of the population do not know what 50 per cent. means. That is astonishing. We take it for granted that all these things are understood, but they are not. We expect people to fill forms in, to understand their pay and handle numbers. The days have gone when people used almost to boast by saying, "I can't do mathematics", as if it were a badge of honour. Now people realise that not being able to do simple mathematics or simple computation is not a badge of honour, but a disability. We should address it in those terms and do something about it—not to make people feel ashamed, but to help them so that they can do simple computation in future, without relying on others. We have all seen the advertisements of fathers—indeed, mothers too—who cannot help their children at school, and we want to overcome that.

I have also worked for a trade union and written quite a lot about economics, and time and again I have come across skills and education problems. A great deal of research was done back in the late 1980s by the National Institute of Economic and Social Research, Sig Prais and, indeed, Claus Moser—and some of the studies were quite astonishing. They compared Britain with the continent of Europe. I remember one study of

[Kelvin Hopkins]

construction apprentices. They took 30 such apprentices from Britain and 30 comparable apprentices from France. They provided a simple mathematics test and found that all the French youngsters could do all the sums in the test, while none of the British youngsters could do any of them in the same test. Frankly, that was frightening. Many other comparable studies were carried out.

Hon. Members may recall the television documentaries that were made on the basis of Sig Prais's research—comparing German manufacturers with British manufacturers, for example, and the skills found on the shop floor. We saw German manufacturers who took a bespoke kitchen plan from England in English, read it, measured everything, drew it up and built the kitchen, which was packed away and sent off to Britain. In Britain, the staff on the shop floor could never have read a foreign language, so the design had to be done by the engineers upstairs. The chaps on the shop floor just cut on the basis of what they were instructed to do. The skill levels were enormously different. We have failed in manufacturing partly because of that lack of skill and lack of attention to raising those levels.

Significantly, we have seen this week, in spite of the fact that the euro has been a problem for the German economy, that Germany still has a gigantic trade surplus in manufactures, contrasting with our massive trade deficit in manufactures. In my constituency, tens of thousands of jobs in manufacturing have gone. We have seen jobs exported not to the third world, but in many cases to the continent of Europe or even to America. We have not retained our skill base, and we have not retained our manufacturing. Quite frankly, Britain cannot live with a massive trade deficit for ever. That will have to be dealt with at some point; it will unravel. We must start from the bottom by educating people in the skills that are needed in the modern world. That means addressing not just the people who will be lawyers, doctors or even, dare one say it, Members of the House of Commons, but those who work on the shop floor, ensuring that their skills are sufficient.

There are many useful measures in the Bill. I have raised my concerns about clause 17 with my hon. Friend the Minister personally, and he gave me some comfort by saying that colleges would be given the right to award their own degrees only if they met certain strict criteria. That is only right. Indeed, the principal of Barnfield college suggested to me today that one way of dealing with this matter would be to stipulate that only colleges with beacon status would be considered. That would be one possibility. Of course, his college has beacon status, so he is not so concerned, but other colleges might be more concerned. Before we introduce such measures, however, we should apply strict criteria to ensure that the process is well planned and will not damage other institutions.

I look forward to a more planned approach to training and skills education in general in Britain. I am not one of those who believes in the Maoist dictum, "Let a thousand flowers bloom". I am sure that we all remember that Chairman Mao established a kind of competitive environment in which a thousand flowers were to bloom. It destroyed the Chinese economy, and it took the pragmatic planner, Deng Xiao Ping, to put things right after Mao had destroyed almost everything. We need to plan more and to look at these issues in pragmatic terms, rather than simply leaving them to the market. I might be out of tune with some of my colleagues on this matter, especially those in another place, but I still believe that a greater degree of planning for this provision is better.

I also want to talk about sixth-form colleges, which are now in the FE sector. They deal with the more skilled end of education, in preparing students for university and so on. As I have said, Luton sixth-form college is a first-class institution. I have been a governor there for some 17 years, and for the 14 years since incorporation. I have not only taught in further education, but seen what is being done today. The quality of education at Luton sixth-form college is far and away better than anything that I saw or undertook when I was in further education.

We need to ensure that sixth-form colleges are preserved. I am convinced that they are the jewels in our educational crown. I recently asked a parliamentary question about A-level points awards for different sizes of sixth forms, and I was grateful to the Minister for his answer. There is a simple correlation: the larger the sixth-form institution, the better the performance. That is standard across the country. The largest sixth forms occur in sixth-form colleges.

Luton sixth-form college has nearly 2,000 students, and 45 different A-level courses. Every student can study for a tailor-made mix of A-levels, and other courses as well. There are a variety of teachers teaching the same subject, so that they reinforce each other. While there is not exactly competition between them, if one teacher is not quite up to it, there are others who will pick up the pieces. In a small school sixth form, the students have to rely on one teacher per subject, and that teacher might not be particularly good. That teacher might also have to teach other subjects as secondary subjects, which would definitely not be in their chosen field. That sort of thing happens in schools, but not in sixth-form colleges. There, all teachers are geared to teaching their primary subject, and at Luton they certainly do a first-class job.

Sixth-form colleges also allow the possibility of optimum class sizes. There is plenty of research to show that the optimum sizes are typically in the upper teens, so a class with between 15 and 24 students would be the right size for a good class. When classes are very small or very large, they become less effective. In a sixth-form college, the solution is simple: split the class in half and have two parallel classes. That is not a problem. We ought to promote more sixth-form colleges and ensure that we protect those that we have.

At a recent conference, a sixth-form college principal said that, had sixth-form colleges stayed within local education authorities rather than going into the FE sector, we would now have at least 100 more of them. I am not suggesting that we should go back down that route, however. No local education is going to set up a sixth-form college now, because that would result in their giving away their school sixth forms. That would not be reasonable, and councils and officials would never do it. However, the Government ought to think seriously about ways of creating more sixth-form colleges, particularly in urban areas like mine. They do a first-class job, and we ought to give that matter some serious thought.

Stephen Williams (Bristol, West) (LD): Does the hon. Gentleman agree that one of the obstacles to setting up sixth-form colleges or planning post-16 provision in that way is the Government's insistence that academies have to cover all ages from 11 to 18?

Kelvin Hopkins: The hon. Gentleman makes a useful point. I have expressed my lack of enthusiasm for academies before, and I shall no doubt do so again. I am hopeful, however, that with our new Prime Minister coming along, we might have a change of direction in that regard, and I look forward to it. Indeed, the Minister in the other place who was so enthusiastic about these institutions might perhaps be relocated to another Department. That would also be helpful. I am not going to make any specific suggestions to my hon. Friend on the Front Bench, or to the new Prime Minister, but such moves might be helpful. Encouraging other institutions to grow sixth forms to undermine sixth-form college provision would not be sensible—and that is an understatement.

I think that I have made all the points that I wanted to make. This is a subject on which I could speak at much greater length, but perhaps it is time for me to give other Members a chance to speak.

7.46 pm

Mr. Rob Wilson (Reading, East) (Con): It is a great pleasure to follow the hon. Member for Luton, North (Kelvin Hopkins), who spoke with great passion and knowledge about the further education sector. I want to compliment him as profusely as possible because his mother lives in my constituency, and it is a very marginal seat. One never knows when one is going to need an extra vote—[Hon. Members: "Shameless!"] That was shameless, yes.

The hon. Gentleman reminded us that we sometimes forget how important the further education sector is to the success of the UK economy. The report on further education by the Education and Skills Committee, of which I am a member, described the sector as the "neglected middle child" of education, and I believe that all Governments would admit that they are equally guilty of neglecting that middle child.

These debates offer a good opportunity to take stock and even to celebrate just how significant a part the further education sector plays in this country. Many people forget how significant a contribution it makes. Several hon. Members have already reminded the House of the highlights involved, and I would like to do so as well. There are 4 million students in further education colleges up and down the country, and there are more 16 to 18-year-olds in such colleges than in sixth forms—nearly twice as many, in fact. Further education colleges provide a massive 44 per cent. of the entrants into higher education, and deliver 800,000 vocational qualifications each year. Nearly 300,000 students in further education colleges are over the age of 60. That is impressive by any measure.

Statistics such as those make all of us realise that further education should not be the "neglected middle child" and that it should perhaps take centre stage a little more often. The reason that it does not do so is that schools and higher education establishments are generally better understood and better supported. It is also true to say that further education is perceived—I emphasise that word—to be inferior in its importance and its overall contribution, even though that perception is far from the truth, as my hon. Friend the Member for Havant (Mr. Willetts) and the hon. Member for Sheffield, Hillsborough (Ms Smith) made quite clear.

The further education sector has not been helped by the Government's confusing array of stakeholders and strategies. We have had Success for All, the 14-to-19 strategy, the skills strategy, Skills for Life, and Agenda for Change—to name just a few—over the past few years. The hugely complex system of stakeholders is so confusing that the Education and Skills Committee had to call in the Audit Commission to make sense of it all. The Audit Commission produced a chart—I understand that it has not yet been released publicly—that looked a bit like the random scribble of a two-year-old. I can say that quite authoritatively because I have a two-year-old who produces plenty of random scribbles, and they look exactly the same as the chart produced by the Audit Commission. It is not the Audit Commission's fault that it looks like that. How else does one show the incoherent and manifold interrelationships between 50-odd different organisations? Only the old Soviet Union could have devised something more bureaucratic and less coherent.

The bloated spider at the centre of the web is the Learning and Skills Council. If one looks at the tangled web woven by the LSC and its various linked organisations, one realises it is little wonder that Leitch described the UK skills profile as

"unimpressive in comparison with other countries".

What he meant was that a significantly higher proportion of the UK adult population has low qualifications, compared with the adult population of competitor countries. The Select Committee on Education and Skills, in its report on further education last September, said:

"Further education has often been left to pick up the pieces of other parts of the education system, and has been beset by a lack of coherent strategic direction."

I am not sure that the Bill has the answers to those criticisms. The report also stated that

"the present planning and funding mechanisms for skills training appear incoherent, over-complex, burdensome, and often act as a barrier to FE's development rather than a support to it."

I hope that the Bill will begin to address those ongoing concerns about the sector and the UK's skills base. It is said that the Bill embeds diversity and choice in the FE sector, and that it will raise standards and improve skills. I hope that it does. I also hope that it will cut back the sheer unwieldiness of the Learning and Skills Council and its array of partners. We will soon find out. I am not entirely convinced, however, that it will do so. After all, as my hon. Friend the Member for Havant said, this is the fourth reorganisation in about four years.

I wish to focus most of my comments, however, on the measures in the Bill that allow FE colleges foundation degree-awarding powers. FE colleges currently do not have the power to award major FE qualifications such as GCSEs or national vocational qualifications. All FE colleges have to be accredited by another institution or awarding body, such as City and Guilds, AQA or a higher education institution. What

[Mr. Rob Wilson]

better way for the Government to reach their 50 per cent. target for participation in higher education than to change the rules? Will it work? I am not convinced that it will. Currently, what defines our universities is the fact that they can award degrees. UK degrees are highly respected internationally, as the numbers of foreign students who flock to the UK confirm.

As I have indicated, further education colleges perform a very valuable role, but they are rightly distinct from universities in what they do and how they do it. They do not have the academic infrastructure that our universities can support, nor do they provide an environment in which teaching is supported by research and scholarship, which is a key part of what makes education at the "higher" level different from teaching in schools and colleges. As I said, FE colleges do not currently award their own qualifications at further education level, so the Government are about to create the rather odd situation in which the only qualification a college can award on its own behalf is a degree. That risks devaluing the currency of degrees and damaging the hard-won reputation of our universities.

Dr. Blackman-Woods: Does the hon. Gentleman accept, however, that FE colleges might be much better placed than universities to deliver foundation degrees that are vocationally oriented and skills-based, and can focus on meeting the skills needs of the economy in a way that universities sometimes cannot?

Mr. Wilson: That is not the main thrust of my argument. As I continue my speech, my direction will become much clearer.

Will the proposal be worth while? Will the Government achieve the growth in the number of students taking foundation degrees as a result? We heard from the Secretary of State this afternoon that the Government hope for an increase to 100,000 by 2010. I am not sure that that will be achievable. Foundation degrees are a new type of qualification, and were introduced only in 2001. Since then, they have begun to build a reputation with students and employers, and the number taking them has increased from about 4,000 to nearly 60,000 in the past academic year. One of the reasons that students have chosen to study this new qualification is that universities have awarded them. They are not full degrees. They are often taught in further education colleges that provide them on behalf of the university, which remains responsible for their content and quality. They were intended as a "stepping stone" qualification. As such, they acted as a bridge between further and higher education for people who might not otherwise have had the confidence to consider going to university.

University heads describe foundation degrees as a valuable tool in efforts to widen participation and, clearly, they are. The Higher Education Funding Council did an analysis of entrants to foundation degrees and found that most were female, most were over 21 when they started their degrees and were more likely to come from lower socio-economic backgrounds, and the take-up among ethnic minority groups was much higher. They have been a resounding success in attracting hard-to-reach socio-economic groups. The old saying, "If it ain't broke, why fix it?" applies particularly in this case.

Foundation degrees have also provided a catalyst for extensive collaboration between universities and colleges, creating pathways for learners to progress from one course to another. They work—59 per cent. of foundation degree graduates go on to further study, often at honours degree level, and often combined with work. The measures in the Bill risk breaking up those partnerships and disrupting the progression pathways for students. What incentive will universities have to collaborate with colleges, when those colleges are their direct competitors? Will students want to study degrees awarded by further education colleges? I have my doubts.

I followed closely the debate on the Bill in the other place, and I am grateful that Lord Adonis has listened to some of the concerns that have been expressed about this part of the Bill. The provision that the Privy Council can grant FE colleges foundation degree-awarding powers for an initial six-year probationary period, without the right to authorise other institutions to deliver the degrees, is a big improvement, which I welcome. After those six years, however, an FE college can apply for full powers, which allow a college unlimited ability to authorise other providers to award its foundation degrees. The Minister can deny or confirm that in summing up later. I also thank Lord Adonis for some of the amendments that he has accepted to the draft criteria for foundation degree-awarding powers, which were helpful in getting consensus.

Despite all that, I remain concerned by the prospect of FE colleges franchising foundation degrees, even after the probationary six-year period. There is a risk to quality, as the QAA has recognised. FE colleges will be taking on responsibility for the quality and standards of their own foundation degrees for the first time. That is a big change, which has lacked consultation. The Government risk producing the opposite effect to the one that they intend: instead of encouraging more people to study for foundation degrees, they may end up reducing the opportunities and the incentives to choose that qualification.

If we are to go ahead and give colleges degree-awarding powers, we will need to be sure that they can offer the same quality that our universities currently guarantee. Therefore, colleges must be subject to the same arrangements that ensure that our universities maintain high standards. If that does not happen, the foundation degree, despite its early success, will suffer from accusations that it is "only an FE qualification", and by extension the degree brand itself will be damaged.

7.59 pm

Dr. Roberts Blackman-Woods (City of Durham) (Lab): The Bill is important for moving on the agenda for the FE sector that was outlined in the Foster report and the further education White Paper. In particular, it helps to provide that clear focus for the FE sector to concentrate on qualifications that are skills based and relate to the needs of the economy. It also helps businesses and individuals to respond to those needs. The Bill looks ahead to the fact that our FE sector

needs to respond to changing technological and social imperatives by changing the types of qualifications that are available. Critically, it encourages the FE sector to work in partnership with other providers and businesses, and to develop and attract dynamic leaders.

I disagree with hon. Members who said that the Bill has no relevance for the Leitch review. One of the targets that Leitch set us was for more than 40 per cent. of adults to be qualified at level 4 and above by 2020, and he emphasised that we needed to do that to remain internationally competitive. Foundation degrees are, of course, level 4 qualifications and will be critical in helping us to skill our work force for the future.

As other hon. Members said, key features of the Bill relate to the new structure and role for the learning and skills councils, new powers for FE colleges to award foundation degrees, and granting LSCs the power to intervene in failing or coasting colleges. It is important that LSCs are structured with a key regional role for overseeing post-16 education. In a dynamic economy, such as the one that we are in, it is essential that skills providers can respond flexibly to the changing demands at a regional as well as a national level. On Friday, I was at the launch of the regional economic strategy for the north-east in my constituency in Durham. It was clear from both the action plan and the response from people who attended that we need to be careful to ensure that we provide the skills at a regional level that are needed for businesses in that region and that we can attend to skills shortages in the region, because they are not the same in every area of the country. It is very important that we give the LSCs that regional focus, so that they can attend not only to skills for the future but to current skills shortages.

The LSCs have been given the role of encouraging greater choice in the delivery of post-16 education and promoting the personalisation of learning. We often equate that with something that needs to happen to under-fives and, more recently, in the secondary and primary sector, but it also needs to happen in FE so that young people and adults can build on their previous experience and learning. In addition, there has to be a greater employer and student focus. We should recognise that focusing LSCs at a regional level is an important advance.

Clause 17 allows the Privy Council to grant further education institutions powers to award their own foundation degrees. That is a critical element of the Bill. We heard that about 60,000 students are enrolled in foundation degree courses, which are delivered in about 80 universities. Just over 2,000 courses are being run at the moment, with about 750 in the pipeline. As hon. Members said, that points to a successful qualification. However, it does not mean that we should not examine the degrees and see whether things can be done better.

Giving the power to FE colleges to award their own foundation degrees has proved controversial in some sections of the education community, but it is an enormous step forward in bringing foundation degrees back to the purpose for which they were originally intended. I dispute what the hon. Member for Reading, East (Mr. Wilson) said about how foundation degrees were formulated as a stepping stone to higher education. I think that they were formulated instead to be a higher education qualification that integrated both academic and work-based learning, and that they would be designed in partnership with employers. So they were designed initially to be a free-standing qualification, but one that was vocationally oriented.

Provided caveats are put in place—I shall discuss those later—to ensure that the quality of degrees is maintained, FE colleges with a sound track record of delivering higher education should be enabled to deliver foundation degrees with a strong skills dimension based on employer needs, especially as they now have to do that for level 2 provision onwards. That relates to what I said about defining the role of FE colleges much more clearly to be the sector that concentrates on skills-based education and vocational education.

In support of the Bill, the British Chambers of Commerce pointed out that there is an urgent need to plug the skills gap in the UK work force. Enabling foundation degrees to concentrate more closely on that skills gap is an important way forward. There also needs to be a mechanism—we have not discussed this as much as we could have done—to ensure that colleges are flexible in responding to employer need and a changing skills demand. The current system of validating those degrees through universities does not always allow that degree of flexibility.

I understand that universities have genuine concerns about losing much of their partnership work with FE colleges. They are also concerned about standards and the creation of a two-tier system. Hopefully, the measures set out in the draft criteria for foundation degree-awarding powers, which were published when the Bill went through the other place, will allay those concerns to a large extent. I note in particular the requirement that FE colleges must have four years' experience of delivering HE; that an application for foundation degree-awarding powers will not be considered unless the FE college has consulted its students; that clear advice is given to the Privy Council to grant foundation degree-awarding powers for an initial period of six years, hence introducing the probationary period; that proper inspections and audit arrangements are in place; and that a review period is applied. Those criteria put in the necessary safeguards that have been asked for by the university sector.

Universities have done a good job already in validating the degrees and in delivering them in some cases. In my university career before I came into Parliament, I was responsible for validating a number of them. There were two problems in the validation process at the university level. As we have discussed, one was the fact that universities are academic institutions. It was often difficult to get academic staff in universities to look at the skills base of foundation degrees, rather than the academic content. The second problem was that universities often did not have the links with employers that would make foundation degrees sufficiently employer-focused. Although that has improved over time, there are still problems in relation to the close tie-in with the university sector.

There is a stronger point to be made about the loss of partnership working in modern universities, but I hope that it can develop in other ways. Clearly foundation

[Dr. Roberta Blackman-Woods]

degree students will need progression routes to higher education, so it will still be necessary for the further education and higher education sectors to work together to ensure that the routes exist and that one builds on the other. As I have said, however, I think it important to establish foundation degrees as a qualification in their own right. They should not be seen simply as a stepping stone.

We know that of those who complete their two-year courses, 35 per cent. go directly into employment, 27 per cent. opt for a combination of work and study, and 32 per cent. progress to further study, the aim of the vast majority being to complete an honours degree. That shows the necessity for further education colleges to provide advice for foundation degree students that includes employment options and work-based learning as well as progression to higher education. I hope that the Minister will tell us how that is to be achieved in practice.

I have useful anecdotal evidence from my further education college, which is already an excellent provider of higher education. The principal tells me that many of those studying for foundation degrees wish to return to employment, or to return to it for a period before returning to obtain professional or managerial qualifications rather than honours degrees.

Foundation degrees could also help to fulfil the Government's stated intention to widen access to higher education qualifications. Some 28 per cent. of foundation degree students come from areas of deprivation, 65 per cent. are over 21, and 48 per cent. study part-time. The degrees are important to the Government's aim of widening participation in higher education, and we should support them for that reason.

Mr. Rob Wilson: Some further education colleges will have powers to award foundation degrees, while many obviously will not. How does the hon. Lady think that the sector will cope with two categories of FE college?

Dr. Blackman-Woods: There is already a distinction. A number of FE colleges deliver higher-education qualifications, while a number do not. What is important is that we proceed with foundation degrees to ensure that there is a qualification that brings together skills and academic knowledge, and is very much a vocational qualification.

Further education colleges have been improving in recent years. According to Ofsted, the success rate percentage has risen from somewhere in the mid-50s to about 77. It is right for the Government to acknowledge that progress. A number of FE colleges have already proved very successful, but I can tell the hon. Member for Reading, East that they are improving, and I think that they should be given additional powers for that reason.

My local FE college, New College Durham, has new buildings and facilities, including a separate higher education building, and a strong commitment to delivering high-quality courses that reflect employer demand and the regional skills deficit. I think that it will be able to build on its substantial links with employers to improve the standing of foundation degrees in the context of future employment. It has a centre of vocational excellence in construction, and will be able to build on that in other sectors.

I understand that the Government intend to reinstate clauses that were removed in the other place relating to the transfer of powers from the Secretary of State to learning and skills councils to intervene in colleges that are considered to have inadequate provision, have been identified as under-performing, or have been mismanaged. I think it essential for those powers to be given to LSCs if there is to be greater confidence in further education, but there is an important proviso. The Association of Colleges has expressed concern about the fact that an LSC can remove principals or senior officers, fearing that that might contravene employment law. I hope that the Minister will tell us whether he envisages a conflict. When a college is failing, however, it may be useful for the governors to be directed by the LSC to make collaboration arrangements with another body, or to improve the management of the college. That is relevant to the provisions in clause 21 to improve leadership skills in the sector by requiring principals to obtain a leadership qualification, which, as has been said, is probably long overdue.

What should also be considered in Committee is a point raised by the National Union of Students about different complaint procedures in the HE and FE sectors. Given that further education colleges will validate their own higher education courses, it is clearly necessary to ensure that those procedures are compatible, and that FE colleges have enough resources to deliver higher education qualifications in a way similar to the way in which they would be delivered by HE colleges.

The Local Government Association is concerned about the need to protect local learning partnerships. Perhaps that could be considered in Committee as well. The hon. Member for Northampton, South (Mr. Binley) made an important point about the need to involve small and medium-sized enterprises in the planning and delivery of foundation degrees. SMEs often interact through local partnerships. It is important for them to be not just protected, but encouraged and properly resourced.

Mr. Stewart Jackson: The hon. Lady seems to be on the same tack as her hon. Friend the hon. Member for Sheffield, Hillsborough (Ms Smith)—broadly supporting the Bill, but with many caveats. May I return her briefly to the issue of intervention in respect of principals of FE colleges? The Secretary of State said that he could not recollect an occasion on which there was an intervention to remove a principal. The hon. Lady is commending powers to be conferred on learning and skills councils that have never been exercised even by the Secretary of State. That is very speculative, and I think we need to discuss it further.

Dr. Blackman-Woods: I said that I wanted the Minister to say whether that provision would contravene employment law.

Although I have asked for clarification of some points, I am happy to support the Bill. I think that the Government should be congratulated on a Bill that will help us to meet the skills requirements of the coming decades. It may be only a step towards implementing the Leitch review, but it is an important step that we

should recognise and support. We need more people to be skilled at a higher level so that we have a work force that is equipped to compete in a global economy, and I think that the Bill will help us to ensure that that happens.

8.19 pm

Jeremy Wright (Rugby and Kenilworth) (Con): I agree with those Members who have said that the Bill is a missed opportunity. The Leitch review and—to be fair to the Government—the White Paper that preceded the Bill were wide ranging and, in their different ways, ambitious documents, but this Bill is not. It is not all bad, of course. There are provisions on consultation that I welcome, and I also welcome the freedoms that the Bill gives to colleges—as far as they go. The problem is that those freedoms are undermined by other parts of the Bill, especially measures—which have been discussed in detail—that might give the Learning and Skills Council the power to intervene in the running of colleges. We should trust colleges to do the important job that we ask them to do.

Many Members have talked about the role that we want colleges to play, and all of them have recognised that they are crucial institutions that do good work. However, the Bill sends colleges mixed messages about how much we trust them to do that important work. We are considering allowing colleges to confer their own degrees, yet we are also considering allowing the LSC to direct governors to behave as it thinks most appropriate, and even to dismiss the principals of colleges. It is one thing for the Secretary of State to do that; at least he or she is elected and democratically accountable to this House. However, the LSC—a non-elected, non-departmental body—does not have such democratic accountability. I am profoundly troubled by that proposal.

There is another incongruous aspect of the Bill. The Secretary of State retains the power to issue guidance on how governing bodies should consult learners—clause 20 deals with that. I welcome these provisions, but the LSC does not gain that responsibility. The Secretary of State retains it, yet learning and skills councils will have the power to set up, dissolve and potentially fire the management of further education colleges. That is odd.

There is also the question of much the exercise of those powers that might be transferred to the LSC will cost. The hon. Member for City of Durham (Dr. Blackman-Woods) has made the point that there is the danger that there will be legal proceedings following the sacking of the manager, principal or chief executive of an FE college. I can say from experience that legal proceedings cost money. If those costs are no longer to be covered by the Secretary of State but instead are to be transferred to the LSC, it is important to recognise that it will be necessary to ascertain how those costs will be met. However, that is unclear.

On the transfer of certain powers to FE colleges, the explanatory notes state:

"There will be no increased funding as a result of the provision in the Bill transferring powers of the Secretary of State to establish and dissolve further education corporations to the LSC. The LSC will incur certain additional costs in exercising the powers, but these costs are difficult to ascertain."

Those costs might well be difficult to ascertain, but the costs of firing principals will be even more difficult to ascertain and could be much larger. We have heard about the costs that the Government hope will be saved by this restructuring of learning and skills councils, but before we accept those savings as a given it is important that we talk about what costs might arise on the other side of the balance sheet.

The Bill restructures the learning and skills councils in a way that I am unconvinced is either needed or desirable. On first inspection, it does not appear to me to be wholly sensible that the powers of the LSC should be transferred further away from learners and from employers, which is what the Government intend to do by transferring responsibility regionally instead of locally.

What concerns me most is not the organisation of the LSC, but its direction and priorities. As has been discussed in the debate, we face a very definite problem: we are behind our competitors in work force skills, and in many respects we are falling further behind. In 2006, we were 18th out of 30 OECD countries in terms of the proportion of 25 to 64 year olds with skills at or above level 2, and the problem is getting worse. The amount of learners between the ages of 19 and 59 fell by 16 per cent. between 2004-05 and 2005-06. There is a further decline in enrolments for 2007. I want to address that problem in the remainder of my brief remarks.

The LSC has focused primarily on those up to the age of 25, and everybody understands why it would wish to do that. It is important that that group is properly catered for and provision is made for it, but in the new world of work the over-25s are just as important and they are not as well served. Part of the reason for that is the progression that everyone now needs to make in the course of their chosen profession. As many Members have said, progress in training must be continuous. We must make provision for ongoing training for everybody. It will not be possible for people to sit on their laurels and think that the skills that they learned at 16, 18 or 21 will see them through the rest of their career. Ongoing training and skilling is vital.

There is, however, a problem in that we are developing a plateau at about the level 2 mark. It is difficult for many people with level 2 skills to go on to develop skills at level 3 and beyond. There is much good provision for level 2 skills and below, but far less good provision for skills above that level. It is as important that people are able to develop such skills because, as is already generally accepted, we neither can, nor would wish to, compete with the rest of the world on the basis of lower wages. We will have to—and should want to—compete with the rest of the world on the basis of higher skills. The higher skills required to enable us to do that will not stop at level 2; we will need still higher skills. If there is a problem with graduating from level 2 to level 3 and other intermediate level skill qualifications, that needs to be addressed, but the Bill fails to do that.

It is also highly likely that anyone of my age or younger will not be able to expect that the profession, trade or career that they begin at 16, 18 or 21—or whatever age—will be the profession or trade that they will be working in when they retire. It is highly likely

[Jeremy Wright]

that all of us will have to accept having two, three or perhaps four changes of career in a working lifetime. Reskilling and retraining become vital for that reason, and of course the people in need of such retraining and reskilling will be well above the age of 25. The skills structure needs to be flexible enough to deal with that and, as the Leitch review says, it needs to be demand led. It discusses individual learning accounts, and they seem to me to be the only way in which the system can be flexible enough to respond to such continuing and varied demands. Again, nothing in the Bill deals with that.

It is right—and it is accepted in the White Paper and in the Leitch review—that we cannot wait to deal with those problems. They will not be resolved by dealing with the skills requirements of people under 25 because, as both documents observe, 70 per cent. of the working population in 2020, which is the target date for all that Government activity, has already left compulsory education, so it is too late for them. We have to make provision for them post-25.

Finally, it is important not to forget in the course of this debate that further education is about more than simply work-related skills. It is important that we regard education as a lifelong experience, with merits not simply for gaining new skills for the workplace but gaining new experiences for life more generally. Further education can be a social experience; it can be a health-giving experience; it can be an enhancing experience in many different ways. We have lost sight of that because, in this debate and in others, we talk a great deal about the needs of people between the age of 14 and 25, and a little less, although we have still discussed it, about the needs of those who need to retrain in the working environment. Those who have been forgotten are people who engage in further education—I do not want to say "recreationally", because that is the wrong word—without a direct connection to employment. For those people, further education is important. For all of us, it should be important, because if we are going to persuade those who need to reskill for the good of our economy that education is a lifelong experience, and should be available to them, they need to see that we regard education as lifelong for everyone. I hope that in the course of this debate, we do not lose sight of those people, but it does not seem, either for them or for those who need for their own good and for the good of all of us to reskill later in life, that the Bill deals with their problems.

My hon. Friend the Member for Daventry (Mr. Boswell) referred to the Bill as a tidying exercise, and it may be so. The Secretary of State described it as an enabling Bill, but in my judgment it does not enable anywhere near enough. It does not enable us to deal with fundamental problems in our economy and the skills structure. Until we do so we will not be able to compete. I very much hope that in the course of our debate and the Bill's progress that the Government will either add what needs to be added or consider very shortly a further Bill that will deal with those problems.

8.31 pm

Mr. Iain Wright (Hartlepool) (Lab): I have a lot to be thankful for as a result of my experience in further education. My time in Hartlepool sixth form college in the late 1980s and 90s, particularly the experience, commitment and enthusiasm of the staff by whom I was taught, opened up to me the possibilities that are available in the world. In retrospect, the level of commitment from the staff was astonishing in the face of Government indifference and a real-terms cut in FE sector funding in the late 1980s and throughout the 1990s. Despite that, the tutors and staff at the college were focused and professional. They gave me confidence and ignited the ambition that allowed me to go on to university and, ultimately, led to membership of the House. The dedication of the staff in the FE sector is second to none, and I am extremely pleased to pay tribute to them.

For a relatively small town, Hartlepool has a remarkably diverse further education provision. Hartlepool sixth form college has an A-level pass rate of 99.7 per cent, and is going from strength to strength under principal Rick Wells. Hartlepool college of further education had an A-level pass rate of 100 per cent. last year and, under the strong leadership of Dave Waddington, is driving forward with passion the skills agenda in the town. We are blessed, too, to have a specialist art school in Cleveland college of art and design which, under the leadership of David Willshaw, understands the importance of its contribution to the British economy at a time when Britain is the design workshop of the world. Graduates of the college designed "Bob the Builder" and now head up the Jaguar X-type design team, although I do not necessarily think that it was the same people. A sixth form college is attached to the English Martyrs school, with a remarkably committed head teacher in Joe Hughes. The choice for learners in Hartlepool would be the envy of people in much larger towns and cities.

I am pleased that there is broad consensus in the House about the fact that skills, and the need for our country's economy and work force to adapt to meet the challenges of globalisation, are a vital part of economic and education policy. Leitch mentioned that in his report, and many other hon. Members far more articulate than me have reiterated it, not least the hon. Member for Rugby and Kenilworth (Jeremy Wright), who preceded me. I agree with the Government's approach that the FE sector should be the engine of economic growth and social progress. I agree, too, with the sentiments of the recent White Paper and the Bill about to what a further education college's remit should be: it should improve employability and skills in its local area and contribute to economic growth and social inclusion to meet the demands of the modern economy.

There is an acute need for Hartlepool to upskill its work force to compete in the regional, national and global economy, and to give every individual the tools to achieve his or her own ambition. There are significant challenges. The percentage of school leavers who stayed on in further education and training in Hartlepool is good at 88.1 per cent.—higher, in fact, than the regional and national averages. However, the Hartlepool figures reduce to well below the national average when the whole of the 16 to 19 age group is considered. That

shows that there is a pressing need toretain learners in the FE sector so that they can train and obtain appropriate skills beyond the age of 17.

The infrastructure of the Hartlepool economy is dominated by the public sector, with a third of all jobs in the town being in the NHS and the local authority, and in the education sector. In view of the deprivation and ill health caused by years of neglect, that is not necessarily a bad thing, but it shows that we have a relatively undeveloped and small private sector. Its domination by a few large firms—certainly in my constituency, but also across the region—reduces the ability of Hartlepool and the north-east to be dynamic, diverse and more enterprising, and therefore more prosperous.

There are skills gaps, in the region and in my constituency, in the financial services sector and the utilities sector. It is estimated that the Tees valley will require 30,000 additional jobs in the next decade in high-value, added-process industries such as chemicals, science, engineering and manufacturing technologies, but at present we do not have the appropriate skills base to fill them.

Low skills levels in Hartlepool, below the sub-regional and regional levels, are hindering our potential progress. In many ways, though, that scenario could only have been dreamed of even 20 or 30 years ago: then, we had the highly skilled workers, but we did not have the world markets or the Government to help them. Today, there is a chance that we will squander this once-in-a-generation opportunity if we do not match the potential with the skills in the work force, and the role of further education in that is crucial. The Bill is at its strongest and most forceful when it focuses on responding to employer demand and on allowing Britain and the regional economy to compete, but there is still a long way to go.

The Government's aspiration is that 50 per cent. of all young people will go on to higher education. Nationally, the participation rate has reached 43 per cent., but only 24 per cent. of young people from the north-east enter higher education, and the figure among my constituents is even lower. Although the increase in the number of young people progressing to higher education is in line with the national average, we are starting from a much lower base—the result of immense cultural barriers.

The key challenge is to raise aspiration, to show a proportion of young people in my constituency and elsewhere in the north-east what is achievable and possible. That is where the Bill needs to be looked at in a fresh way. It quite rightly places the onus on the FE sector to act as the catalyst of the national economy in the face of the pressures of globalisation. The consequence is that purchasing power in terms of the design, shaping and costing of the courses on offer in FE is placed in the hands of employers, but that tends to focus FE learning on those already in employment. How does the Bill therefore marry up with the worklessness agenda? How does it contribute to the Government's target of ensuring that 80 per cent of working age adults are in employment, when its emphasis is on people already in work?

The equalities review found that not being in education, employment or training for six months between the ages of 16 and 18 was the single most powerful predictor of unemployment at the age of 21. I would like the Bill to contribute more towards removing the massive cultural barrier of young people and others not in education, employment or training. I know that clause 7 requires the regional LSCs to consult and canvass the views of potential learners, but how is that possible if they are so hard to reach, and therefore disengaged from any such process?

On Second Reading in another place, mention was made of how vital it is to break down the rigidity between further education, higher education and schools. The hon. Member for Daventry (Mr. Boswell) made a powerful and thoughtful speech, in which he mentioned the need for that fluidity, and it is something that we in Hartlepool are embracing already.

The town's college of further education has a centre of vocational excellence—a CoVE—in engineering, and two other CoVEs in different disciplines. There are close links between the college and St Hild's school, which is a specialist engineering school whose high-tech lab and engineering facilities I am due to open in the next few weeks. Teachers from St Hild's provide input into the CoVE; conversely, tutors from the college teach 15 and 16-year-olds at school or on the college campus. That fluidity is vital if we are to encourage more of our young people to enter engineering, one of the growth areas for the Hartlepool economy in the years to come.

It seems to me that FE colleges with a modern and welcoming environment—they are not schools, with their possible memories and ramifications, nor yet universities, which to learners at that stage might seem out of reach—are the ideal place to widen participation and tackle the problem of disengagement. I therefore ask Ministers to question whether this Bill does all that it could to address that specific concern.

Foundation degrees, in their short existence, have been an enormous success in my part of the world. Hartlepool college of further education provides a range of foundation degrees accredited by the universities of Sunderland and Teesside on subjects from assisted learning and working with young people to construction and manufacturing maintenance engineering. Cleveland college of art and design is reconfiguring its courses so that all its higher education courses will be taught from its Hartlepool campus from September. It will be launching new foundation degrees in applied arts, as well as in costume construction for stage and screen—whatever that is—contemporary textile practice and commercial photography. The number of students on the campus studying for HE degrees will rise from 200 to 700. Hartlepool sixth-form college provides a full-time law degree in conjunction with Leeds Metropolitan university. Students complete their first year in Hartlepool and then transfer to Leeds for the second and third years.

Foundation degrees have been a success in my area because they have been undertaken in a spirit of collaboration and partnership. They allow real investment to come into Hartlepool, which in turn lifts people's aspirations because they have the opportunity to take valued qualifications that they would previously have been unable to take, and that very much widens participation. However, I am concerned that allowing FE providers to award their own degrees will result in unnecessary and counter-productive competition and

[Mr. Iain Wright]

rivalry between FE and HE providers, which would prevent collaboration. On Second Reading in another place, my noble Friend Lord Sawyer, who is the chancellor of the university of Teesside, highlighted the university's £6 million capital investment in a higher education centre at Hartlepool college of further education, and there is the prospect of the university putting much more investment into Hartlepool. However, I ask the House, and particularly Ministers, to consider whether the university would readily co-operate with Hartlepool if it felt that potential students were somehow being poached? Although those concerns were addressed during the Bill's passage through another place, I hope that during the Committee stage in this House Ministers will mitigate such risks so that the awarding of foundation degrees strengthens the partnership between FE and HE and does not compromise the principle of ensuring that there is mutually beneficial support and provision and the best strategic fit.

The Government are right to see skills as the major factor in developing our economy in the 21st century and also to place FE providers at the heart of that challenge. I hope that the Bill can address such challenges, subject to the concerns that I have raised, and I wish it well in its passage through the House.

8.43 pm

Mr. Stewart Jackson (Peterborough) (Con): It is a pleasure to follow the hon. Member for Hartlepool (Mr. Wright). We have had a great education in this debate. We had the hon. Member for Sheffield, Hillsborough (Ms Smith) who demonstrated Smith's law, according to which, it is fair to say, a speech expands in inverse proportion to the length of a Bill. My hon. Friend the Member for Northampton, South (Mr. Binley), who is now in his place, talked cobblers, as befits someone who represents that fine town in Northamptonshire.

I would very much like to have supported the Bill, but I cannot, in common with my hon. Friends, because it lacks imagination and is, unfortunately, about structures—it is a missed opportunity. It is also about bureaucracy and fails to reflect the reality of further education in the real world. In common with others, I believe that Ministers have missed a trick in failing to wait for the final recommendations of Lord Leitch's report on skills. They should have done so because it would have meant that we could have had a much more fully informed debate.

I am pleased that my constituency has one of the finest further education colleges in the country: Peterborough regional college. It has 15,000 students, and the adult learning inspectorate of Ofsted has consistently rated it as an outstanding example of a further education college, especially in financial management, for which it has achieved a grade 1. The situation in Peterborough is a microcosm of that throughout the country. The Secretary of State has told us that by about 2020 the number of unskilled jobs will decrease from 3.5 million to 500,000. However, we have a skills crisis now. In 2001, youth unemployment in Peterborough was 8 per cent., but it is now 14.1 per cent. We have 760 young people between the ages of 18 and 24 who are not in employment, education or training. That figure dates from January 2006 and I believe that the new figures will be published next month.

Peterborough faces the problem that because it is a regional centre for horticulture, agriculture and food processing and packaging, we have been a magnet since May 2004 for unskilled migrant workers from the accession 8 countries in particular. That has clearly had an impact on youth unemployment and the low-skill, low-wage end of the employment sector, hence the increase in the number of young people claiming jobseeker's allowance.

At the same time, we are a sustainable growth area. Peterborough city council area is officially registered by the Office for National Statistics as one of the fastest growing economic areas in England. The Government must examine seriously our growing problem of NEETs—people not engaged in employment, education or training—because we must not entrench an underclass of people who feel that they have no way of getting on the ladder to a better life through jobs, skills or courses. The hon. Member for Sheffield, Hillsborough spoke movingly about people who perhaps consider that it is not their place to be in education. There are working people who think that it is for someone else to have a good education and to improve their lives and those of their families.

In some respects, the situation is grim. A third of the work force still have no basic school-leaving qualifications. As my hon. Friend the Member for Northampton, South said, one in six people have the literacy skills of an 11-year-old. Five million adults in our country have no academic qualifications at all, which is a serious problem. I am afraid that I am not as willing as others to agree with the rosy hue of how well things are going that has been suggested in the debate.

As I said earlier to my hon. Friend the Member for South Holland and The Deepings (Mr. Hayes), the Government have form on grandiose promises and plans on skills, training and enterprise. The Chancellor—the no-spin Prime Minister elect—gave an undertaking that everyone on jobseeker's allowance would have their skills assessed and would attend a mandatory skills course, yet that never happened. On Budget day in 2005, he gave the promise:

> "I have set aside funds to ensure that by 2006 we meet our target that every school pupil has enterprise education."—[*Official Report*, 16 March 2005; Vol. 432, c. 263.]

The Minister for Schools confirmed on 6 November 2006 that that had not happened.

The Bill is not all bad. We are inclined to support its aspects that will award more independence and autonomy to the FE sector, and we might well do so in Committee. Where it gives employers a greater role in driving a demand-led—not a supply-led, top-down—skills agenda, we will support it. However, I fear that the Bill overemphasises and focuses too much on structures and controls. As my hon. Friends have said, with NEETs up by 29 per cent. since 2001 to 1.24 million, that is a significant problem. We should focus instead on practical solutions.

The Bill represents the fourth reorganisation in five years, as has been pointed out. I declare an interest, as I was an Investors in People manager in a previous life and I worked closely with small and medium-sized

enterprises. The contractual arrangements made between a learning and skills council, Business Link, employers and trainees was tortuous at local level. I can assure the House that it would be punishing in the extreme at regional level.

We still have 17 bodies overseeing the FE sector. As my hon. Friend the Member for Rugby and Kenilworth (Jeremy Wright) said, 70 per cent. of the work force in 2020 have already finished their statutory education. He makes a pertinent point about adult education. A year or so ago, many of us had constituents writing to us about cuts in adult education and the hike in fees that priced many people out of adult education. Whether it was basket weaving, painting or foreign languages, it may not be important within the great global skills agenda, but it was very important to those individuals. The Minister listened to us and I commend him for it. He called a meeting and spoke to hon. Members individually to try to alleviate their concerns.

We should not lose sight of the fact that older people have a right to education as well. We need constantly to consider training and upskilling during work. As an Investors in People manager, I was well aware that for the best employers, the No. 1 issue was not necessarily the bottom line, profit or machinery. It was the power of their people to deliver brilliant results. We should never forget that. It is the reason we are a successful economy.

I lived through the last reorganisation of the training and enterprise council in south-west London. I worked for AZTEC. In that reorganisation, unfortunately, the worst TECs were the ones that were considered the templates. The Government looked at them, assessed them as poor—in that case, I believe, it was the South Thames TEC—assumed that all TECs were like that, closed them all and converted them into learning and skills councils.

The idea that 10 regional learning and skills councils will save money is naive and ridiculous, not to put too fine a point on it. What about redundancy payments? What about office costs, badges, name plaques, job reconfiguration, and consultants, who are ever-present? We know that the current spend on administration alone in LSCs is £1.8 billion. I remain to be convinced that any significant funding will be released as a result of the Government's regional agenda. It is a recipe for bureaucracy, a lack of accountability and obfuscation, which will impact on businesses and their work forces as they see a disconnect between the local employment market and its priorities, and the regional priorities, which are currently articulated by the regional development agencies.

As I pointed out to the Secretary of State, a priority in Hull is entirely different from a priority in Barnsley, Dewsbury, Skipton or York, and that is just in one region. Local is best. Ministers seem confused about whether to regulate or deregulate in the Bill. They seem unwilling, as my hon. Friends observed, to trust the management of FE colleges.

In respect of clauses 13 to 18, I do not believe that there will be true accountability to the taxpayer, student or employee in respect of substituting the Learning and Skills Council for the Secretary of State. The hon. Member for Sheffield, Hillsborough made a fluent and eloquent speech, but she was unable to square the circle when directly challenged on that point and about dissolving, incorporating and merging colleges and removing college principals and senior staff.

We must also focus on improving and strengthening local economies and have regard to local authorities. Ultimately, learning and skills councils do not have the same level of accountability as the Minister on the Treasury Bench; they are unelected, faceless and unaccountable. The Bill fails to mention the 148 local area partnerships, which I believe need a statutory footing. There is no requirement in exercising powers under clauses 14 to 16 to consult local authorities about the opening, merging or closing of colleges. I do not think that that is acceptable.

Other hon. Members have spoken about the ramifications of clause 17. I believe that the proposal is ill thought out, hasty and confusing. Despite the evidence drawn to our attention by my hon. Friend the Member for Reading, East (Mr. Wilson), the provision fails to recognise the success or otherwise of foundation degrees awarded by FE colleges. It has the potential to undermine the powerful and pervasive influence of the UK brand in further and higher education, which has been mentioned by a number of hon. Members. Contrary to what the hon. Member for Sheffield, Hillsborough said, it removes the focus from the raison d'être of further education and what employers want—vocational training at levels 1, 2 and 3, rather than at level 4 and upwards.

Finally, the sector skills councils sadly have less influence than they need to have to exert leverage and use enlightened self-interest for the benefit of the work force for the long term. Sector skills agreements need to be placed on a statutory basis. The Government could have been so much more ambitious in the proposals. They could have looked at local arrangements to give apprenticeships in housing associations, local authorities and NHS trusts. They could have brought best practice from all those areas into the Bill and assisted that process.

The Bill needed to focus on light-touch regulation, innovation, local expertise and accountability, a demand-led strategy and a serious recognition that economic exclusion resulting from the current skills crisis is getting worse, not better. Instead, it focuses on structures and command and control. That is why I shall support the amendment in the name of Her Majesty's Opposition.

8.58 pm

Gordon Banks (Ochil and South Perthshire) (Lab): I am grateful to have the opportunity to contribute, and to follow the hon. Member for Peterborough (Mr. Jackson), who I am sure will not be too disappointed if I do not agree with everything that he said.

I should like to bring to the House my personal experiences both in industry and the further education sector. For 20 years before coming to the House, I ran my own business. During that time, I spent a number of years on the board of management of my local college, which has now merged with Falkirk college to form Forth Valley college. My hon. Friend the Member for Sheffield, Hillsborough (Ms Smith) spoke about engaging employers, which I believe is vital. I was disappointed when I was a further education student at

[Gordon Banks]

the age of 19, as I was five or six years ago on the board of management, with the role of employers.

The hon. Members for Havant (Mr. Willetts) and for Daventry (Mr. Boswell) talked about the diplomas for 14 to 19-year-olds. Diplomas can assist in achieving the aims and objectives of the Bill in addressing the skills shortage. The role of FE in delivering the diplomas is fundamental to student progression into full-time FE foundation degrees and then into additional higher education or employment. It is vital to highlight the importance of FE colleges' vital partnership with schools, universities and employers. If we fail to get all the links in the chain right, we fail full stop.

I want to repeat a plea that has been made tonight about adult learning. I had experience of FE when I was 18 or 19; I also had experience when I was 46 or 47, and my later experiences were much more positive than my earlier ones. In order to strengthen the qualifications and the experience that FE can give, we need to make more demands and create more opportunities for employers to enter the system. When I was 19, I was busy as an assistant planner working on the development of a multi-storey shopping complex and parking facility in Stirling. I was going to the Glasgow College of Building, where what I was being taught bore no resemblance to what I was seeing on the other four days of the week. I gained nothing from that period other than a qualification. We need qualifications that students can put into practice day in, day out, whether on day release or in full-time education. They must be relevant and practical.

I do not mean to be over-critical of an establishment in the 1970s, but at that point the thought of employers being engaged in the system did not exist. We want employers to be engaged now, but we cannot expect them always to put up their hands and say that they want to be involved. We have to ask them and, in some cases, demand that they become involved. No further education college has come to ask what skills my business needs to grow and to develop, and to see whether relevant courses are available in the college.

The hon. Member for Northampton, South (Mr. Binley) referred to SMEs, which are important. We have heard a lot tonight about how larger plcs can make a contribution, but many regions do not have large plcs and are driven by SMEs. They are the backbone of the economy up and down the UK. We must be imaginative in expressing the need for SMEs to become involved and we must make them understand that they can benefit from their involvement, that there will not necessarily be a financial or a time cost, and that there will be a benefit to them and their sector if they become involved. Possibly we need to make even greater demands.

We also need to think about the additional skills that we need. As an employer, I need someone with the skills to do the job, but I also need communication skills, punctuality, presentation and interaction, which are fundamental to delivering skills learned through further education or higher education.

Earlier today, I asked the Secretary of State to clarify accessibility around FE colleges delivering foundation degrees. Many areas have access to FE colleges but do not have access to higher education facilities. The availability of FE colleges to deliver such courses addresses a social aspect of education and training policy, something of which Government Members can be proud.

I ask the House to consider why we need these changes. The world and the economy are changing. We know about the huge economic growth in India and China, which is impinging on many countries. Low-skill and low-cost jobs have been eroded—frankly, UK plc should not want to be a low-skill, low-cost employer again. As the world changes, so do the things that the UK and individuals need to do. Individuals must recognise that they have a role and responsibility, too. We cannot stand still. The Bill recognises the ever-changing situation in the economic environment. It is an important piece in the jigsaw, and it will allow the UK and individuals to benefit from improvement in learning.

9.7 pm

Adam Afriyie (Windsor) (Con): The Bill should be welcomed with one hand and rejected with the other. I sense the agile mind and nimble figures of Lord Adonis. He has certainly done some reasonably good work on secondary education in terms of city academies. That has been welcomed by many Conservative Members, although I am not sure how many Labour Members welcome those measures. We must view the face of the Bill with a degree of caution and perhaps with a degree of suspicion as to what the ultimate motive may be.

David Taylor (North-West Leicestershire) (Lab/Co-op): Is the expansion in the number of city academies valued more highly on the Conservative Benches than the retention of town grammar schools?

Adam Afriyie: I welcome that intervention, which highlights the unity on this side of the House with regard to welcoming city academies. Over the next few years, city academies will provide benefits in terms of social mobility, which the current Government have stamped down on.

I thank the hon. Member for Ochil and South Perthshire (Gordon Banks) for raising the issue that the requirements of business are slightly different from those of universities. I also enjoyed the speech by my hon. Friend the Member for Northampton, South (Mr. Binley), who made an energetic, enthusiastic and emphatic endorsement of the need for small and medium-sized enterprises to be involved in the definition or design of further education courses. One of the themes running through hon. Members' contributions has been the provision of information that enables students, employers and colleges and other further education institutions to see clearly what is going on in the job market and with demand for courses. The Bill is a bit of a missed opportunity in several ways.

Further education has been improving over the past few years, at least since 1992 when many organisations were released to a certain extent to do things in their own way. However, there are some concerns about what has been going on, and I should like to raise a couple as a backdrop to my comments. If this is the fourth restructuring of the Learning and Skills Council and

the further education sector in four or five years, something must have been wrong with the earlier reforms. That is why we must scrutinise these changes carefully in Committee. For example, clause 15 abolishes the role of committees of young people. Can the Minister explain how those committees have failed? He may say that they did not fail but were surpassed or usurped by something new. If so, why does the Bill not specify what will replace them? The Learning and Skills Council has had a £15 million cost against it for redundancies, with about 1,300 staff being laid off. That excludes the cost of tribunals, consultancy, advice on outplacements, early retirement and several other factors. It is therefore rather bizarre that we are talking about another restructuring.

Clause 4 does not specify which bodies will be able to formulate strategy. It mentions the Greater London authority and the Mayor of London but does not designate who the Secretary of State will empower to make strategy on behalf of further education. Given previous legislation involving the nimble fingers of Lord Adonis, I suspect that a lot might be hidden in the clause. Why is it necessary to confer a power without telling us on whom it is being conferred? That is an odd situation. I am sure that Labour Members will be concerned in view of their worries about city academies, which I suspect that they did not envisage were being created in the previous legislation.

Another big question is whether the Bill enables the Government to redirect money into city academies. As the bodies have not been defined and the precise definition of "further education" is not completely clear, surely it would be possible to direct funds to city academies—perhaps even to enable new ones to be created. I am not against that, but I am curious to know whether the Bill is intended partly to open up these definitions. The Minister is shaking his head; I look forward to his comments when he winds up. I ask the question because the number of city academies is set to increase from 80 to 200, 300 or 400 over the next few years.

If, under clause 21, all principals must be qualified to be in charge of a further education institution, that prompts the question of what qualifications they will need. In a freely operating market, where innovation is needed, straitjacketing people into a single sort of qualification to hold a post of leadership does not lead to the variety and differences that enable the development of better practices. I would be interested to hear a few words about the reason for clause 21's insistence on what appears to be—until the regulations are published, we will not know—a specific sort of qualification for a principal of a further education institution.

Earlier, I mentioned an overall theme. Many contributions revolved around information provision. I wonder whether the Government are attempting to straitjacket organisations and perceptions of further education, rather then releasing them to be responsive to employers and the market. I shall explain that a little further. The hon. Member for Luton, North (Kelvin Hopkins) said that he wanted to raise further education's profile and remove the stigma from it. My hon. Friend the Member for Northampton, South said that he wanted SMEs to play a role in defining courses. My hon. Friend the Member for Rugby and Kenilworth (Jeremy Wright) said that he was interested in lifelong learning. He said that we begin our careers in one specific role, but few of us remain in it later in life. He considered the lifelong learning pattern and the way in which further education could enable that.

The Bill is a missed opportunity. We have modern technology, including the internet and websites. If we wanted to ensure that supply and demand were matched, providing information is the way to do that. Nowhere does the Bill enable or empower people who want to take up a course, or SMEs or large businesses that want to consider students, to obtain the information overtly. We have an opportunity to consider creating or enabling—perhaps simply through a website—a method of ascertaining demand throughout the UK for specific skills and qualifications. For example, when students embarked on a course in further education, they could see that there were 500 jobs and only 200 people studying for the relevant qualification. That would be helpful and a good method of matching supply and demand without top-down control or fixing a structure in further education.

David Taylor: The hon. Gentleman is developing an interesting theory. Does he not believe that it contains some aspects of the work force planning that we experienced in the NHS? Is there not a cautionary tale to extract from what has happened with the Medical Training Application Service—MTAS?

Adam Afriyie: That is well spotted and I welcome the intervention because that is exactly what I am not considering. I am talking about showing the demand—the number of jobs throughout the country; we are not considering an especially local issue—that requires a specific further education qualification. Employers—the matter is largely about economics—could also clearly see how many students were studying for specific qualifications that might match their demand. That would enable employers to decide whether there was a skills shortage a year or two in advance. I continue to employ several hundred people and I know when I am looking for a skill in my work force. If one plans a year or two in advance, it would be helpful to know whether the skills were coming through. If they were not, I would do my best—as would other business people—to encourage demand for the courses and get the skills into my business.

Conversely, it would benefit individuals looking to study a course—many people are fairly relaxed about which courses they are studying within a limited field—because they could look into the job market, see that 500 jobs were available with only 200 students studying for a relevant qualification, and decide to opt for that particular course rather than another. The Bill therefore misses an important opportunity to do more on the provision of information in order to empower and enable the work force and SMEs to match supply and demand. The Bill in its current form should not be tossed aside lightly; it should be thrown with very great force.

9.20 pm

Mr. John Hayes (South Holland and The Deepings) (Con): Let me begin with an acknowledgement, a regret and a plea. First, I acknowledge how the Minister has fully briefed the Opposition on the Bill

[Mr. John Hayes]

and listened to my arguments and those of my colleagues and other interested parties. This House is at its best when our formulaic partisan exchanges are supplemented by a creative tension that blends our ideas and our skills. Much of that work, by necessity, goes unseen, but we should celebrate the political culture of which it is a part.

Sorry, Bill, but having raised your expectations with my acknowledgement, I am about to blight them with my regret: It is a regret shared—*[Interruption.]*

Mr. Deputy Speaker: Order. We have a special way of addressing colleagues in the House, but the way in which the hon. Gentleman has just referred to the Minister is not one of them.

Mr. Hayes: It was intimate, but improper. I am sorry, what I meant is, "Minister, I am about to blight your expectations with my regret". It is a regret shared by almost all of the very many people I spoke to who were connected with or concerned about skills. They regret, as I do, that the Bill is not fit for purpose. The Government must know that, and I cannot believe that the Minister is not embarrassed by its limited ambitions.

So to my plea—that the Government should take their heads out of the sand and listen to their own advisers. Let us be clear. The Government were so concerned about further education that they commissioned the Foster review. Sir Andrew Foster recommended radical changes for colleges because he recognised that they are stifled by regulation and strangled by red tape. According to Foster, there are 17 bodies with a monitoring or regulatory role in FE, stifling innovation and excellence. Foster recommended "less centralisation" and moves to "greater self-regulation". There is none of that in the Bill.

Worse, where the Government do not disappoint, they offend. Why on earth do they still think that the Learning and Skills Council should be given sweeping new powers to sack college principals and senior managers. Yet the Government do indeed think that, because we heard it confirmed in earlier exchanges. The Secretary of State can currently do some of that, but the new threat to colleges is more draconian. Indeed, I asked him earlier today how often the existing power had been exercised. He hesitatingly said that it had not, so let me clarify.

In replying to a parliamentary question that I tabled last month, the Minister revealed that the existing powers had "never been used" except where, following the resignation of a governing body, the Secretary of State had been required to appoint new governors. I emphasise again that it has "never been used"—not once. Is it any wonder that the other place voted against this part of the original Bill? The Association of Colleges, Opposition Front Benchers and others have urged the Government to think again, and this evening my hon. Friend the Member for Rugby and Kenilworth (Jeremy Wright) amplified our appeal.

Now, to be fair, the Government were so concerned about skills that they commissioned the Leitch report. Lord Leitch, like Sir Andrew Foster, recommended radical reform. This Bill contains nothing of Leitch. It is bizarre by any standards to ask for a detailed study and simultaneously to introduce a Bill to Parliament that pays no attention whatever to the report of that study. Lord Leitch's review revealed just how much work still needs to be done. The scale of the challenge is formidable, as the hon. Member for City of Durham (Dr. Blackman-Woods) told us in her speech. Even if the Government were to meet their target to improve UK skills by 2020, at least 4 million adults will still not have the literary skills expected of an 11-year-old and 12 million would not have equivalent numeracy skills. Britain would continue to be, in Lord Leitch's words,

"an 'average performer'—positioned at best, in the middle of the OECD rankings".

We would continue to have smaller proportions of intermediate and higher level skills than key competitors such as France and America. Skills gaps hinder national progress, as the hon. Member for Hartlepool (Mr. Wright) pointed out, and much is getting worse. There are now 1.25 million young people aged 16 to 24 who are not in education, employment or training—NEETs. That figure is up 15 per cent. since 1997. While we waste a generation's potential, we add to its number as 45,000 16-year-olds leave school each year functionally illiterate and/or innumerate. As my hon. Friend the Member for Peterborough (Mr. Jackson) said, it is time to champion the cause of those NEETs. What a tonic it was to hear from him!

That is not the only thing that is getting worse. The right hon. Member for Torfaen (Mr. Murphy), who is not in his place at the moment, said that he celebrated the fact that 250,000 over-60-year-olds were engaged in adult education, yet this week the National Institute of Adult Continuing Education reported that 500,000 adult education places have been lost in the past year. The proportion of adults currently learning or having done so in the past three years has fallen to just 41 per cent. That means that fewer adults now have the opportunity to be inspired in the way that the hon. Member for Sheffield, Hillsborough (Ms Smith) described with such eloquence.

The Learning and Skills Council has played a significant part in our discussions today. This year, the LSC will receive £11 billion of public money—more than the Royal Navy—yet too much of that funding is consumed by complex bureaucracy. Staff costs rose by 26 per cent. between 2001 and 2006, and there are more than 4,400 people directly employed by the LSC. None of them is democratically accountable to their locality, as the hon. Member for Brent, East (Sarah Teather) reminded us.

Mr. John Redwood (Wokingham) (Con): Will my hon. Friend give way?

Mr. Hayes: I will happily give way to my right hon. Friend, who is a great expert on these subjects.

Mr. Redwood: Has my hon. Friend noticed that, in the account of the Bill issued by the Government, they proudly tell us that, although they are abolishing all the local learning and skills councils, there will be no manpower savings at all? Is not that bizarre?

Mr. Hayes: It is indeed bizarre. Even more bizarrely, we heard that the reorganisation, which is going to save

£40 million, will to cost £50 million. That does not sound like very good maths to me. When we consider the costs of the three previous reorganisations, we realise that it will be donkeys' years before we are back in credit. The conclusion is that we should reorganise less often and save money.

A study for the Economic and Social Research Council has identified nine layers of bureaucracy that a pound of public expenditure must pass through on its way from Whitehall to learners. No wonder one LSC official told a study,

"I categorise myself as the confused, trying to be less confused".

He could have added, "governed by the most confused of all.". As my hon. Friend the Member for Havant (Mr. Willetts) said, at the root of this confusion is the Government's lack of a coherent skills strategy.

Soon, the Government will publish their detailed response to the Leitch review. Lord Leitch advocates a demand-led system to meet the nation's skills needs. He argues that the present supply-driven model, based on Government planning, has a "poor track record"—his words, not mine—yet the Bill will establish regional LSC councils with precisely such planning functions. When I asked the Secretary of State earlier whether that was a paradox or a contradiction, he said that it was not a paradox, so we must assume that it is a contradiction. Lord Leitch proposes a system driven by employers of the kind advocated by my hon. Friend the Member for Northampton, South (Mr. Binley). Such a system would bring together the needs of employers and the work of trainers. As a result of the Bill, however, the power of employers to drive the system will be stifled in a way that was highlighted by the hon. Member for Ochil and South Perthshire (Gordon Banks). The danger of establishing parallel structures is that it would add further confusion.

Lord Leitch recommended a step change in policy to close the skills gap, yet the Bill will do little to meet the challenges involved. At best, it is a wasted opportunity; at worst, it is a regressive step, tightening the bureaucrats' suffocating grip on further education. Sir Andrew Foster's report, published less than two years ago, argued that colleges also play a vital role in improving employability and skills in their locality. He said that they should work effectively with their local LSCs, helping them to develop and implement strategies, yet the Bill will abolish the local LSCs.

So, local LSCs are recommended by Foster, the report is published, and then it is rejected by the Government. Leitch brings out his report proposing a root-and-branch reform of the management and funding of skills, and it is ignored.

When the Minister spoke of the need to ensure a clear vocational pathway, vocational diplomas were at the heart of his thinking. To improve the skills of the nation, it is vital to establish an attractive vocational pathway to match the academic gold standard of GCSEs, A-levels and degrees—a guided pathway leading to employment, as my hon. Friend the Member for Daventry (Mr. Boswell) described it. If properly implemented, diplomas provide just such a pathway, and yet the Education and Skills Committee warned in a recent report that,

"the development work has sometimes been uncomfortably compressed",

raising doubts about the timetable for implementation.

The clarity of purpose that characterises the Bill also characterises the diplomas—in other words the Government's intention is not clear at all. There is great confusion about what the diplomas are for, and whether they will deliver rigorous instruction in vocational subjects. Lord Adonis referred to the new awards as recently as May last year as "specialised vocational diplomas", and yet the Minister tells us:

"When we talk about specialised diplomas, it is important that we do not pigeonhole them as exclusively vocational." —[*Official Report, Westminster Hall*, 8 February 2007; Vol. 456, c. 378WH.]

The awarding body, OCR, told the Education and Skills Committee that such confusion had led to a lack of consistency across the five diplomas being introduced first. It argues:

"The first five Diploma Development Partnerships have not demonstrated a common understanding of the nature of the Diplomas".

As well as confusion, the constantly changing nature of diplomas has created concerns that they will fall between two stools—neither sufficiently academic nor vocational. The Nuffield review of skills argued that there was a danger that the new emphasis on theoretical learning might push specialised diplomas towards becoming more general, rather than vocational, awards. The Qualifications and Curriculum Authority told the Education and Skills Committee:

"In ambition and scope, complexity and potential, the introduction of a Diploma qualification"

is

"without parallel in any other country".

Others, including the Institution of Engineering and Technology, have argued that there is insufficient time to introduce the diplomas without hazard. Of particular concern is the warning from the Edge Foundation:

"The current time-scales are unrealistic—some would say dishonest—and unless relaxed the Specialised Diplomas will fail as have very many similar initiatives over previous decades."

In a moment of sincerity, even the Secretary of Sate said that the diplomas could go horribly wrong. Unless we are confident that they will go happily right, we owe it to employers, colleges, schools and, most of all, children, to delay their introduction. To do otherwise would add irresponsibility to doubt, and would tarnish the diploma brand so badly that it would become unattractive to learners and employers.

Like most Governments, this Government do some good things. The decision to extend foundation degree-awarding powers to FE colleges is right. As my hon. Friend the Member for Reading, East (Mr. Wilson) said, however, it is vital that rigour is maintained, that the relationship between FE and HE is guaranteed, and that the matter is properly reviewed. We should proceed on that basis with enthusiasm. It is not surprising that there is doubt given that the consultation was, to be generous, very limited. It seems as limited as that on clause 25, if we are to believe the right hon. Member for Islwyn (Mr. Touhig).

Much of the history of the Labour Government is of horror and disappointment. The Bill is not horrible, but it is deeply disappointing. It is too piecemeal, limited and unambitious to make a significant contribution to tackling Britain's skills crisis. As my hon. Friend the Member for Havant said, it is not what

[Mr. Hayes]

is in the Bill, but what is not in the Bill, that matters. The Bill is not big enough to meet the challenges we face for the good of our people, and the good of our country.

The reasoned amendment directs us to the big picture that the Bill ignores. Britain's future depends on a skills base that is built on the fulfilled potential of a new generation of craftsmen. That generation's future is being jeopardised by the obstinate inaction of Ministers who should know better.

Those arguments were put time and again during the course of the Bill's passage in the other place. As I said, the Minister has been generous and professional in the way he has listened to those arguments and has responded, but I say to him in honesty that he cannot really believe that the Bill is fit for purpose. How can it be when we expect any day now the Government's response to the Leitch review, which is bound by necessity to look at the fundamental weaknesses with our skills system; which is bound, in my judgment, to require further legislation? Why did the Government press ahead with a further education Bill in full knowledge that Leitch would report? Surely we are not going to have another FE Bill in the next Queen's Speech—or are the Government so short of ideas that they have to revisit the same subjects time and again? That is not reasonable for the House and it is equally unreasonable as far as FE colleges, teachers, learners, employers and all those involved with skills are concerned. It is simply not good government.

The House should support the Opposition amendment for the sake of apprentices, who deserve to learn by the side of the best in each craft. Make no mistake about it, Mr. Speaker, apprenticeships in this country, though not in crisis, are certainly in difficulties. It is quite unacceptable that, in the words of the adult learning inspectorate, it is possible to complete an apprenticeship without ever having set foot in a workplace. That cannot be right. Declining levels of employer engagement; declining levels of mentoring; and some apprenticeships with very little workplace element are not worthy of the name "apprenticeship", because they do that brand no good at all.

The House should support the Opposition amendment for the sake of colleges, which need the freedom to innovate and excel. As I travel around the country visiting colleges, as the Minister, the Secretary of State and, I guess, all of us do, I see many professionals doing an immense amount of excellent work. Surely we should have faith in those professionals by entrusting them with the freedom that they could use so favourably in the interests of learners.

Most of all, however, the House should support the Opposition amendment for the sake of the lost generation—the sad, forgotten army of NEETs, which at 1.25 million people is roughly 15 per cent. higher than in 1997. Before I left home for the House this morning, I grasped my six-year-old son to my breast, like every parent does, and I looked at him and thought what he might do in the future, as, again, every father does. Then I thought of all those 16, 17 and 18-year-olds—hopeless and helpless, and only looking forward to a future of unemployment. When I came to the House tonight I thought that I would say a word—make a passionate plea—on behalf of that lost generation. We owe it to them to support the amendment. That would be a fitting response to a Bill that is unimaginative and unworthy of the scale of the challenge that we face; that is quite simply, unfit for purpose.

9.39 pm

The Minister for Higher Education and Lifelong Learning (Bill Rammell): We have had a good and constructive debate, and I am grateful to all hon. Members who contributed to it. I start by reciprocating the acknowledgment of the hon. Member for South Holland and The Deepings (Mr. Hayes) that we have rightly discussed the Bill across the Benches and improved it as it has progressed. I believe that where can do that, it is the right thing to do.

I start from the premise that I strongly believe that our further education sector is probably more life-transforming than schools or universities. There are literally countless examples up and down the country of further education colleges that have given people a second chance and have immeasurably improved the quality of their lives. For too long, however, the further education sector has felt neglected and undervalued. I believe that under this Government that has changed, and will change further.

We were the first Government to commission two successive skills White Papers, highlighting the crucial role of further education in delivering skills for work. We commissioned Andrew Foster to conduct the most comprehensive review of our further education system to date. We commissioned, across Whitehall, Lord Leitch to undertake a detailed analysis of what we need to do to meet our skills aspirations by 2020 and the critical role that further education will play in the process. This is the first further education Bill that we have discussed in the House for 15 years. Further education is now centre stage in a way that it has not been in the past, and we should all welcome that.

In the past decade we have rightly increased investment in further education significantly, by almost 50 per cent. in real terms. That is a huge contrast with the 14 per cent. real-terms cut in the five years preceding 1997. We know that a poor environment leads to poor learning, but in 1996-97 there was not one penny for further education in the earmarked capital budget. This year the Government will spend £500 million on further education capital projects, which will shortly increase to £850 million. In virtually every college I visit, all over the country, I see physical examples of regeneration.

Mr. Redwood: How can the Minister say that there will be £40 million a year of cash savings when there will be no manpower savings?

Bill Rammell: That figure relates to changes that have already taken place. The savings are already being delivered under the LSC's strand 7, and those changes will further streamline the LSC's operations. I shall deal with the right hon. Gentleman's point in detail later in my speech.

Because of the Government's extra investment, because of our reforms and because of the

phenomenally hard work of those who work in the further education sector, to whom we should all pay tribute, we have seen significant improvements in performance over the past decade. In the past six years alone, overall success rates in further education colleges have rocketed by a third, from 56 per cent. in 1999 to 2000 to 77 per cent. in 2005-06. We have seen 1.6 million learners attain their first skills for life qualifications in literacy, language and numeracy. We have—rightly—increased dramatically the number of people gaining both level 2 and level 3 qualifications.

Much of today's debate has centred on the relationship between the Bill and the Leitch agenda. Let me respond in detail to the points that have been made. The Leitch report built on reforms already introduced through the further education White Paper and, indeed, the Bill. The Bill is about the supply side preparing to deliver a more responsive system, increasingly engaging with employer needs, while Leitch focuses more closely on stimulating and channelling the demand side. If we are genuinely to rise to Lord Leitch's challenge, Government, employers and individuals must work together. That is why we are engaged in a process of consensus-building on the Leitch recommendations. Should we and partners agree at the end of that process that any of Leitch's recommendations require legislation—and we may well take that view—we will use a separate legislative vehicle. In the meantime—and I consider this the really important point—there is no benefit to be had from stalling the momentum for change that has built up in the further education system, and which the Bill enables us to take forward.

Mr. Hayes: The Bill embeds the LSC, at regional level, in the structure for managing and funding skills. Lord Leitch says

"the switch to demand-led funding and end to the supply-side planning of adult skills provision fundamentally changes the role of planning bodies, such as the LSC".

In other words, Lord Leitch says that the LSC should have less of a planning function, while the Minister says in the Bill that it should have more of a planning function at regional level.

Bill Rammell: Lord Leitch made it clear—as the Government have made clear—that the role of the LSC can and should continue to evolve and change, but Lord Leitch also made it clear that instinctively he was not in favour of ripping up structures and starting again simply for the hell of it, but that we had to reform the process overall.

The two other significant areas of debate this evening have been interventions and foundation degree awarding powers. On intervention powers, we need a new relationship with colleges that will release the energy of providers in order to focus on the improvements that we need and to meet the needs of learners overall. We have committed to new freedoms for FE providers to enable them to transform their provision. However, that must be matched by clear commitments to continue to drive up the quality of the system. We now have much less failure and unsatisfactory provision in the FE system than in the recent past, but we have to ensure that we eliminate such poor provision. As any failing provision means that we are failing learners, that is imperative for all of us. The White Paper made it clear that we would establish a robust intervention strategy, and the Bill seeks to do that.

We will ensure that the concerns that have been expressed during the passage of the Bill will be addressed when we introduce amendments in Committee. We retain our commitment to intervene, but we will also address the concerns that have been raised, and I believe that we can come up with a set of proposals that establish the role of the LSC and that of the governing body in dealing with failure and underperformance.

One of the most innovative aspects of the Bill is the proposal to allow high-performing colleges to award their own foundation degrees. Foundation degrees give students a strong basis for employment in their chosen sector. Programmes are designed and delivered in partnership with employers. The amount of people on foundation degrees continues to rise; there are currently about 61,000, and we are confident of moving towards 100,000 by the end of the decade. There are significant rewards for students; they have better job prospects, and once they are in work they have better prospects for progression. Foundation degrees also provide an accessible route for many people who would not otherwise go into higher education.

Some FE colleges already run foundation degree programmes, but colleges without full degree-awarding powers cannot award the qualifications in their own right. We strongly contend that if they meet the necessary quality criteria they should be able to do so. The measure aims to innovate and to free up providers within the system. The robust quality criteria on which we will be taking these changes forward are based closely on those for full taught degree awarding powers. We have rightly listened carefully to the feedback that we received since the Bill's publication and that has helped us to strengthen the proposals on foundation degrees. For example, a Government amendment to address the issue of colleges franchising their foundation degrees was rightly passed in another place, and another Government amendment required a report on the effect of proposals to be laid before Parliament.

It is vital that all foundation degrees are of the same standard and carry the same academic value regardless of whether they are awarded by a college or a university. A foundation degree is a significant and important qualification in its own right, but it needs to provide a gateway to more advanced levels of study, should the learner wish to pursue that option. All foundation degree awarding institutions will be expected to have progression routes to more advanced levels of study in place in respect of their foundation degrees. Nevertheless, because of the widespread interest in the matter of progression, I am minded to introduce a further amendment that will focus on the importance of progression routes. The Opposition have pushed strongly for that.

Mr. Hayes: I am grateful to the Minister for those assurances. He has addressed a number of our concerns, which are shared by the university sector. Will he, however, go one step further? He has travelled a long way with me, and I am inviting him to take one

[Mr. Hayes]

extra step. Will he agree that these degrees might be jointly promoted and marketed, thus illustrating the strength of the partnership between HE and FE to potential learners? That would be helpful. I cannot see any downside to it. He might want to make further concessions on that either this evening or during the course of the Bill's passage.

Bill Rammell: With respect to the hon. Gentleman, I do not think that the issue requires concessions, but I am sure that in Committee we can discuss in detail the way in which further education colleges and universities can work together to promote those crucial qualifications. We have responded to concerns by introducing proposals on foundation degrees that ensure that the system is as innovative and flexible as possible so that we genuinely meet the country's skills needs.

May I address specific comments made in our debate, starting with the hon. Member for Havant (Mr. Willetts), who led for the Opposition? It was noteworthy that we managed to go through the whole evening debating education without one comment from Opposition spokesmen about grammar schools, but perhaps that is a subject for discussion on another occasion. The hon. Gentleman said that the Bill was something of a missed opportunity, and he made significant criticism of the 17 different regulatory and inspection bodies. We have already responded to concerns on those issues, as well as the concerns expressed by Andrew Foster. We have merged Ofsted and the adult learning inspectorate, and we have streamlined the Learning and Skills Council to reduce the planning burden. We have put colleges in charge of their own regulation, and we have invited them to introduce proposals. We have reduced the burden on colleges imposed by data collection and the publication of documents. It is far from the case that we have not ensured that there is a more appropriate system of regulation for our colleges.

The hon. Gentleman made significant criticism, too, of the burden of bureaucracy on the Learning and Skills Council. For the record, may I make it clear that the LSC continues to make significant savings on its administration budget, and has delivered savings of more than £100 million? Compared with its predecessor bodies under the Conservative Government, expenditure on administration has fallen from 4.6 per cent. to 1.9 per cent. I believe, too, that the hon. Gentleman made a false accusation that the proposals on foundation degree awarding powers had come out of the blue. If he reads very carefully what Andrew Foster said in his report, he will see that he explicitly recommends that consideration be given to allowing some colleges that meet the quality criteria the ability to award their own qualifications. Far from coming out of the blue, the proposals were very much in the grain of Andrew Foster's recommendations.

I will take many criticisms on the Government's behalf, but being criticised by the hon. Gentleman for our record on apprenticeships is a bit rich. In the 1980s and 1990s, the concept of an apprenticeship had almost disappeared in this country. When the Government came to power, there were 75,000 apprenticeships a year; today, 255,000 are being delivered. Yes, we need to do more, but we are moving firmly in the right direction.

My right hon. Friends the Members for Torfaen (Mr. Murphy) and for Islwyn (Mr. Touhig) raised important issues concerning the scrutiny of the legislation and the enabling powers of the Welsh Assembly. I should make it clear that in Committee every line of the Bill will be scrutinised. Any proposed measure by the National Assembly for Wales must be fully debated by the Assembly, and we will ensure that there is adequate and proper scrutiny of the proposals.

The hon. Member for Brent, East (Sarah Teather) made a criticism of 16 to 19 funding, and she advocated that it be transferred to local authorities. I am not convinced by her argument, and it is usually the case in these issues that the Liberal Democrats support the view of providers. In my experience of talking to college principals up and down the country, there would not be support for her proposition.

We then had a very interesting and well informed contribution from the hon. Member for Daventry (Mr. Boswell), whose remarks drew on his experience in these matters. He was absolutely right to highlight the importance of the status of vocational education and the FE system, and came very close to supporting the proposals for restructuring of the LSC that we are proposing. He said that he did not support the 47 area councils in the Learning and Skills Act 2000, but he now seems to be supporting what we are proposing in this Bill.

The hon. Member for Daventry also raised important points about the qualification reform process. Our reform of vocational qualifications is to be delivered by 2009, and that is an exceedingly important issue. The hon. Gentleman also mentioned foundation degrees in the Bologna process, but there is no incompatibility there. Indeed, the Bergen communiqué at the last but one Bologna conference explicitly recognised the principle of foundation degrees in national systems. That gives us the licence and ability to move forward with that agenda.

My hon. Friend the Member for Sheffield, Hillsborough (Ms Smith) made an excellent speech that demonstrated her enormous personal experience of FE, and it was a fluent and persuasive contribution. She highlighted the importance of quality in the FE system, and spoke about the need to continue to professionalise the work force. One of the Government's commitments is to ensure that there is at least 30 hours' continuous professional development for people in the FE system. That is very much part of the way forward.

My hon. Friend the Member for Sheffield, Hillsborough also asked how we could ensure that the LSC and colleges were responding to the employers' agenda. One significant way that we are doing that is through the roll-out of the train to gain initiative—the incredibly radical proposition that, for the first time in this country, adults in the workplace who do not have a full level 2 qualification should be guaranteed that training. I am extremely heartened by the evaluation of the initiative so far, with employers who have engaged

in it expressing roughly 89 per cent. satisfaction. We are also doing very well in accessing hard-to-reach employers.

The hon. Member for Northampton, South (Mr. Binley) expressed concern about the marketing of train to gain. In fact, we are ahead of profile on many of the benchmarks for success that we have set for the initiative.

My hon. Friend the Member for Luton, North (Kelvin Hopkins) made a number of points, and claimed that officials in the Department for Education and Skills had no experience of the FE sector. That may have been true in the past, but the Department has undertaken a deliberate policy of recruiting officials with some direct experience of the sector, and that was absolutely the right way forward. Also, I disagree with my hon. Friend's view that we are squeezing adult education to fund the provision for young people. That is not the case: what we are doing is shifting the priority in adult education from shorter to longer courses, to courses that offer progression, to skills-for-life programmes, and to work-based delivery. I believe that they are the right priorities.

The hon. Member for Reading, East (Mr. Wilson) said that all Governments would admit to being responsible for neglecting the FE system. That may have been true of the previous Conservative Government, but it is most certainly not true of this one.

My hon. Friend the Member for City of Durham (Dr. Blackman-Woods) spoke fluently of her experience of further and higher education. She gave strong support for the regionalisation of the LSC structure. The hon. Member for Rugby and Kenilworth (Jeremy Wright) made some important points, as did the other hon. Members who spoke in the debate.

In conclusion, our further education system has achieved a great deal in the past 10 years. We need to do more and to respond to the skills needs in the country. To make that a reality, we need a strong and excellent FE system. The Bill will help us to achieve that and I commend it to the House.

Question put, That the amendment be made:—

The House divided: Ayes 137, Noes 296.

Division No. 124] **[9.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Brokenshire, James
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Alistair
Butterfill, Sir John
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Field, Mr. Mark
Francois, Mr. Mark
Gale, Mr. Roger
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Hammond, Mr. Philip
Hammond, Stephen
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hollobone, Mr. Philip
Hosie, Stewart
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Kirkbride, Miss Julie
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lewin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Neill, Robert
Osborne, Mr. George
Paice, Mr. James
Paterson, Mr. Owen
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Rosindell, Andrew
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, Mr. Keith
Spelman, Mrs. Caroline
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Syms, Mr. Robert
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George

Tellers for the Ayes:
Angela Watkinson and Michael Fabricant

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Austin, Mr. Ian
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Bradshaw, Mr. Ben
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des

Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Burstow, Mr. Paul
Butler, Ms Dawn
Byrne, Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
Davey, Mr. Edward
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Elliman, Mrs. Louise
Ennis, Jeff
Farrelly, Paul
Farron, Tim
Fisher, Mark
Fitzo, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gibson, Dr. Ian
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jimmy
Hopkins, Kelvin
Horwood, Martin
Howarth, rh Mr. George
Hughes, rh Beverley
Hughes, Simon
Humble, Mrs. Joan
Hutton, rh Mr. John
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Killoyle, Mr. Peter
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laxton, Mr. Bob
Leech, Mr. John
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Llwyd, Mr. Elfyn
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Malloch, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffatt, Laura
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morgan, Julie
Morley, rh Mr. Elliot
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, Mr. Mike
Osten, Mr. Mark
Oiner, Mr. Bill
Osborne, Sandra
Palmer, Dr. Nick
Pearson, Ian
Pleskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sanders, Mr. Adrian
Seabeck, Alison
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Teather, Sarah
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Wareing, Mr. Robert N.
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Williams, Stephen
Wills, Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Huw Irranca-Davies and Jonathan Shaw

Question accordingly negatived.

Main Question put forthwith, pursuant to Standing Order No. 62 (Amendment on second or third reading), and agreed to.

Bill accordingly read a Second time.

FURTHER EDUCATION AND TRAINING BILL [*LORDS*] (PROGRAMME)

Motion made, and Question put forthwith, pursuant to Standing Order No. 83A(6) (Programme Motions),

That the following provisions shall apply to the Further Education and Training Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 21st June 2007.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.—*[Mr. Alan Campbell.]*

Question agreed to.

FURTHER EDUCATION AND TRAINING BILL [*LORDS*] [MONEY]

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52(1)(a) (Money resolutions and ways and means resolutions in connection with bills),

That, for the purposes of any Act resulting from the Further Education and Training Bill [Lords], it is expedient to authorise the payment out of money provided by Parliament of any increase attributable to the Act in the sums payable under any other Act out of money so provided.—*[Mr. Alan Campbell.]*

Question agreed to.

PETITION

Post Offices (West Berkshire)

10.17 pm

Mr. Richard Benyon (Newbury) (Con): I have a petition from 5,292 constituents in west Berkshire who are concerned about the possible loss of sub-post offices in my constituency.

The petition

Declares that the future of Post Offices in West Berkshire is under threat through proposals announced by the Government to close around 2,500 post offices across the Country.

The Petitioners therefore request that the House of Commons make the Government aware of the strong support for the remaining post offices.

And the Petitioners remain, etc.

To lie upon the Table.

Mr. Victor Makarov

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

10.18 pm

Mr. Peter Atkinson (Hexham) (Con): I am very glad to have this opportunity to raise a somewhat unusual subject—a matter relating to intelligence and a former KGB agent who worked for the British security services and eventually defected to the UK, aided and abetted by our security services, and is now living in the north of England in circumstances of penury, which I believe shows the UK in a bad light.

The man concerned is the former KGB agent Viktor Makarov, who has now moved to the north of England. I will give a brief résumé of this man's history. The Minister will be aware of the background to the case, but I believe that this is the first time it has been raised in the Chamber, although other Members have sought to help him in the past.

Viktor Makarov joined the KGB in 1975 and was inducted into what was known as the KGB university; coincidentally, he was in the same intake as Vladimir Putin, the current President of Russia. On graduation in 1980, Makarov was posted to the cryptanalytical department, which specialised in decoding telegrams and messages from embassies in Russia and around the world. These were obtained by many different methods, including the use of extensive bugging, a technique at which the Soviet Union was a master. Those who follow these matters may remember a case where the American embassy was presented with the great seal of the United States, courtesy of the people of Moscow; it was subsequently found to contain a bug.

Makarov spoke Greek and was initially used to translate messages passing from the Greek embassies around the world. After five years, he had a wide knowledge of the way in which Russian dissidents were treated by the regime. He was particularly affected by the repression of the Solidarity campaign when martial law was introduced in Poland. At that stage, he decided that he would make contact with western intelligence.

Makarov was helped in this by a woman who was to become his fiancée, Olga Bireva, an interpreter who worked at trade fairs held in Russia. She eventually contacted representatives of the British Secret Intelligence Service, which she and he believed was the most secure of all the intelligence services operating in the Soviet Union.

For two years he passed information, until he was arrested in 1987. The evidence against him was slight: a transcription of a message from the German embassy in Prague that he had passed some years before to a man involved in illegal foreign exchange dealings—a man he had worked with in the KGB. The man, who had been arrested in connection with the foreign exchange dealings, had identified Makarov, presumably to help to get a lesser sentence. Had the KGB discovered that Makarov had been spying, he would have been shot, undoubtedly. As it was, he was tried and jailed for 10 years. He was sent to the Gulag, to the notorious Perm 35 camp in the Ural mountains. He was freed in early 1992, a few months after the collapse of the Soviet Union.

[Mr. Peter Atkinson]

On being freed, he returned to Moscow and contacted the British embassy. He was taken to the UK by MI6 via Latvia. MI6 equipped him with a false diplomatic passport and had him pose as a Greek business man, using his knowledge of the language. On his arrival here he was looked after, but the promises that he says he was made of a new identity and a pension were never fulfilled. Finally, after months of dispute, he was offered a one-off payment of £65,000 to buy a house, which he accepted. Ever since then, the UK Government have used this as an excuse to say that he agreed to a full and final settlement of his case. Before he moved to the north, he had lived a life of bedsits, flats and, at one stage, sheltered accommodation.

Shortly before Easter, Mr. Makarov staged a hunger strike in Parliament square, which, after nearly two weeks, he called off after I promised to table a parliamentary question, which I duly did. This was the second time he had been on hunger strike; some years before, over 56 days he had lost nearly 60 lb. He called off the hunger strike because he was promised that his case would be reassessed. On 16 December of that year, he and his psychiatrist met an MI5 officer. He said that he was given reason to believe that his case could be resolved positively. Since then there has been nothing at all.

A number of Members have tried to help Mr. Makarov, including the hon. Members for Tynemouth (Mr. Campbell), whom I am pleased to say is sitting on the Front Bench, and the hon. Member for Hackney, North and Stoke Newington (Ms Abbott), who also tried without success.

Since Mr. Makarov arrived in this country, his mental health has deteriorated, no doubt as a combination of what he went through when he was detained in Perm 35 and what has happened since he arrived in this country, when he was effectively left without friends, support or, initially, a good command of the English language, which meant that he was unable to get work or look after himself. Today, he is in a sorry state, existing on disability allowance and in danger of falling into arrears with the payments on his house. His mental health is still a major problem, and he undergoes psychiatric treatment.

The murder of Alexander Litvinenko, allegedly by former KGB officers, has raised concerns about Mr. Makarov's security, as have approaches by members of the Russian-speaking community in the north, some of whom appear to know much more about him than they could have possibly known unless they had been briefed beforehand. I have been reminded tonight that about a year ago the Russian Parliament passed a law allowing people who are allegedly traitors to the country to be killed abroad, which has fuelled his concern for his safety.

All approaches to the Government, which have been made by various hon. Members to the Home Secretary and the Foreign Secretary, and to the Conservative Government, when the approach was made to the then Prime Minister, Mr. John Major, have simply been brushed off. I have a letter from the Foreign Secretary to the hon. Member for Hackney, North and Stoke Newington, which is two paragraphs long:

"contact and progress was not made easy in view of Mr. Makarov's state of mind and reluctance to receive care and medical treatment. Perhaps Mr. Makarov should now consider seeking further support from the medical and social services."

That is a typical answer.

Mr. Makarov called off his second hunger strike in Parliament square because I tabled a parliamentary question:

"To ask the Secretary of State for the Home Department if he will meet Mr. Victor Makarov, to discuss arrangements for his future security and well being in the UK."

The Minister, whom I am grateful to see on the Front Bench tonight, replied:

"Mr. Makarov's local police force are aware of his background and are best placed to offer advice." —[*Official Report*, 16 April 2007; Vol. 459, c. 510W.]

In my view, that was not a helpful comment to a man in his particular situation.

The question is why a man who was effectively an ally of this country against the communist regime in the Soviet Union has been treated in that way. Is it simply because he is an irritating thorn in the flesh, or is it because his information was not worth very much money? The latter certainly cannot be the case, because having an agent in the KGD 16 directorate, the code-breaking directorate, was extremely important—knowing what one's opponents know is a vital intelligence tool.

Dr. Julian Lewis (New Forest, East) (Con): I have read about this case in the papers along the lines that have been explained to the House. I suggest that although it may be impossible for the Minister to make a detailed comment on this case, he ought to make at least a general comment on the importance of the Secret Intelligence Service being seen to offer both protection and a pension to anyone who has risked their life, let alone actually been imprisoned, engaged in human intelligence operations for this country. Otherwise, we will send out a terrible signal to anybody who might be thinking about helping this country and its intelligence services in the future.

Mr. Atkinson: I agree with my hon. Friend, who has made an important point that needs reinforcing. The way in which this man has been treated will certainly send out a bad signal to anybody who might be tempted to do the same.

Mr. Makarov had an interview with an American historian called David Kahn, who is well known as a historian of code breaking, particularly in the second world war. David Kahn interviewed Mr. Makarov because he was thinking of writing a book on more recent code breaking during the cold war. He is in no doubt that Mr. Makarov's intelligence was of value.

Another source that mentions the role played by Mr. Makarov is the book jointly written by Christopher Andrew and Vasili Mitrokhin—I apologise for massacring the Russian language, Mr. Speaker. Vasili Mitrokhin was a prominent defector from the KGB, who produced a substantial volume called "The Mitrokhin Archive" with Christopher Andrew. In the book, he mentions the number of high-ranking KGB officers who were attracted to work for the British security service as penetration agents or as defectors. They included names that will be known to members of the public such as Oleg Gordievsky,

as well as Mitrokhin himself, and Victor Makarov is listed as one of the six who played a valuable role. His credentials were good. He was clearly a valuable agent, and any idea that he was not should be dismissed. The only theory that I can think of is that because the cold war had ended when he was freed from Russia he became an embarrassing anachronism to the British security services in the new world.

Everyone I know who has had dealings with Mr. Makarov—journalists as well as hon. Members and those who tried to make a documentary about him—share a frustration about the unexplained brush-offs from Ministers and others. We have a sense that he is a decent man badly treated by a country that he tried to help. As a final footnote, when he was arrested at his fiancée's flat in Moscow in 1987, they kissed goodbye and he never saw her again. He was subsequently told, although he does not know whether it is true, that she committed suicide.

I know that the Minister will be unable to say too much tonight, but I urge him to revisit the case to see if something can be done to help Victor Makarov before his predicament gets worse and leads to serious consequences for him. He is no doubt a stubborn man. He believes that what he did for this country was the right thing to do. He believes that the promises that were made to him have not been honoured, and his pride is offended by the fact that he has to try to scratch a living off disability allowances instead of getting the pension to which he feels he should be properly entitled. He is quite capable of repeating the hunger strike that he has undertaken on two previous occasions, but next time it could have much more serious consequences.

10.32 pm

The Minister for Security, Counter Terrorism and Police (Mr. Tony McNulty): I congratulate the hon. Member for Hexham (Mr. Atkinson) on securing this debate. The various statements made by and on behalf of Mr. Makarov and the concerns that he raises are well known to this Government and, as he suggests, the previous one. As I made clear in my written answer to him of 16 April at column 510W concerning Mr. Makarov's future security and well-being, his local police force are aware of his background and are best placed to offer advice. That was not meant to be unhelpful—it is a matter of fact in these circumstances. For reasons that I will explain, there is very little that I can add to that statement.

As the hon. Gentleman will know, the functions of each of the intelligence and security agencies are governed by law. In the case of the Security Service, that is the Security Service Act 1989 and the Security Service Act 1996; for the other two agencies, it is the Intelligence Services Act 1994. As I shall explain, much of the work of the agencies must be kept secret. However, in general terms perhaps a surprising amount of information concerning the agencies is made public on their respective websites, among other things.

It has been the long-established policy of successive Governments not to discuss matters relating to the operational activities intelligence and security agencies. That policy is often called "neither confirm nor deny". This approach is neither arbitrary nor capricious but is necessary for the protection of national security. By its very nature, the work of the intelligence and security agencies must be surrounded by secrecy. Many of those who assist and work with the intelligence and security agencies, including those employed as their agents, do so only if guaranteed complete confidentiality and anonymity. If their identities and activities were to become a matter of public record, that would not only jeopardise their activities and their future co-operation but could put them at personal risk. Secrecy is also essential because much of the investigation and intelligence gathering must be done covertly. If methods and techniques were exposed, those under investigation, who understandably go to great lengths to keep their activities hidden, would be able to take counter-measures that would thwart the gathering and exploitation of the necessary intelligence. The compromise of only one case would have far-reaching consequences. If the activities of one agent were revealed, that would lead others to question whether they could continue to co-operate with the agencies confident that their role would remain secret.

A similar approach applies to techniques. If, in a particular case, the techniques and methods used were revealed, it would not be long before targets such as terrorists, spies and serious criminals would use the information to modify the way in which they acted to escape detection. The strength of the "neither confirm nor deny" approach is in its consistent application. If I were to depart from that approach in this case, how could I defend adhering to it in all others? I therefore hope that the House will recognise why I cannot respond to the specific points raised thus far in the debate.

Mr. Atkinson: I do not understand how, for example, giving a pension to the man whom we are considering compromises national security.

Mr. McNulty: As I said, there are things that I can and things that I cannot discuss about the case or any other on the "neither confirm nor deny" basis for reasons that I have outlined and others that I shall describe. I shall say the little that I can about the case at the end.

As the hon. Gentleman knows, the intelligence and security agencies are sometimes characterised, because they work in secrecy, as unaccountable. Nothing could be further from the truth. As I said, the functions of the agencies are governed by law. By statute, they work under the authority of the Secretary of State—that is the Home Secretary for the Security Service and the Foreign Secretary for the Secret Intelligence Service and GCHQ. Like other hon. Members, I know from personal experience that both Secretaries of State take their responsibilities for that very seriously indeed.

The agencies are unlike law enforcement agencies in that they do not have intrinsic executive powers of action—they cannot arrest or detain people, search or seize property or charge and start criminal proceedings against those they investigate. The powers that they have are governed by the Regulation of Investigatory Powers Act 2000 and the Intelligence Services Act 1994. Every action taken under either measure must be properly justified and authorised. The most intrusive of those actions, such as interception of communications, must be authorised personally by the

[Mr. McNulty]

Secretary of State. Those activities are overseen by independent commissioners, who must hold or have held high judicial office. The oversight is undertaken by Sir Peter Gibson, the intelligence services commissioner, and Sir Paul Kennedy, the interception commissioner, as appropriate. Each commissioner is under a statutory duty to produce an annual report on their oversight activities. Those reports go to the Prime Minister who, in turn, is under a duty to lay them before each House of Parliament, excluding only such information that, due to its sensitivity, cannot be made public.

Last, but in no way least, anyone who is aggrieved by what he or she believes to be inappropriate conduct by the intelligence and security agencies may complain to the independent investigatory powers tribunal whose president must also have held or hold high judicial office. The tribunal has full powers to investigate any complaint and unfettered powers to order such remedies as it sees fit in a case where the complaint is upheld either in part or in full. Such information on the investigation of complaints as can safely be made public is contained in the commissioners' annual reports. I think that the House will recognise that the oversight arrangements that I have described represent a comprehensive set of measures whereby we can be reassured about the conduct of the agencies.

Dr. Julian Lewis: When the Minister talks about the possibility of complaining to the oversight body, does that simply mean that people can complain if they believe that the security services have done something against them, or could, for example, someone who had loyally served the security and intelligence services and been denied a pension complain about that?

Mr. McNulty: I shall deal with that briefly later.

I have outlined why I cannot go further into the details surrounding Mr Makarov or any other individual case, save for the following information. Mr. Makarov has been the subject of several letters from his previous constituency Members of Parliament, my hon. Friend the Member for Tyne Bridge (Mr. Clelland) and, before that, my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott).

Since Mr. Makarov's arrival in the UK in 1992, a series of attempts have been made to assist him and tackle his concerns without conceding their validity. With the benefit of advice from his legal representatives, he accepted a generous lump sum payment in 2001, to which the hon. Member for Hexham referred. He agreed that it was a full and final settlement of any claims that he had made against the UK Government. He has also complained about his treatment to the Security Service and intelligence services tribunal, which did not find in his favour.

On Mr. Makarov's concerns about his personal security, Northumbria police are aware of his background, would be informed of any specific threats and are best placed to offer appropriate advice, which would be the normal process for anyone who felt that their personal safety was in jeopardy. We have 43 police forces in this country, all suitably equipped with special branches and so on to deal with such matters among others.

I am terribly sorry if the response to the last question was unhelpful, but I have set out the facts as they can be laid out at the moment in this country. I have tried to explain how the security and intelligence services are accountable, among other things, to this House. I have tried to explain in some detail why it is not appropriate for me to go into any more detail than I already have on this specific case. I have tried to put at least some of these matters on the record from the Government's perspective purely to be helpful rather than otherwise.

Question put and agreed to.

Adjourned accordingly at twenty minutes to Eleven o'clock.

House of Commons

Tuesday 22 May 2007

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

PRIVATE BUSINESS

NATIONAL TRUST (NORTHERN IRELAND) BILL
Considered; read the Third time.

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

Brent PCT

1. **Sarah Teather** (Brent, East) (LD): If she will make a statement on the financial position of Brent primary care trust. [138336]

The Minister of State, Department of Health (Andy Burnham): At quarter 3 of 2006-07, Brent teaching PCT reported a forecast deficit of £17.6 million. The NHS as a whole reported a small surplus, and we expect the final position to show further improvement. We will publish quarter 4 of NHS finance report in June.

Sarah Teather: At the Department's instructions, Brent primary care trust is embarking on a devastating series of cuts, including to health visitors, drug, alcohol and sexual health services, mental health, and services for children with special needs. Will the Minister apologise for the long-term impact those cuts will have on the lives of my constituents; and will he go back and reconsider?

Andy Burnham: May I point out to the hon. Lady that it is a statutory duty of all NHS organisations to break even? I accept that we are dealing with issues that concern services for vulnerable people, which I accept are matters of huge importance to the hon. Lady's constituents, but may I point out that the PCT and the council both serve her constituents and that it cannot be in their best interest to stoke up a row between the PCT and the council. The only solution is to support a sensible agreement to ensure the continuation of services to her constituents. I hope that she will drop her political posturing and work to that end.

Ms Dawn Butler (Brent, South) (Lab): Does my hon. Friend agree that there has to be dialogue between the local authorities and the PCT to ensure seamless health care? In the past 12 months, the Lib-Dem/Tory-run council has failed to have any positive meetings with the PCT, failed to provide any social care services to the people of Brent, and failed to respond to any of my letters. Does my hon. Friend agree that all the hon. Member for Brent, East (Sarah Teather) has proved successful at doing is producing leaflets saying "Save our NHS", which does nothing for anybody? Does he agree that they should stop—

Mr. Speaker: Order. I think that the hon. Lady has made her point.

Andy Burnham: I thank my hon. Friend for her comments and her positive approach to this situation. It has to be in the interests of vulnerable people everywhere that councils and PCTs put aside their differences and work together for the benefit of those people. A blinkered approach or one where people are casting blame will not get us anywhere. It is important to get agreement on these important issues and I understand that the Minister for Local Government and the Minister of State, the noble Lord Hunt, will soon meet to discuss how progress can be made on securing such agreement, which will be in the interests of constituents.

Independent Sector Treatment Centres

2. **Bob Russell** (Colchester) (LD): If she will make it a requirement for independent sector treatment centres to pay a levy towards the costs incurred by the national health service in training staff. [138337]

The Secretary of State for Health (Ms Patricia Hewitt): The first wave of independent sector treatment centres was designed to provide extra capacity to help cut waiting times for NHS patients. Six of these are now providing training as well. All phase 2 schemes will require training to be made available as part of the contract.

Bob Russell: I am grateful to the Secretary of State for that answer, but it does not detract from the fact that these private health centres are privatisation of the national health service by stealth. Will she not agree that every patient who is forced to go to one of these independent centres will help to undermine the financial stability of local hospital trusts—*[Interruption]*—and laughing is not the answer?

Ms Hewitt: The hon. Gentleman is wrong on every count. Independent sector treatment centres are not privatisation by stealth or any other means. Patients are not forced to go to ISTCs and, indeed, we are extending patient choice. From 1 July, patients needing orthopaedic treatment will have a free choice of more than 200 hospital and treatment centres all around the country. I would have hoped that the hon. Gentleman would support that and also support the fact that more than nine out of 10 patients said that their NHS hospital treatment was either good, very good or excellent. We should be proud of that, and I am sorry that the hon. Gentleman is not.

Laura Moffatt (Crawley) (Lab): Does my right hon. Friend agree that independent treatment centres, alongside fantastic NHS staff, have contributed enormously to the reduction in waiting lists? Our staff are fantastic as

a result of the quality of their education and training. Can my right hon. Friend assure me that in future contracts for the independent sector, we will try to ensure that we train the staff we need so much for our wonderful NHS?

Ms Hewitt: My hon. Friend is absolutely right and I can give her the assurance that in the second wave contract, training opportunities will be required from all the independent sector treatment providers. Indeed, the ISTCs will be expected to appoint directors of clinical and medical training, who will work with the post-graduate deaneries and other parts of the NHS family in order to ensure that the best possible training opportunities are available to doctors and other health care professionals.

Miss Julie Kirkbride (Bromsgrove) (Con): Working on the same principle, would the Secretary of State care to estimate how much it would cost the British taxpayer if we were to refund all the foreign countries that had invested in training their own staff who are now working in the British national health service?

Ms Hewitt: I certainly cannot make that estimate, but the hon. Lady raises an extremely important point. As she probably knows, we were the first country in the world to adopt an ethical recruitment policy in our national health service. That means, for instance, that we do not take nurses from South Africa or other parts of Africa. We try to ensure that, just as medical professionals come to Britain for training from some other countries, we support the poorest countries, particularly in Africa, that desperately need to train and keep their own health care professionals.

Mr. John Redwood (Wokingham) (Con): Will the Secretary of State promise that she is still very much in favour of this experiment? I would like to see these centres in the Reading area, where they would expand capacity and help people in my area who cannot get the treatment that they need at the moment. Will she promise not to rig the system against them in the way that many Labour Members seem to wish to do?

Ms Hewitt: The right hon. Gentleman is simply wrong on that point. It is clearly right that independent sector treatment centres should make training opportunities available; that is one of the lessons that we learned from wave 1. I completely agree with him, however, that the centres have helped to cut waiting times for NHS patients in many parts of the country, and all the treatment that they provide is on the NHS and free at the point of need. That is what matters to patients.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): How does the Secretary of State square what she has just said about having an ethical policy on recruiting from Africa with the fact that the Government have issued work permits for 50,000 nurses and doctors from Africa since 2000? Is it not clear that they are coming to agencies in order to get round the ban on direct recruitment to the NHS?

Ms Hewitt: As I have just said, we have stopped the process of direct recruitment—[HON. MEMBERS: "Ah!"] No, we have stopped the process of direct recruitment into the NHS of nurses from developing countries in Africa and elsewhere. There is, however, a real problem with some agencies that recruit people from those countries. I am not sure what level of regulation the right hon. Gentleman is suggesting, but that practice is difficult to control. We try to ensure, however, that they sign up to exactly the same principles as we have agreed for the NHS, and that people who come in through that route are not subsequently re-employed in the NHS.

NICE

3. **Dr. Nick Palmer** (Broxtowe) (Lab): If she will make a statement on the progress of the National Institute for Health and Clinical Excellence. [138338]

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): Since its establishment in 1999, NICE has consolidated its position as the leading source of evidence-based guidance on specific health interventions and on broader care pathways. It has deservedly earned international recognition for its work.

Dr. Palmer: I am grateful to the Minister for his response. I have always supported NICE and I still do. It is perfectly obvious that we need a central assessment point for new medications and treatments. Is he satisfied, however, that there is a sufficient flow of information and discussion between NICE and the companies and patient groups involved in the assessment process? Does he think that that process could be made more transparent?

Mr. Lewis: My hon. Friend is absolutely right to suggest that, in the context of modern science and health care, if NICE did not exist, we would have to create it. We are currently conducting an overall review of the way in which NICE reaches its conclusions; it began in April, and is due to report to the NICE board in November. In 2005, we introduced what is known as a single technology appraisal process, which enables NICE to speed up some of its decision-making processes. In addition, best practice guidance was issued to the NHS in December 2006, stating that if a clinical decision is made that a patient requires a particular form of medication, there is no requirement for the primary care trust to wait for the conclusion of the NICE appraisal to ensure that the patient has access to that treatment. Overall, NICE has been a tremendous success, but we are also in the process of reviewing its function, as is appropriate at this stage.

Sir Nicholas Winterton (Macclesfield) (Con): Is the Minister aware of the use of miniature telescopic eye implants as a cure for age-related macular degeneration? This operation is available in many parts of Europe and in the United States, and one operation has been successfully completed by Brendan Moriarty, an eye surgeon in my constituency. Will the Minister urge NICE to look into this new operation as urgently as possible, as it will help people to retain their sight?

Mr. Lewis: I have a good deal of sympathy with the hon. Gentleman's point. Macular degeneration is a real issue for an increasing number of our constituents. I was not aware of that specific intervention, but I think it right for us to reflect on what the hon. Gentleman has said, and then to decide whether the evidence that

we have is sufficient for us to refer it to NICE as one of its priority considerations. Now that the hon. Gentleman has raised the issue, we will certainly have a look at it.

John Smith (Vale of Glamorgan) (Lab): Why is it that although the chief medical officer's recommendations on the prevention of hospital-acquired thrombosis were almost universally welcomed, shortly afterwards the NICE guidelines on the same topic seemed to contradict the original, leaving many health professionals aghast? Will my hon. Friend undertake to look into the matter, and ensure that no confused messages are being received by hospitals about a policy that could prevent 25,000 deaths?

Mr. Lewis: I will certainly look into the matter. It is important that, where possible, there is no ambiguity in the message that we send clinicians and primary care trusts on the front line. I cannot comment at this stage on whether there was a difference of opinion between the chief medical officer and NICE, but I will commit myself to investigating that, and to ensuring that whatever message is appropriate is clearly conveyed.

Mr. Stephen Dorrell (Charnwood) (Con): I agree with the Minister that NICE is one of the successes of the Government's health policy over the past 10 years, but is it not time, as part of the review to which he referred, to look again at the principles according to which Ministers retain control of the agenda of issues that NICE examines? Should not NICE have an opportunity to set aspects of its own agenda?

Mr. Lewis: I think that if we are to conduct a fundamental review now that NICE has existed for some time, one of the issues that ought to be reviewed is the relationship between Ministers and the organisation, as well as the relationship with Department of Health officials. We need to ensure that we get the responsibilities of the respective decision-makers absolutely right. It is important for clinicians and primary care trusts to be clear about the position, but transparency is also important, so that patients know what to expect at a time of technological advances and increasingly complex conditions often associated with people living longer.

Tony Lloyd (Manchester, Central) (Lab): May I refer my hon. Friend to the NICE review of the drug Alimpta, which is used to treat mesothelioma? Specialists fear that the original decision to refuse NICE approval was based on a failure to understand the clinical evidence, and in particular the fact that the drug is efficacious in prolonging both life and quality of life. Those are important considerations for people who will certainly die of mesothelioma.

Mr. Lewis: NICE is actively considering the issue. I understand that, according to the guidance, those who are already receiving the treatment are entitled to continue to receive it, but no final decision has been made. I suggest that my hon. Friend and others make representations to ensure that NICE reaches an appropriate conclusion.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): NICE does a good job for the Government in rationing health care in a rational way, but is not one of the key requirements of rationing that it should be explicit and transparent? As everyone else now recognises that a treatment that costs more than £30,000 per quality-adjusted life year will not be approved by NICE, will the Minister confirm that that is also his understanding? Such transparency would help politicians to accept that that is what is happening.

Mr. Lewis: No, I will not confirm that. It seems to me that the appropriate context for such a judgment and such a debate is the review, which seeks to be clear about NICE's function. It also seems to me that we either believe in the need for an organisation such as NICE, in the context of a modern NHS and massive advances in technology and science, or we do not. The use of words like "rationing" by the Liberal Democrats does not accord well with this debate.

Mr. John Baron (Billericay) (Con): NICE was established to deal with the problem of postcode lotteries, but a key problem is that many new drugs awaiting appraisal are subject to terrible regional variations and lack of funding. A recent freedom of information survey by the Conservatives showed that people in England are going blind because cash-strapped primary care trusts are not funding Macugen, which has been approved in Scotland. Some PCTs have been turning down all requests for Macugen although they come from clinicians, with the average PCT funding only two patients, despite an estimate by AMD Alliance that 100 patients a year in every PCT could benefit. Will the Minister now investigate, as a matter of urgency, why his own guidance to PCTs that funding should not be withheld simply because NICE has not issued guidance is being so readily flouted, before new drugs such as Lucentus suffer the same fate?

Mr. Lewis: We have moved to respond to the concerns that have been expressed as NICE's function has been developed. For example, we introduced the new single technology appraisal process in an attempt to speed up the process. We have also issued best practice guidance to primary care trusts, which makes it clear that where a clinician believes that a licensed drug is an appropriate way of treating a condition, there is no requirement to wait until NICE has concluded its appraisal process. The right way forward is a combination of speeding up the process and being absolutely clear about what we expect from primary care trusts. Members cannot have it both ways. We either devolve responsibility, power and decision making to the local level or we command and control from offices in Westminster and Whitehall. We cannot have a contradictory approach.

National Treatment Agency

4. **John Mann** (Bassetlaw) (Lab): How many GPs sit on the board of the National Treatment Agency. [138339]

The Minister of State, Department of Health (Caroline Flint): One GP sits on the board. His full-time job is director of public health for the south-west but he brings his knowledge and experience to the board. A GP in the National Treatment Agency for Substance Misuse clinical team liaises with the Royal College of General Practitioners and others to support effective delivery of policy and promotion of good practice within the primary care setting.

John Mann: The evidence from Sweden and France, as examined by my primary care trust, is unequivocal. Drug treatment is far more effective if primary care and GPs are put at the centre of it. Is it not time that we move towards having a bigger GP presence on the NTA so that primary care is in the mainstream of drug treatment in this country?

Caroline Flint: I congratulate my hon. Friend on the work he has done in his area to achieve direct access to drug treatment services through GPs in the primary care setting. The "Bassetlaw Direct Access" drugs service has had tremendous results, with an 83 per cent. retention rate. I agree with my hon. Friend that GPs' experiences should be represented. However, we are also trying to make sure that we embed substance misuse as an issue in the medical colleges; on 30 April we published curriculum guidelines on substance misuse. We are also improving the opportunities for GP practices to provide access to drug treatment, particularly in rural and semi-rural areas. However, we will endeavour to do more.

Mr. Henry Bellingham (North-West Norfolk) (Con): Is the Minister aware that the NTA values the contribution that GPs make in working with drug addicts and saving lives? However, how many GPs have been struck off by the General Medical Council for over-prescribing?

Caroline Flint: I will have to get back to the hon. Gentleman on that specific point, but the most recent figures—those for 2004-05—show that the number of GPs participating in shared care schemes for providing treatment to drug users has increased in the last 10 years from 20 per cent. to 32 per cent. Clearly we need to do more, but that is a good sign. We must embed the culture of understanding drug treatment in the earliest days of training. That is why providing the guidance to the medical colleges on 30 April was an investment in the future. I hope that more GPs will see this as one of the health roles that they should play in their communities.

NHS Finances

5. **Tim Farron** (Westmorland and Lonsdale) (LD): What recent assessment she has made of the effectiveness of measures put in place to improve the NHS financial position; and if she will make a statement. [138340]

The Minister of State, Department of Health (Andy Burnham): Restoring financial balance in the NHS was our top priority in 2006-07. There is now a stronger system for assessing the financial position of all NHS organisations and we are confident that these measures will help the NHS further to improve its financial position. At quarter 3, the NHS overall reported a small surplus, and we expect the final position to show further improvements.

Tim Farron: I thank the Minister for that reply. The Government changes to the resources, accounting and budgeting rules have removed £6.3 million of projected debt from my hospital trust in Morecambe Bay, leaving it in the surprise position of having a break-even budget for the forthcoming year. So far so good, but the Westmorland general hospital stands to lose its excellent heart and stroke unit as a result of an acute service review that took place last summer, which was in part driven by the short-term financial pressures. Now that those pressures have been—

Mr. Speaker: Order. The hon. Gentleman has done well.

Andy Burnham: I think that I can guess where the hon. Gentleman's question was going. I also detected some hint of gratitude in his words for the extra £6 million for his trust this year, which will help to ease the financial position, and of course bring benefits to patients in his area. As he knows, a Cumbria-wide review of health services is being undertaken, which is expected to go out to public consultation in September. I hope that he will understand that I cannot make any concrete statements today about the precise proposals that will be made in that review, but I am sure that local health service planners will hear his words.

Mr. Jim Devine (Livingston) (Lab): When the Conservatives were in power, there was a consistency to NHS funding: all the health boards and authorities were in financial difficulties. Today, only a small minority have financial problems. Does my hon. Friend share my puzzlement as to why that is the case?

Andy Burnham: It is not something that the Conservatives like to talk about, but when they left power the deficit, as a percentage of overall NHS expenditure, was far higher than anything seen in the last financial year. My hon. Friend is correct to say that the problems of overspending are now concentrated in a small number of organisations. It is the transparency of the financial regime that this Government have introduced that has enabled us to focus on that overspending and put in place measures to tackle it. As a whole, the NHS is benefiting. Last week, the Healthcare Commission reported that nine out of 10 patients say that the care they receive is good, very good or excellent, and that was in a year in which we have tackled the financial difficulties in parts of the NHS.

Mr. Simon Burns (West Chelmsford) (Con): Given that health trusts such as mine in mid-Essex are having to take some difficult decisions to improve their financial position, could the Minister give an assurance that he and his colleagues will be sensitive when determining future independent treatment sectors—which may benefit patient care in some parts of the country—so that they do not cause a setback to those trusts that can fulfil their commitments and targets but would be adversely affected if the decisions were not taken sensitively?

Andy Burnham: The hon. Gentleman's trust has benefited from the reversal of the resources accounting and budgeting rules as they affect NHS trusts. As predicted at quarter 3, his trust will post a surplus this year. Any changes to local health care will have to be carefully considered, but I can tell the hon. Gentleman that we will make changes when they are in the direct interests of patients. There is evidence to show that where independent sector treatment centres have been

introduced, they have had the effect of challenging local NHS trusts, and waiting lists have fallen dramatically as a result. I would hope that the hon. Gentleman would support any solution that produces the best results in terms of access to the system for his constituents.

Mr. David Anderson (Blaydon) (Lab): Is the Minister aware that the Royal College of Nursing has estimated that it would cost £60 million to pay the full award proposed for nurses by the pay review body? Does he accept that that is a price worth paying, and if not, does he have a strategy for dealing with the industrial dispute that may occur?

Andy Burnham: I know that my hon. Friend works hard on these issues and I hope that he agrees with me that the position of nursing staff under this Government is considerably better than what we inherited in 1997. I also hope that he accepts that the decision taken in respect of public sector pay was a decision taken across the public sector, with the exception of the armed forces, with regard to maintaining the strong economy that this Government have also produced. While those are difficult decisions, I hope that my hon. Friend will accept that they are taken for the best of reasons.

John Penrose (Weston-super-Mare) (Con): Over the past two years, my local primary care trust has received above average increases in spending, which are tremendously welcome and have helped to close the gap between the Government's own target funding formula and the actual amount of money that the trust receives. Would the Minister agree that it would be folly to allow that process to go into reverse and that it is therefore important that the North Somerset primary care trust continues to get above average funding settlements in future?

Andy Burnham: That is an excellent question. It was missing the "Vote Labour!" bit at the end, but I think that it would have come if the hon. Gentleman had carried on. Yes, we are extremely proud of the money that we have put into PCTs like his around the country, and I am absolutely confident that the huge improvements in health care in recent years will be sustained. An extra £8 billion is going into the NHS this year, and that will produce substantial improvements for patients. I hope that he will continue to support the Government in working towards a well funded and improving NHS.

Mr. Neil Turner (Wigan) (Lab): My hon. Friend will be aware that proper financial management has ensured that no PCT in the north-west will be top sliced this year to subsidise poor management in other areas. He will know too that many north-west PCTs receive less than the formula funding says they should. How is it that they can stay within budget, while others receiving more than their formula funding overspend?

Andy Burnham: I pay tribute to my hon. Friend for the persistent way in which he has raised matters relating to PCT finance. He is absolutely right: for reasons of basic fairness, we need the maximum health resources in areas where health inequalities are greatest and where ill health is entrenched—such as the borough that he and I represent. Also, I thank him for congratulating the north-west strategic health authority on ensuring that PCTs in the area are not being top sliced. That will enable PCTs such as his and mine to get on with the job of improving public health in our borough. The next funding allocation round will deal with the question of whether we can make further progress towards bringing all PCTs nearer their target allocations, but I shall bear in mind what my hon. Friend says.

Tony Baldry (Banbury) (Con): This year, the Oxford Radcliffe NHS Hospital Trust must save £23 million, so will the Minister give some guidance about PFI repayments? Next year, the trust will have to make PFI repayments worth between £30 million and £36 million. Will the Department take PFI repayments into account when it sets the total sum for trust budgets, or will trusts have to make cuts to meet those repayments in future years?

Andy Burnham: When trusts plan new hospital developments, it is crucial that the decisions taken be sustainable and affordable in the long term. The Government have been reviewing all PFI schemes to ensure that they are precisely that—affordable, and the right size for future requirements. When spending is allocated to local health economies, we must take account of the population's relative age, health need and deprivation. We will continue to do that when we make allocations to PCTs.

Medical Training Application Service

6. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What recent representations she has received on the performance of the medical training application service. [138341]

The Secretary of State for Health (Ms Patricia Hewitt): The Department has received over 1,300 letters on the topic of Modernising Medical Careers and MTAS this year. Department officials have also had meetings with, and representations from, many organisations, including the royal colleges, the British Medical Association and Remedy UK.

David Taylor: What lessons does the Secretary of State believe there are to be learned from the recent actions of the BMA's outgoing chair, Dr. James Johnson?

Ms Hewitt: James Johnson's resignation is a matter for the BMA. It would not be appropriate for me to comment.

Peter Bottomley (Worthing, West) (Con): Most of the House will welcome the service that James Johnson has given over recent years, to the BMA and in other ways. My question to the Secretary of State has to do with MTAS. Does the Department recognise that examination candidates who want to check whether their marks have been added together correctly—or whether their papers have been marked at all—should get an appropriate response before the end of round 2?

Ms Hewitt: The hon. Gentleman refers to the Information Commissioner's recent ruling. As a result of the commissioner's letter to the Department, a meeting is being arranged between him and appropriate officials to agree the way forward.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I am aware that the Secretary of State has apologised for the way in which MTAS was carried out. In my meetings with junior doctors, who are extremely concerned about the situation, it became clear that they have a strong commitment to, and belief in, the national health service, so will my right hon. Friend indicate how we can reassure those doctors that they are indeed valued?

Ms Hewitt: My hon. Friend is absolutely right about the enormous commitment of junior doctors, and other health care professionals, to the NHS. In relation to recruitment to medical training, I stress that the interviews in round 1, which include an interview for every applicant, are nearly complete and, subject of course to the outcome of the judicial review, job offers will start to be made as soon as the result of the judicial review is known. By sorting out the very real problems and distress that have arisen this year, we will indeed be able to reassure junior doctors in particular about how much we value them and to ensure that they have a good future in the NHS.

Mr. David Ruffley (Bury St. Edmunds) (Con): Ministerial mismanagement led to the computer chaos that is the medical training application service, which has failed to deliver a fair, open, transparent and efficient selection process for junior doctors, and even threw in for good measure a massive breach of personal security. Can the Secretary of State tell us today how many available training posts there are now for junior doctors and how many applicants there are? If we have those two facts, we can calculate how many thousands of junior doctors will not get a training place this August.

Ms Hewitt: As I have said before, across the United Kingdom there are about 32,700 eligible applicants in the MTAS system, of whom more than 30,000 are already employed in the NHS. There are 23,500 training posts in total, including the GP training posts for which recruitment is separate from MTAS. Let me stress again that thousands of the applicants are currently employed by the NHS in non-training posts and all those jobs—in total, more than 30,000—will continue to be needed to ensure that patients continue to receive the excellent care the NHS provides.

Mrs. Madeleine Moon (Bridgend) (Lab): What is my right hon. Friend's assessment of the article in *The Independent* today that argues that we should not get excited about the MTAS situation, because due to the expansion in the number of doctors in our medical schools under the Labour Government there will be greater competition for some of the best training jobs?

Ms Hewitt: My hon. Friend makes an important point. I thought that the editorial in *The Independent* this morning was a breath of fresh air and rationality when the media have not really been characterised by accurate or rational reporting on this subject. The reality is that there are more junior doctors, and indeed other healthcare professionals, in training for the NHS than ever before. There has always been intense competition for the specialty training posts that lead to a consultancy for successful applicants. That competition is intense this year, but more doctors and even better trained doctors, with the best of them becoming consultants, is all good news for patients.

Hywel Williams (Caernarfon) (PC): Does the Secretary of State agree that the ability to speak in Welsh is a valuable occupational qualification for doctors working with children and older people—

Sir Patrick Cormack (South Staffordshire) (Con): In Wales.

Hywel Williams: Yes—and some in England. Where was that valuable occupational qualification addressed in the application form or in the application process?

Ms Hewitt: I am sorry, but the hon. Gentleman will be disappointed to learn that we do not propose to make Welsh an occupational qualification for doctors in England.

Rosie Cooper (West Lancashire) (Lab): Junior doctor rotation has always been a difficult time, and over all the time when I was involved in the health service many a junior doctor did not get the specialist job he or she wanted. We have heard about the intense competition due to the massive increase in doctors in training, so to go on from what has been said already, will my right hon. Friend indicate what support is available for junior doctors who are trying to get through the process at present?

Ms Hewitt: My hon. Friend is absolutely right that at this point we should focus on the solutions, rather than simply restating the problem. As I have indicated, job offers for round 1 will be made, subject to the outcome of the judicial review and as soon as we know that court judgment. Detailed information on that process is going out to applicants very shortly. Once we have the court judgment from the judicial review, we will be able to give applicants further details of how round 2 —the next round of recruitment—will be organised and the support that will be available to applicants throughout that process and beyond, as we look to the end of that further round of recruitment.

Norman Lamb (North Norfolk) (LD): The Secretary of State will be aware that the statement of Nicholas Greenfield to the judicial review proceedings last week disclosed that on 25 April there was a report to the review group that disclosed that there were serious flaws with the software within MTAS. Was she informed of those serious problems at that time? If so, why did she not tell the House of those problems in her statement on 1 May? Is it not outrageous that in her statement last week she made no reference to the fact that she had no option but to abandon MTAS, because the system was not working?

Ms Hewitt: The hon. Gentleman, I am afraid not for the first time, has simply misrepresented the position. First, MTAS has not been abandoned. It has been reopened to the postgraduate deaneries, which can

continue to use it for the recruitment process. On the issue of the software, as I told the House last week, because of the continuing concerns of junior doctors—*[Interruption.]* Perhaps the hon. Member for North Norfolk (Norman Lamb) should listen to the point that I am making, because it is important. Despite the security improvements that have been made to MTAS, because of the continuing concerns of junior doctors, we decided not to use it for the process of matching applicants to job offers. One of the concerns expressed by the junior doctor representatives on the review group related to the fact that the new software that would be needed to match the applicants to the jobs had not been completed and, because of the other problems, there would not be time to test it properly. That was part of the background to what I told the House last week about the continuing concerns that led us to decide not to use MTAS for the job offer process. That was a perfectly sensible decision. There is no question of misleading the House and I hope that the hon. Gentleman will not repeat that allegation.

Mr. Andrew Lansley (South Cambridgeshire) (Con): Will the Secretary of State now tell the House how many additional training posts the review group has asked the Department of Health to provide for? This is the fifth time in over two months that I have asked the Secretary of State to make a commitment to provide for additional training posts and she still has not done so.

Ms Hewitt: I am afraid that the hon. Gentleman will have to wait until we have the outcome of the judicial review. I will then announce how many additional training posts will be made available for round 2 and other details of round 2.

Mr. Lansley: The Secretary of State will recall that on Sunday James Johnson said that the medical training scheme had been characterised by policy failures. Who does the Secretary of State hold responsible for those policy failures?

Ms Hewitt: As I have said in the House before, Modernising Medical Careers has been a joint effort by the Department of Health, Ministers, the royal colleges, the British Medical Association, the work force deaneries and many others, all of whom have been involved in addressing the problems that were highlighted many years ago by the BMA itself when it rightly called for a new system of training to replace the thoroughly unsatisfactory old system whereby senior house officers became known as the lost tribe because they simply did not have the support that was needed. We know perfectly well that the implementation of the application and recruitment system for this year has not worked properly. We have had a lot of problems with it—we hardly need to say that in this Chamber. We are sorting that out and I take responsibility for doing so.

Children's Diets

7. **Dr. Roberta Blackman-Woods** (City of Durham) (Lab): What steps her Department is (a) taking and (b) planning to take to encourage the consumption of fruit and vegetables by children. [138342]

The Minister of State, Department of Health (Caroline Flint): The Government have a number of programmes in place to improve the diet and awareness of healthy eating among children and young people. These include the new school meals standards, the healthy schools programme, healthy start, 5 a day, and the school fruit and vegetable scheme.

Dr. Blackman-Woods: I thank the Minister for her response. Does she agree that much could be done to tackle child obesity and health inequalities if she was to work with colleagues in the Department for Education and Skills to build on the excellent initiative of providing free fruit and veg to schools and deliver free, compulsory, nutritious school meals for all children?

Caroline Flint: My hon. Friend makes a good point about tackling inequalities. I was pleased that the 2005 health survey for England showed that the number of children eating fruit and vegetables was increasing, with the number eating at least five a day going up to 17 per cent. from 10 per cent. in 2001. I am also pleased that the Department for Environment, Food and Rural Affairs household expenditure survey, which was published in January, shows that there has been the biggest increase in expenditure on fruit and vegetables for 20 years—it is up by 7.7 per cent. However, we can do more. This Government have given local authorities the power to decide whether they want to provide free school meals, and that matter is best dealt with locally. I am proud of our joint work with the Department for Education and Skills which has meant that more than 89 per cent. of schools are now taking part in a voluntary programme called healthy schools.

Sir Peter Tapsell (Louth and Horncastle) (Con): Since every woman I have ever known, from my grandmother onwards, has tirelessly tried to persuade their offspring—and indeed their husbands—to eat more vegetables, what makes the hon. Lady think that her increasingly Orwellian Department will be more successful?

Caroline Flint: Well, clearly we support families making choices. I am pleased that families are increasingly making healthy choices for their children and themselves. I do not want to get into the hon. Gentleman's family background in relation to this—

John Bercow (Buckingham) (Con): He is a healthy figure.

Caroline Flint: I will leave others to comment on that. However, we must get the balance right when the Government are trying to intervene in areas that are their responsibility. We expect children to attend school; that is part of the law—*[Interruption.]* Even grammar schools. Given that we require children to go to school, it is part of our endeavour that when food and drink are provided at school, they should be the healthiest available. We must achieve a step change through which parents are enabled to make the right choices for their children. More and more parents are doing so with our support, rather than any lecturing.

Barbara Keeley (Worsley) (Lab): On Friday, I am visiting Ellenbrook primary school in my constituency to open its healthy schools vegetable garden. Will my

hon. Friend congratulate the school on not only promoting healthy eating, but teaching children how to grow the herbs, fruit and vegetables that will be used in their school meals every day? Does she think that other schools should follow that example?

Caroline Flint: My hon. Friend cites a really good example of a project that is seeking to achieve on several fronts. It is encouraging an understanding of the need to eat healthily and getting children out there to grow food, thus increasing their understanding of where it comes from. Alongside that, it increases physical activity at school. I am pleased to inform the House that from September, we will start a joint project with DFES and DEFRA: the year of food and farming. We will make links with local producers to find out what we can do to encourage more schools to purchase more locally the fruit and vegetables that can make a difference. Learning about how food is grown and its production to the point at which it ends up on the plate can make a difference to an understanding of a healthy diet.

Tim Loughton (East Worthing and Shoreham) (Con): Why does the Minister think that the recent evaluation of the school fruit and vegetable programme by the National Foundation for Educational Research found that it had no lasting impact on what children were eating, that only 27 per cent. of children achieved the five-a-day target, and that only a third of children were aware of what that target was—no doubt some thought that it referred to cigarettes? In any case, two thirds of the fruit and veg in the programme comes from overseas and half contains more than one type of possibly harmful pesticide. Some £77 million later, is this another costly, headline-grabbing, ill-thought-out Government initiative that has gone pear shaped?

Caroline Flint: The hon. Gentleman raises several questions. I understand that the article that appeared in *The Sunday Telegraph* a few weeks ago was based on a report that examined figures from about three years ago. We are evaluating the scheme at present and we will publish the figures shortly. However, the indicators show that both the consumption and purchase of fruit and vegetables are going up. The school fruit and vegetable scheme serves 2 million four to six-year-olds. Next time I get letters from Conservative Members asking me to extend the scheme, I will refer them to the hon. Gentleman.

Patient Choice

8. **Sarah McCarthy-Fry** (Portsmouth, North) (Lab/Co-op): What plans her Department has to improve information on patient choice in England. [138343]

The Secretary of State for Health (Ms Patricia Hewitt): Next month we shall be launching a new online information service, NHS Choices, that will give patients easy access to information about conditions, treatments and hospitals. It will help the public to make informed choices about their own health, including when and where they receive treatment.

Sarah McCarthy-Fry: I thank my right hon. Friend for her answer, but I hope that we have made improvements and alleviated some of the teething problems that were experienced last year. A constituent came to see me over choose and book. She was referred to a dermatology department, and when she rang to make the appointment she was asked which hospital she wanted. When she asked for her local hospital, she was told that the waiting list was too long and was referred to one 20 miles away. When she said that she would prefer to wait a bit longer, she was told that that was not possible. The matter was eventually sorted through the patient advice and liaison service, but surely choice means that patients, if they wish, should be able to choose to wait a little bit longer to go to their local hospital.

Ms Hewitt: My hon. Friend is absolutely right, and I hope that we have now made that crystal clear to NHS hospitals. A local hospital is obliged to treat all patients who choose to be treated there if that is clinically appropriate, and if a patient wants to wait longer than, for instance, the current six-month maximum target for in-patient treatment, of course they are free to choose to do so—provided they are told that when they make their booking. The way that we are extending choice for patients is in accordance with what patients themselves have said they want, and we know from experience over several years that it is a way of ensuring that hospitals respond by giving patients faster and better care.

Dr. Andrew Murrison (Westbury) (Con): Patient choice means being treated with dignity, so what confidence can we have in a Government who may parrot choice, but whose claim to have delivered it to patients wishing to avoid mixed-sex wards is strongly contradicted by experience and by data published by the Healthcare Commission?

Ms Hewitt: As I think the hon. Gentleman knows, the commitment that we made to ensure that everyone had single-sex sleeping accommodation, bathrooms and toilets did not extend—because it could not—to accident and emergency, and to medical admission units. That is one reason why there is a real difference between the reports that we have had from the hospital trusts and the reports of patient experience. Nevertheless—the chief nursing officer recently published press guidance on this—we have identified those hospital trusts that are really struggling to meet the commitment that patients are entitled to expect, that in, as it were, normal wards, they should have single-sex sleeping accommodation, bathrooms and toilets, and we are giving the NHS extra support, and indeed holding it accountable for delivering that. But I regret that the hon. Gentleman did not mention that the same Healthcare Commission survey found that even more hospital patients are satisfied or very satisfied with the care that they have had from the NHS in the last year.

Local Involvement Networks

9. **Jeremy Wright** (Rugby and Kenilworth) (Con): What assessment she has made of levels of public support for local involvement networks. [138344]

The Minister of State, Department of Health (Ms Rosie Winterton) *rose—*

Hon. Members: Hooray.

Ms Winterton: Great. From our public consultation, we know that many people want to have a greater say over their health and social care services. The establishment of local involvement networks—LINKs—will give people far more opportunities to have a stronger voice over their local services.

Jeremy Wright: I thank the Minister for that answer, and the enthusiasm with which she gave it, but she will have been told, as I have, that one of the tools that members of patient and public involvement forums value most is the ability to inspect hospitals or other health care facilities, including, where they think it necessary, without notice. Given that those powers and that ability will be circumscribed for local involvement networks, and in the case of inspections without notice, removed altogether, does she not think that it is inevitable that the public will have less confidence in LINKs to protect their interests than they did in PPI forums?

Ms Winterton: No, I do not think that they will, because I think that LINKs will actually be very powerful bodies in terms of their ability to get responses from primary care trusts when they raise particular issues, and their ability to look at social care institutions. We wanted to avoid confusion between the inspection roles of the statutory regulators and the powers of LINKs to go into trusts to view the services. That is why we have made a change, to enable them to do that. However, it is important to recognise that when LINKs go into, for example, day care centres under social services, notice needs to be given to people who go to such centres for, in a sense, respite care. We want to make sure that that work does not disturb either staff or patients. However, LINKs will be able to make reports after they have entered premises and to demand replies from PCTs and others.

Mr. Bob Blizzard (Waveney) (Lab): In my area we have a group of very dedicated people who were involved in community health councils, who then became involved in the various patient and public involvement organisations and who want to be involved in the LINKs. However, they are conscious that we are not reaching out to a wider electorate of people who want to get involved in such work. How can we spread the word and get new people involved in these organisations?

Ms Winterton: That is the challenge. We know from consultation that people want to have a greater say. Through some of the draft guidance that we have issued we have looked at how to involve more people. We also have some early adopter sites, which are considering in particular how to widen the range of people who are involved to include voluntary sector and other patient groups.

Mental Health

10. **Annette Brooke** (Mid-Dorset and North Poole) (LD): How many children and young people diagnosed with mental ill health have been admitted to adult wards. [138345]

The Minister of State, Department of Health (Ms Rosie Winterton): The Department collects data on occupied bed days, not on the number of individuals that that represents. In 2006-07, there were 19,988 hospital occupied bed days on adult psychiatric wards of patients aged 16 or 17, and a further 201 hospital occupied bed days on adult psychiatric wards of patients aged under 16.

Annette Brooke: I thank the Minister for that answer. What plans do the Government have to protect centres of excellence for the treatment of adolescents with severe mental health conditions, such as the one that is being closed at Cassel hospital, Richmond. I understand that it is being closed because PCTs across the country are not prepared to pay for out-of-area placements.

Ms Winterton: In providing that more specialised care, we want PCTs to consider the requirements in perhaps a wider area than the PCT area, because sometimes quite small numbers of children require that type of intensive specialist care. However, I feel that often children are sent too far away from home. Some out-of-area provision is necessary, but we want to make sure that such provision is commissioned more effectively and can deal better with the situation that affects small numbers of children. We want to make sure that they can have treatment closer to home than is sometimes the case now.

Andrew Gwynne (Denton and Reddish) (Lab): I thank the Minister for the reassurances on that very issue that she gave during Committee stage of the Mental Health Bill. What discussions will she have with the new coalition on mental health services, which supports the modernisation agenda, so that we can make the positive changes that she wants?

Ms Winterton: My hon. Friend refers, I believe, to the fact that approximately 85 per cent. of those who work in mental health services have now withdrawn from the Mental Health Alliance and are realigning themselves to make sure that some of the steps that we want to take to modernise mental health legislation can go forward. I thank him for his contributions in Committee, where we had a lot of discussions about what we want to do to improve those services and, in particular, about age-appropriate accommodation.

NHS Data Disclosures

11. **Mr. David Heathcoat-Amory** (Wells) (Con): What safeguards are in place to prevent the unauthorised disclosure of personal data by the NHS. [138346]

The Secretary of State for Health (Ms Patricia Hewitt): The strongest safeguard is the professionalism of NHS staff themselves, but the modernisation of NHS IT also provides the opportunity to deploy state-of-the-art security safeguards, particularly for confidential patient information. In the rare cases where NHS staff do breach patient confidentiality, they are subject both to disciplinary measures and to the legal penalties provided under the Data Protection Act 1998; professional staff also risk losing their licence to practise.

Mr. Heathcoat-Amory: Three weeks ago the Department of Health made an unauthorised disclosure of the personal details of junior doctors, which was a disgrace. More recently, the Public Accounts Committee severely criticised the main health IT system, which is already running two years late. Apart from the usual bland assurances that we get from the Secretary of State, what guarantees can she give us that patients' personal medical records will not be disclosed, and as her Department is clearly incapable of running or commissioning anything properly, will she take independent advice on the matter?

Ms Hewitt: The electronic patient records and other aspects of connecting for health have nothing whatever to do with MTAS; they have all been organised with the highest level of security safeguards, and that has been independently verified. The right hon. Gentleman is simply scaremongering, and instead of doing so—*[Interruption.]* The Conservative party already opposes identity cards. Is the right hon. Gentleman telling us that he will now oppose electronic patient records?

Mr. Speaker: Order. Hon. Members should let the Secretary of State answer.

Nappies

12. **Jessica Morden** (Newport, East) (Lab): What support or guidance her Department gives to maternity units to give new mothers access to reusable or biodegradable nappies. [138347]

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): It is for individual national health service hospitals and trusts in England to determine the practicalities of promoting the use of reusable and disposable nappies in their maternity units. For the rest of the United Kingdom, that would be a matter for the devolved Administrations.

Jessica Morden: I thank the Under-Secretary for his response. Having just become a new mum, I am keenly aware of the special access that manufacturers of disposable nappies have to new mums when they are in hospital. Given nappies' contribution to landfill, will he look at ways to level the playing field, and will he at least encourage samples of biodegradable and reusable nappies to be made available in hospitals? Once people start using a product, they are more likely to continue using it.

Mr. Lewis: We have to be careful not to encourage too much of a nappy state. We give first-time mothers a pregnancy book and a birth to five book, both of which discuss in some detail the case for and against each kind of nappy. It has to be said that a report by the Department for Environment, Food and Rural Affairs found that, in the end, in terms of overall environmental consequences, there was very little difference between disposable and reusable nappies. I understand that the Minister of State, Department of Health, my hon. Friend the Member for Leigh (Andy Burnham), is happy to host a meeting with the Nappy Alliance to discuss the matter further.

Home Information Packs

3.32 pm

The Secretary of State for Communities and Local Government (Ruth Kelly): With permission, Mr Speaker, I would like to update the House on the Government's proposals for the implementation of home information packs. It was the Government's intention to implement home information packs, including energy performance certificates, on 1 June. In debate last week, reference was made to the judicial review requested by the Royal Institution of Chartered Surveyors. That judicial review focused on energy performance certificates, not home information packs. On Wednesday, the judge issued an interim order, which was received by my Department on Thursday. That order would have effectively prevented the introduction of energy performance certificates on 1 June, while the case was being considered.

The Government believe that introducing home information packs without energy performance certificates would be neither practical nor acceptable. It is important to introduce energy performance certificates and home information packs at the same time, because cutting carbon emissions should go hand in hand with market transformation. We have been in detailed discussion with the RICS to prevent lengthy legal delays. Both the Government and the RICS are committed to the swift and smooth introduction of home information packs and energy performance certificates. I am pleased that we have reached a pragmatic way forward—*[Interruption]*—that gives certainty and allows us to get on with implementation.

Mr. Speaker: Order. Let the Secretary of State speak. Hon. Members often say that they wish Ministers would come before the House. The Secretary of State is here before the House; hon. Members should listen to her.

Ruth Kelly: Thank you, Mr. Speaker.

As a result, we propose to withdraw the home information pack regulations to clear the way for successful implementation of revised arrangements.

Although the issue of the judicial review is now resolved, long-running uncertainty has already had an impact on the numbers of energy assessors. For implementation on 1 June, we would need at least 2,000 assessors to be accredited, with over 2,500 by the end of the month. Today I am updating the House with the latest figures. There are over 2,500 people currently in training. A further 3,200 have already passed their home inspector or domestic energy assessor exams. Of those, 1,500 have been accredited or have applied for accreditation, but only 520 have been fully accredited. These figures show that the number of assessors is unlikely to meet our needs for 1 June implementation. Equally, they show that in the long term there will clearly be enough assessors to meet demand.

The Government remain convinced of the importance of home information packs and energy performance certificates. Home information packs will cut costs and delays in buying homes. Energy performance certificates will help to reduce energy bills and cut carbon emissions from our homes, which, as they make up 27 per cent. of our national carbon emissions, could make a big difference in our effort to tackle climate change. The measures in the energy performance certificates will cut carbon emissions by nearly 1 million tonnes every year.

I have always said that the right test of the legislation should be how it brings benefits for consumers and how it protects the environment. Today, therefore, I am setting out a practical way forward. I propose to change the start date for home information packs to 1 August, and intend to phase their introduction. From 1 August home information packs, including energy performance certificates, will be required for the sale of four-bedroom properties and larger—the properties where there is the greatest potential to make energy efficiency savings. This will ensure work for energy assessors who have already been trained and accredited. We will extend to smaller properties as rapidly as possible, as sufficient energy assessors become ready to work. As we see the number of accredited assessors rise, so more properties will be included in the system.

We are also introducing a number of transitional measures. First, until the end of the year, we propose to allow people to market their properties as soon as they have commissioned a pack, rather than make them wait until they have received it, in order to avoid unnecessary delays when the systems come in. Secondly, to allow energy performance certificates to be implemented at the earliest opportunity, we will make amendments to allow energy performance certificates to be up to 12 months old when the property is put up for sale, extending the current three-month age limit.

Thirdly, we are inviting councils and registered social landlords to work with us to introduce energy performance certificates on a voluntary basis in social housing—for example, at the time of stock transfers. This will also provide work for energy assessors at an early opportunity. I will shortly introduce revised regulations to implement the changes that I have outlined.

Towards the end of the year we will assess the implementation of home information packs and consider what further steps might be needed to maximise the reduction in carbon emissions and drive forward the reform of home buying and selling. This assessment will be informed by the operation of the market from 1 August, by the results of the area trials, and by a further consultation on the next steps in implementing home information packs and energy performance certificates, which we will begin in the summer.

The approach that I have set out gives clarity to everyone about the next steps. It delivers home information packs and energy performance certificates, removes uncertainty for energy assessors and others, and ensures a smooth transition for the people buying and selling their property. Most importantly, it provides an opportunity to make real progress towards cutting carbon emissions from our homes.

Michael Gove (Surrey Heath) (Con): I thank the Secretary of State for her grace and courage in coming to the House to make the statement today. It cannot have been easy announcing a retreat on a policy that she had no part in implementing originally. It is big of her to take the flak.

[Michael Gove]

I also thank the Secretary of State for allowing me sight of her announcement, which I received just 25 minutes ago—clearly this is a day for doing everything at the last minute.

May I ask why, after being warned more than a year ago that they were comprehensively mishandling this issue, Ministers have seen fit to retreat only now with eight days to go before home information packs were due to be implemented? Why did Ministers not take the opportunity that we offered last week to think again? Was it stubborn vanity or sheer incompetence? The Secretary of State may argue that this humiliating climbdown was precipitated by the judgment issued in the High Court today, but that prompts the question that goes to the heart of the matter: why did Ministers find themselves in court in the first place? Why did they press ahead with a scheme that everyone who knows anything about the housing market told them was flawed at the heart?

Those warnings, unlike this climbdown, did not come at the eleventh hour. In this House at this Dispatch Box a year ago, we told the Government that their scheme was flawed. The Government told us that we were scaremongering, but 11 months ago they were compelled to execute the first in a truly embarrassing series of U-turns by dropping the mandatory home condition report, which was the keystone of the original home information pack; just hours after the Minister for Housing and Planning had defended it in this House. However, they were still determined to press ahead after that U-turn. Why did they not take the opportunity to work with us and others to put the stability of the housing market first? Why did Ministers decide to ignore the growing chorus of concern, shut out expert advice and carry on regardless?

On 21 February, all the key stakeholders who were originally invited to help the Government set up the scheme issued a warning letter to the Minister for Housing and Planning asking for an emergency meeting to address fundamental concerns with the scheme. They were not granted the meeting for which they asked: why? In desperation, the same group wrote to the Secretary of State on 2 March asking for a collective emergency meeting. Again, they were snubbed and no collective meeting was granted: why? What explains that refusal to listen to the experts, who were once charged with setting up the policy and whose involvement would be key to implementing it? Was it because this Government could not bear to be told that they were in the wrong, or did they not realise what a mess they were presiding over? Was it deadly arrogance or fatal ignorance? After today's announcement, we know that this lady is for turning.

There are still many unanswered questions. The Government were warned that there were not enough qualified, accredited and certificated home inspectors in place. Over a year ago, I warned that getting those people in place was crucial. Only last week, the Minister for Housing and Planning told us that we had enough people to ensure the smooth operation of the scheme—she told us that everything would be all right on the night. Why did she offer that cavalier assurance, when the Secretary of State has told us that there will not be enough people in place after all? We know that relations between these Ministers are bad, but did the Secretary of State find out only in the past few days how few qualified people are in place? When did she know the real numbers? And why was not the House informed about the truth last week?

How can Ministers ever again ask to be taken seriously on the environment, when they have comprehensively mismanaged a measure that they argued throughout was vital to fighting climate change? Will the Secretary of State also confirm that today's judgment in the High Court underlines what we have argued all along and what best practice in the European Union shows—you do not need home information packs for energy performance certificates? Will she agree to meet me, my colleagues, the Liberal Democrats and everyone with an interest in getting the housing market right to ensure that there is at last some expertise in this process?

Is this not a desperate, last-minute retreat designed to ensure that the Minister for Housing and Planning is airlifted out of this Department by her friends in the Treasury in a future reshuffle, so she does not have to cope with the chaos that she has created? And is it not truly tragic that confidence in the industry, the stability of the housing market and the battle against climate change have all been damaged by this Government's arrogance and incompetence?

Ruth Kelly: I am absolutely delighted to see the hon. Member for Surrey Heath (Michael Gove) enjoying himself and in his place. Indeed, only this morning the right hon. Member for Witney (Mr. Cameron) asked the Conservative party whether it wants to be a serious force for governmental change, or whether it wants to be a right-wing debating society. Today, we have had our answer, and there he is, the honorary president.

The hon. Gentleman asked me to meet him. I would look forward to, and enjoy, meeting him on any occasion to discuss our policy on energy performance certificates or HIPs.

Before I deal with the specific points raised by the thrusting, young, ambitious hon. Member for Surrey Heath, I cannot help but observe that he has clearly thrust aside the hon. Member for Meriden (Mrs. Spelman), who is sitting beside him. Is that because he enjoys debating so much, or is it because the hon. Lady has been barred from addressing the House today because she dared to speak the truth about her party's position on energy performance certificates on television only last week? She said that

"the new feature is having energy performance assessors come round and actually look at how your house is put together...so it's a very intrusive measure."

I fail to see how she can claim to support energy rating of homes if she opposes the idea of people going round to other people's houses to check what their energy ratings are. What does she have in mind—drive-by energy assessors? That does not sound very green to me.

Let me deal with the points made by the hon. Gentleman. He said that we have refused to meet stakeholder groups such as estate agents or the Royal Institution of Chartered Surveyors. I can tell him, and the House, that those groups have had meetings with my hon. Friend the Minister for Housing and Planning. Indeed, I offered to meet the RICS before the introduction of the regulations, but somehow it could not find the time.

The hon. Gentleman asked when I knew about the interim order and the judicial review. Our Department was informed on Thursday, and I was informed later than that, at the weekend. In the past half an hour, we have reached a resolution with the RICS and set out a practical way forward that recognises that 5,000 energy assessors are in training or have already passed their exams. It is clear that lots of people want to be energy assessors, but—perhaps unsurprisingly given the campaign of misinformation from the hon. Gentleman and the threat of judicial review—several of them have adopted a wait-and-see approach instead of paying their final £300 to become accredited. That means that we have certain practical considerations to address. We need to provide certainty for energy assessors. That is why we are delaying the implementation of the proposals but also bringing forward some of our social housing stock, on which EPC assessments can be performed.

Our approach must be based on the two tests that I set out earlier: first, how do we maximise consumer benefit; and, secondly, how do we meet our climate change goals? The package that I have put before the House is a sensible way forward that does both. I should have thought that Members on both sides of the House would agree with WWF and Friends of the Earth that EPCs are

"one of the most important pieces of environmental legislation to affect households in recent years."

I do not think that anyone could say that the package of measures before us today is anything other than a sensible and pragmatic response to the current situation. That is why I welcome the hon. Gentleman's support, look forward to meeting him, and hope that we can now establish a consensus in favour of the proposals.

Mrs. Claire Curtis-Thomas (Crosby) (Lab): I, for one, welcomed HIPs and energy performance certificates, understanding the valuable role that they would play in our efforts to curb climate change. I recognise what my right hon. Friend has done to get a viable solution for this country. She confirmed that the RICS' objections centred on EPCs. We have established that sufficient people are in training to undertake EPC assessments when they are in place. Does she agree that the Opposition's continuous opposition to this measure is very destructive, jeopardises people's employment, and jeopardises the environment?

Ruth Kelly: My hon. Friend has a long-standing interest in such matters. She is absolutely right—we have now proposed a sensible way forward. I ask hon. Members of all parties to welcome the steps that we have taken to come together and ensure the smooth implementation of home information packs and especially energy performance certificates.

Andrew Stunell (Hazel Grove) (LD): Smooth implementation is fine but the Secretary of State might acknowledge that it is a bit of shambles at the moment. Last week, I referred to the scheme as a train crash. Today, the first aid workers are on the scene but many hon. Members do not have much confidence in the doctors and nurses who are ministering to the injured.

Matters first went wrong last July and we were assured that everything would be fixed and ready for this June. It has all gone wrong again. Will the Secretary of State publish the risk assessment for her decision to move the scheme to 1 August? Is she satisfied that the risks inherent in it will be resolved and settled positively before we reach that August date?

Will she confirm that 3,500 transactions will be completed by 1 August? Mr. McDonald from the Department told the House of Lords Select Committee on the Merits of Statutory Instruments that that number was needed before the pilot study could be validated. Is the Secretary of State's choice of 1 August as the new date in any way connected to the fact that it is well beyond the reach of parliamentary scrutiny?

The statement refers to four-bedroom homes. Does the right hon. Lady have a legal definition of a four-bedroom home? How many offices, studies, boxrooms and loft conversions will suddenly crop up? What regulations will she propose? Will she confirm that, according to most people's estimates, the number of homes that she is considering will represent around 10 per cent. of the housing stock? How does the two-month delay and the reduction by 90 per cent. of the number of transactions fit with the capacity of 1,500—it may be 5,000—assessors who will be in the market looking for work at that time?

The Secretary of State referred to stock transfer of local authority housing. I welcome the inclusion of social housing in the scheme. However, to do it at the point of stock transfer, when there may suddenly be 1,000 or 10,000 homes all at once, makes little sense. Will she take a second look at the way in which social housing should be integrated into the scheme?

Is the Secretary of State persuaded that her Department's third attempt under her leadership to deliver the scheme will be any more successful than the other two, or does she take comfort from the thought that, if it is not, a different Minister will have to be held to account?

Ruth Kelly: We chose 1 August because it maximises certainty for energy assessors, delivers on our climate change goals at the earliest opportunity and maximises the benefit for consumers. That is also the reason for our choice of four-bedroom properties—I am happy to work with the hon. Gentleman on a definition, if he wishes; I am sure that a common-sense approach will be adopted. However, I understand that four-bedroom properties represent about 18 per cent. of the market. The assessment is cautious and based on the number of assessors who have already been trained.

To provide assessors with sufficient work or give them greater opportunities for work in the interim period, we will work with social housing providers—both local authority and registered social landlords—to try to bring on stream, through stock transfers or perhaps other measures, enough work to continue to generate additional demand for energy assessors so that they can become available in due course to meet the demands that are placed on them in the home-buying and selling process. That is a sensible way forward, which guarantees that there is work for them to do.

The hon. Gentleman asked for information to be published. I said that we will publish a consultation paper, to which a full regulatory impact assessment will

[Ruth Kelly]

be attached. I am sure that he will take the opportunity to comment on that. However, I hope that he agrees that that is a sensible and pragmatic way forward.

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): National Energy Services, based in my constituency, is one of the major trainers for energy assessors and I have seen the training and work that is done on site. It is quite clear that many assessors have not paid for the final accreditation precisely because of the misinformation and the opportunistic opposition of the Conservative party and the Royal Institution of Chartered Surveyors. What is necessary now so that people who have committed themselves to training as assessors have some certainty of employment is to ensure that there is no further delay beyond what I understand has had to be a pragmatic accommodation between the Secretary of State and the RICS. Has my right hon. Friend received an assurance from the RICS that it will stick to that agreement and not cause further insecurity by backtracking or derailing this measure, which is so important for home owners and for improving the energy efficiency of homes?

Ruth Kelly: I thank my hon. Friend for her comments. As I said, in the last three quarters of an hour we reached a resolution of the judicial case with the RICS. My hon. Friend is absolutely right that we need some certainty in the market to encourage energy assessors to pay their final fees in order to become accredited. I think that everyone can take comfort from the fact that, within less than a week, more than 1,000 extra energy assessors have passed their exams. People are going through training, becoming qualified and passing their exams at a quite dramatic rate. The challenge now is to ensure that they have the time to become properly accredited and that there is then work for them to do. That is why we are taking this sensible and measured approach.

Sir Patrick Cormack (South Staffordshire) (Con): In recognising this as the Government's second great triumph over the previous week, may I ask whether the Secretary of State will give the House an assurance that she will not seek to recruit assessors from the ranks of junior doctors?

Ruth Kelly: I always enjoy the hon. Gentleman's wit. He makes his point in his own way, but the fact is that we have to provide as much certainty as possible for energy assessors while ensuring that we meet our climate change goals and maximise benefits for consumers. I believe that I have set out a sensible way forward on that.

Mary Creagh (Wakefield) (Lab): May I express the disappointment of, I am sure, the whole House that lawyers have interfered with the democratic will of the people? In areas such as Wakefield, where many houses were traditionally reliant on coal-fired fuel, estate agents have welcomed HIPs and have advertised their services in the *Wakefield Express*. People will feel very cheated by this latest delay. Does my right hon. Friend agree that, in areas such as mine, where people are heating water with very inefficient back boilers or heating their homes through often dodgy flues, energy performance certificates have the potential to reduce the number of accidents and the number of people dying of carbon monoxide poisoning or from scalds?

Ruth Kelly: I know that my hon. Friend has championed the cause of safety in the home ever since she became a Member of this House. I give her credit for doing so. She is right that many estate agents up and down the country have been implementing systems to bring in HIPs and energy performance certificates at the beginning of June. No doubt they will be disappointed by today's news. The fact is that we have to minimise the risks and ensure that we sensibly introduce measures that provide some work for energy assessors, continue to build the market and inject a greater degree of confidence in the system.

Justine Greening (Putney) (Con): May I ask the Secretary of State about a three-bedroom house for which a planning application has already been made for a third bedroom—*[Interruption.]*

Stephen Pound (Ealing, North) (Lab): Four.

Justine Greening: Sorry, I mean a three-bedroom house where a planning application has been granted for a fourth bedroom. When a home information pack has been commissioned for a four-bedroom house, but it is not received by the time of exchange, will the purchasers be allowed to go ahead?

Ruth Kelly: The hon. Lady clearly wants to become involved and help us with the definition of a four-bedroom property. Trading standards, which will enforce the regulations, will take a common-sense approach. I have outlined an approach whereby a potential seller who has commissioned an energy performance certificate and has it in place at the point of exchange will be able to proceed with the sale of the property.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): Last week, I was in favour of the principle of energy performance certificates and of the principle of changing the way we buy and sell houses in this country. I am still in favour of those principles. I recognise that my right hon. Friend has found it necessary to make some changes and postponements today, but I greatly welcome the idea of rolling out energy performance certificates for social housing, which could help some of the poorest families in our community. Does she agree that, however regrettable the resistance of the RICS to energy performance certificates on this occasion, it is nothing compared to the double standards of Conservative Members who want to vote blue and talk green only if no effective action follows?

Ruth Kelly: I welcome my hon. Friend's support. I am absolutely clear that energy performance certificates and home information packs have an important role to play, and everyone should take the opportunity today to back those principles. Faced with tough decisions on tackling climate change, the hon. Member for Surrey Heath and his party duck the challenge at every opportunity. Today is yet another example of their failure to live up to their slogans.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): The Secretary of State has told us that there are only 520 fully accredited inspectors, and that that number is inadequate to implement the regulations on 1 June. That was also true last week. Why were we not told that in last week's debate on this matter? Why were we told last week that, on the contrary, there were sufficient inspectors? That was not true. I would have thought that this was a resigning issue.

Ruth Kelly: The right hon. and learned Gentleman is not right. The House was told the appropriate number of energy assessors—the number who had passed their qualifications and who intended to start work. Since those figures were given to the House, the number of energy assessors who have completed their training and passed their exams has risen by a further 1,000. We only need 2,000 in place at the beginning of the process. There is clearly sufficient demand, but there is also uncertainty about whether to pay the accreditation fees. The package that I have put before the House today is designed to give that extra certainty.

Andrew Miller (Ellesmere Port and Neston) (Lab): I understand why my right hon. Friend has had to make this statement today, but I have to say that I am deeply disappointed. In my constituency—where there is not 18 per cent. of four-bedroomed houses—270 people are working for a specialist company providing HIPs. As a result of the action of the RICS and the support of the Conservative party, there is a risk that they will be put out of work. When laying the necessary orders, will my right hon. Friend take into account the needs of the people working for those specialist companies so that they do not suffer unemployment as a result of the Tories' actions?

Ruth Kelly: I certainly will. I have been very concerned about the impact on individual energy assessors, who have parted with good money—their own money—to be trained and who intend to work to provide valuable energy certificates for my hon. Friend's constituents and others. That is why we intend to introduce the full scheme at the earliest opportunity and why we are bringing forward work in the social housing sector. That will not only help us to meet our climate change goals, but provide additional work for energy assessors.

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): The right hon. Lady has come here to make a statement about problems that she has now resolved. She has been asked a simple question about the definition of four-bedroom and three-bedroom houses. Let me remind her that only one group is lower in public opinion than we are: the estate agents who will now be responsible for this provision. She knows very well that people will be able, quite happily, to take one of their four bedrooms and turn it into a boxroom, creating a three-bedroom house. There is no way that she can define that in any legal sense. This is a thoroughgoing disaster. Why does she not drop it and start again?

Ruth Kelly: It is pretty clear to me that if a house owner has applied for planning permission for a fourth bedroom, it must be a three-bedroom house. It is pretty hard to carry out an energy performance assessment on an extension that has not yet been built. This just serves to prove that a common-sense approach will be adopted by the trading standards officers who will have to enforce our policy.

Tom Levitt (High Peak) (Lab): I hesitate to use words such as "capitalism" in this place, but is it not a prime example of the wasteful nature of market forces to insist on a situation in which the same survey is carried out time after time on the same property by different purchasers? This process is designed to end that practice, which the Conservatives and their lawyer friends are trying to keep going. It is essential that we get the process back on the road and ensure that the careers of people such as my constituents who have committed themselves to becoming inspectors are protected, preserved and enhanced. They will not be impressed by the hilarity on the Conservative Benches this afternoon.

Ruth Kelly: My hon. Friend has made an extremely good point. Home information packs are incredibly important to the transformation of the home buying and selling process, which has not changed for a great many years. It is right for us to provide information up front, in as successful a form as possible, for purchasers before they enter into protracted legal negotiations.

Mr. Mark Prisk (Hertford and Stortford) (Con): Last week, the Minister for Housing and Planning told the House that there were more than enough energy assessors and that she had every confidence that the scheme could go ahead on 1 June. More important, she told the House that the RICS judicial review was "completely groundless", as can be seen in column 643 of *Hansard*. Why is the Secretary of State having to cover for the incompetence and arrogance of a Minister who is not doing her job sufficiently well?

Ruth Kelly: My hon. Friend the Minister spelled out the position to the House. She outlined the numbers of those in training and those who had passed their exams. In fact, since then the number who have passed their exams has increased by 1,000.

Mr. Prisk: In six days?

Ruth Kelly: In six days. The figures are changing rapidly as more and more energy assessors pass their exams, gain their qualifications and pay their dues to become fully accredited. However, they clearly need enough certainty in the system to part with the final £300, and we are not providing that certainty.

Kate Hoey (Vauxhall) (Lab): The Secretary of State must know that the vast majority of the public want to make their homes more energy efficient, but does she really believe that this bureaucratic and expensive measure is the best way of achieving that? Given all the problems and all the retreats, is it not time to get everyone around the table to think about what is in the best interests not just of energy efficiency and climate change, but of the public?

Ruth Kelly: No doubt my hon. Friend will contribute her views to the consultation that we are organising. The results of the area trials, which are continuing, and wider consultation with the public show a clear need to provide clarity and transparency in the home buying

[Ruth Kelly]

and selling process. The purpose of home information packs is to deliver more transparency and information at the beginning of the process of purchasing a house, rather than waiting until the end of the process to provide that vital information. I consider that to be a common-sense change.

Mr. John Redwood (Wokingham) (Con): Does the Secretary of State not understand that vendors do not want to incur what is effectively a tax on their transaction before they have gained any money from the sale that they are trying to carry out? Does she not understand that when in a hole one should stop digging, and that it is not a good idea to go against the wishes of the many people who would like to sell their houses or flats in the normal way without Government interference and an effective tax?

Ruth Kelly: I can only conclude from his comments that the right hon. Gentleman does not support energy performance certificates, which are the only new documents in the home information packs.

Mr. Redwood: I would support voluntary certificates, but not mandatory ones.

Mr. Redwood: I hear the right hon. Gentleman say, from a sedentary position, that he does not support mandatory energy performance certificates. Is that the view of his party's Front Bench? If it is, I suggest—

Mr. Speaker: Order! It is not for the Secretary of State to ask the questions.

Mr. Andrew Mackay (Bracknell) (Con): What discussions has the Secretary of State had with the Chancellor of the Exchequer? This delay is clearly hugely to his advantage, because it will give him the opportunity to knock home information packs on the head when he becomes Prime Minister and, hopefully—for him—not to lose quite so many votes at the next general election.

Ruth Kelly: The Chancellor of the Exchequer has made his absolute commitment to the policy completely clear.

Tony Baldry (Banbury) (Con): I understand that the RICS has not agreed to much of what the Secretary of State has said and that the court decision has been stayed, not withdrawn.

As the Secretary of State will know, for many weeks I have been asking a named-day question about the number of accredited domestic energy assessors. Week after week, the Minister for Housing and Planning has replied, "I will answer shortly." The Department chose to answer the question in that way for one of two reasons. Either it knew that it did not have sufficient accredited domestic energy assessors, which would be negligent, or it did not know how many it had, which would be incompetent. Which was it, negligence or incompetence?

Ruth Kelly: As a result of my comments today, the hon. Gentleman will be aware that the figures are changing rapidly. I will put a full set of figures before the House today—I will place a copy in the Library—and I will also make sure that his parliamentary questions are fully answered.

I have come to this House to be as open and transparent as possible. It is clear from the figures that I have presented today that a huge number of people want to become trained energy assessors. However, it is also clear that many of them feel worried about paying their accreditation fees because of the uncertainty that has been hanging over the process. The way ahead that I have set out today is designed to resolve that uncertainty.

Adam Afriyie (Windsor) (Con): I listened to the statement with great interest and it seemed to me to be bizarre and surreal. Among those blamed were solicitors, the market and the Opposition. Do the Secretary of State and her Ministers accept any responsibility for the situation in which they find themselves? If they do not, I suspect from the tone of the debate that the House will soon be roofless.

Ruth Kelly: Our policy is the right one: there should be up-front information for the consumer and we should introduce energy performance certificates to try to meet our climate change goal. However, the uncertainty created by the campaign of misinformation led by the hon. Member for Surrey Heath, combined with the threat of judicial review, has led in the final weeks to not enough energy assessors paying their dues. I have come to the House to put that right.

Remploy

4.11 pm

The Secretary of State for Work and Pensions (Mr. John Hutton): I wish to make a statement on the modernisation proposals announced by Remploy earlier today. Remploy was established after the second world war to support injured servicemen and women to progress into mainstream employment. Today, Remploy factories employ about 5,000 disabled people across a range of sectors, from office furniture to electronics. Despite profound shifts in our economy over the past 60 years, there has been relatively little change in the nature of Remploy factories. However, the combination of new technology and the most far-reaching programme of disability rights legislation in Europe is creating new opportunities for disabled people in mainstream employment.

In 2005, a National Audit Office report argued that

"most of the businesses—particularly those in more traditional manufacturing and factory settings—are not currently sustainable in economic terms and are unlikely to become so in the future."

The NAO also found that Remploy Interwork, which places people primarily in outside employment, appears to offer a more cost-effective service and accounts for three-quarters of all progressions to unsupported employment. The report stated that

"there remains substantial advantage in expanding this area of provision further, both in terms of reduced costs and the number of individuals who can be helped."

Following the publication of the NAO report, in March 2006 I commissioned PricewaterhouseCoopers and Stephen Duckworth to conduct a strategic review of future business options for the company. The report set out a range of scenarios for the business, from no change to complete closure of the factory network. I explicitly ruled out both of those options. In responding to the report last July, I said that I was willing to invest more in Remploy, but on the basis of reform, to help more disabled people and to provide better value for the taxpayer.

The average subsidy for a Remploy factory worker is about £20,000 per year, which is substantially more than the subsidy available under my Department's Workstep programme, and also far greater than the £5,300 average one-off cost of getting someone into a mainstream job through Remploy's work placement arm. Last year, Remploy placed 5,200 people into mainstream employment, thereby outstripping for the first time the number employed in its factory network. Last July, I set out a five-year funding envelope for the company, maintaining baseline funding of £111 million per year to give it stability, and asked its board to bring forward a restructuring plan to modernise the business to support substantially larger numbers of disabled people into work. I also made it clear that any such proposals must fully and fairly protect Remploy's disabled employees from compulsory redundancy.

After extensive consultation with the representatives of the work force, Remploy has today produced its proposals. There are five core components. First, and most importantly, the company aims to quadruple mainstream job entries to 20,000 a year over the next five years, helping more disabled people gain sustainable employment. Secondly, it is planning significantly to decrease management overheads by £49 million over the next five years. Thirdly, it proposes the closure of 32 of the existing 83 factories, with a further 11 factories to transfer employees to neighbouring sites. Fourthly, the company has again confirmed that there will be no compulsory redundancies for disabled employees. And fifthly, a comprehensive support package will help employees through the transition. That latter step will ensure that all disabled employees continue to enjoy their current terms and conditions, including their membership of Remploy's final salary pension scheme, should they decide to take employment outside of Remploy. The company is now beginning a formal consultation with its trade unions and employees, as well as preparing a disability impact assessment as part of its disability equality duty obligations.

I understand the concerns that the proposals will raise for some of Remploy's employees. It is important that employees, and the trade unions representing them, are now given the time and space to respond to the consultation. Support and guidance is being made available for all Remploy staff through the factory network today and throughout the consultation period. That will include the option of counselling and advice from an independent organisation. I recognise that many hon. Members in the House today will have Remploy factories in their constituencies. I want Members to be fully involved in the consultation process and I will make sure that that happens. I understand that the Remploy chairman has already briefed Members earlier today.

I expect to receive the company's final proposals later this year. No decision on the future of the company will take place until then. Once final proposals have been submitted, I will consider whether we are able to offer the company additional funding to facilitate modernisation beyond the £555 million already pledged.

Reform of Remploy is about extending opportunity to disabled people. It is about the fundamental principle that disabled people should have the opportunity to work in mainstream employment, but that a sheltered environment should also be provided where that is the best option. As six of the biggest organisations representing disabled people made clear last week in a letter to *The Guardian*:

"The minute you assume someone cannot work in the outside world you will certainly ensure they don't. Disabled people want to work in ordinary places doing ordinary jobs. It is a matter of human rights."

Increasing employment opportunities for disabled people and ensuring Remploy's duty of care to its staff are the two fundamental tests against which Ministers will ultimately assess Remploy's proposals.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): I thank the Secretary of State for an important statement on the closure of 43 factories employing some of the most vulnerable workers in the country. As he reminded us, Remploy was set up at the end of the second world war, primarily to provide meaningful and productive work for people who suffered tragic disabilities as a result of the war. It provided great service during the post-war period and continues to do so today.

[Mr. Philip Hammond]

Remploy also has a proud history of adjusting to and moving with the times. Initially set up as a factory network, Remploy has been able to adjust to the decline in UK manufacturing and expand into the service sector, setting up businesses where there was demand at the time. As the nature of the disabilities people face has changed, and the expectations of disabled people and the society around them have also changed—with more focus on creating opportunities for disabled people and a wider acceptance of disability and the contribution that disabled people can make across society—Remploy has once again moved with the times, expanding its operations to help individuals find work in businesses outside its own factories and workshops. As the Secretary of State said, it is now placing as many people each year in work outside the organisation as it employs itself.

In the face of the rising costs of maintaining the Remploy network and the increasing challenges of the global economy, coupled with the changing needs of disabled people, the time is now right for another evolution of Remploy. My party supports the principle of reform that the proposals that the Secretary of State spoke about embrace, and we support the goal of greater levels of inclusion of disabled people in mainstream employment. We shall take a close interest in the consultation process that now follows but, as the Secretary of State would expect, we have a number of specific concerns. They relate not to the objective but to the transitional process and to the impact on individuals, many of whom will have worked for Remploy all their adult lives.

The Secretary of State's statement did not say so explicitly, but the one made earlier by Remploy makes it clear that the proposal will entail 2,270 disabled employees being transferred out of the company's employment. How many of them are over 50, and thus within 15 years of normal retirement age? How many are people whose primary disability is a mental health problem or a learning disability, and what special provision is envisaged for the more challenging retraining requirements that that group is likely to have? What will be the total retraining and job placement budget for dealing with those 2,270 people? Does he have any plans to make special provision for proposed closures in areas with significantly above average unemployment, such as Leicester, where it might be expected that the challenge of retraining Remploy employees and placing them in mainstream employment will be greater?

We recognise the need for Remploy to shift its focus as the world about it changes. Work in a sheltered factory is no longer a financially viable option, nor is it the most socially desirable outcome for many disabled people entering the work force. However, moving on, retraining and facing a new and unfamiliar environment is a challenging prospect for anyone, and it will be especially so for some of the employees of Remploy. We fervently hope that the process will be successful, but what is the Secretary of State's plan B if it proves impossible to place some existing Remploy employees in mainstream employment? Does he have one? Has Remploy had discussions with the voluntary and social enterprise sectors to examine the possibility of alternative work placements for the—hopefully—very small number who cannot be placed successfully in mainstream employment?

Work works, as the Secretary of State frequently reminds us, and over the years the 2,270 Remploy workers have benefited from the dignity of being engaged in productive employment. The worst possible outcome of the changes that we are discussing today would be for some of them to be left high and dry without work. I accept that they will still have their salaries and other support mechanisms, but it would be very unsatisfactory if they were left without work and the self-respect that it brings.

Finally, is today's announcement the full agenda, or is it the first step in a longer-term programme? How secure are the jobs in the remaining 40 Remploy factories? Does the Secretary of State envisage that they will continue indefinitely as they are now, or is the outplacement of those employees also the ultimate objective?

Mr. Hutton: I very much welcome the hon. Gentleman's support in principle for what Remploy is trying to do. That will be very welcome to the company.

The hon. Gentleman asked a number of specific questions. I shall try to answer most of them now, and I will correspond with him about the rest. I think that he asked me about the number of employees over 60—

Mr. Hammond: Over 50.

Mr. Hutton: In that case, I must have misheard the hon. Gentleman. However, I have the figures for the number of Remploy employees over 60, and can tell him that there are 650 in that category. I will get the figure for the numbers aged over 50.

It is true that many of those who will be caught up in the changes will be learning disabled. I think that the majority of disabled people now supported by Remploy are in that category. I have no doubt that the company's experience in the field and willingness and ability to work with others mean that it will do all it can to help those people to find alternative work.

The hon. Gentleman made an important point about factories in areas of high unemployment such as Leicester. The Remploy board has made it clear today that its final proposals—and I remind the House that there are no final proposals before Ministers yet—will have to take local labour market conditions fully into account. That was one of the factors the company took into account when drawing up the proposed sites that may be affected by the closure programme, but it will certainly reflect on the matter.

I certainly agree with the hon. Gentleman about the importance of work. It is important that Members appreciate that no disabled person will lose the prospect of employment through these plans. As he said, about 2,300 disabled people will be affected by the proposals and the company has guaranteed that every person who wants to continue employment will be found alternative work, whether within the Remploy family, in sheltered employment environments or in mainstream employment. Again, I make it clear that there will be no compulsory redundancies.

The hon. Gentleman, like me, referred to the support package on offer from the company. The support package is unprecedented; it is not TUPE—and, indeed, goes significantly beyond TUPE, especially in relation to continued membership of the final salary pension scheme, which will be important if the changes are to be made in an appropriate and sensitive way, as they must be.

Finally, the hon. Gentleman asked about the remaining factories in the Remploy network. As yet, there are no final proposals before Ministers, but the view of the company and the board is that the plans, subject to the outcome of the consultation, offer the company the best prospect of securing sustainable, long-term employment for the Remploy factory network. It is true, as I am afraid I have to say clearly today, that there can be no 100 per cent. guarantee for the indefinite future—that is no longer the world in which we live—but I strongly believe that, subject to the outcome of consultation on the final proposals, the generally accepted view is that the right way forward will consist of those types of change. That is the best way to offer the prospect of secure long-term employment for the remaining employees of Remploy.

Helen Goodman (Bishop Auckland) (Lab): My constituents in the Remploy factory at Spennymoor will be disappointed by the Secretary of State's announcement. He put great emphasis on the National Audit Office report, but is he aware of the comments of the Public Accounts Committee, which usually toughens up NAO reports? The PAC noted:

"A highly supportive environment is the only appropriate option for some people and Remploy has provided unique opportunities for thousands over many years. The current review of Remploy should safeguard this achievement."

The closure of factories in Hartlepool, Stockton and Spennymoor will remove those possibilities in a significant area of the north-east.

Mr. Hutton: I fully understand that my hon. Friend's constituents will be disappointed by the announcement today. What we and the company are trying to do is to strike the right balance between making sure that the business has a sustainable, long-term future and providing a range of choices to disabled people so that they can find secure, meaningful employment. I believe strongly that part of the range of options that should be available to disabled people will include sheltered employment. We are not removing that option. Remploy has an established network of sheltered employment environments, which will continue to operate, and the company will continue to work with a range of local partners, including local authorities, to find alternative sheltered employment where that is appropriate. I repeat that Remploy staff who choose to move to those new working environments will continue to draw down their existing Remploy terms and conditions package, including membership of the final salary pension scheme. We are trying hard to be fair in the circumstances. We are not saying that there is no role for sheltered employment; we are saying that we have to find a different balance between mainstream and sheltered employment.

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): I am grateful to the Secretary of State for his statement and for advance notice of it.

In principle, promoting mainstream employment must be the right approach to deliver independent living, and Remploy is to be congratulated on the success of its programmes to get people into mainstream employment. Expanding such schemes is both necessary and appropriate and I particularly welcome the consultation that will take place.

Nevertheless, today's statement will have a deeply unsettling effect on the Remploy work force, some of whom I met in Halifax yesterday. Can the Minister confirm that half of all Remploy factories will be affected in some way by the initial proposals announced today? Can he explain why there was such a long period of uncertainty before the announcement was made, which added to the stress on many of the employees waiting for the announcement?

The Government owe a duty of care to the individuals involved, and their interests must be at the forefront of our minds today. Over what period does the Secretary of State expect the closure programme to be phased in? How long will the affected individuals have to find alternative employment? Perhaps he could also say a little more about the assistance that will be offered to those people. Is he satisfied that the programme announced today and the plans for the workers from now on are consistent with Remploy's disability equality duty?

Today's announcement cannot be isolated from the Government's wider policies for helping disabled people into work. If Remploy is to redirect its resources, the Government need to do the same. Is the Secretary of State willing to provide additional support for Remploy, if necessary, to meet its target of getting 20,000 additional disabled people into work every year through its mainstream employment programmes? In the same vein, has the Minister been able to find the additional resources needed to roll out the pathways to work programme appropriately, and has he been able to persuade the Treasury to accept the new funding mechanism, proposed by David Freud, which would allow additional resources to be invested in the area?

What steps are the Government taking to increase employer engagement in order to help disabled people into work, and what steps are they taking to tackle prejudice and promote the benefits of employing disabled people and those with mental health conditions? The Government have a responsibility to expand dramatically the efforts to help all disabled people into work. They need to do so to ensure that all disabled people, including Remploy employees, have the fair opportunities to work that they deserve and that they have every right to expect.

Mr. Hutton: Again, I welcome the hon. Gentleman's general support. It is true that half the factory network will be affected by the proposals. He asked why it took so long for the proposals to come through, following the publication of the reports last summer. The company has been working on the schemes, and of course a new chairman was appointed at the beginning of the year. It was quite right and proper for Ian Russell to take time to cast his eyes over the plans to make sure that they are appropriate and take the company in the right direction.

[Mr. Hutton]

The hon. Gentleman asked me about the time scale for the programme. I remind him, and the House, that there are no final proposals yet. We will not know the time scale until we see the final proposals from the company and Ministers have made a decision. Clearly, the consultation period will last for the appropriate time—90 days. The company will then need to reflect on that and bring forward its final proposals, which will be done before the end of the year.

I accept that Remploy is bound by the disability equality duty. That is clearly a statutory obligation on the company and it will discharge that—it has no alternative. I agree with the hon. Gentleman that Remploy has a clear and specific duty of care towards its employees and that it must discharge that duty. I will make sure—as I am sure will hon. Members—that that duty of care is properly discharged.

The hon. Gentleman asked whether there would be additional support on top of the £555 million that we have committed to Remploy. I have made it clear that I am prepared to consider putting additional resources in on top of the more than £500 million currently available to Remploy, if that is necessary to support the transition programme.

The hon. Gentleman asked me about the Freud report. A response to that will be made later this year. Finally, in response to his point about pathways, my view is that pathways is being properly funded and that the Government are making significant additional resources available to help people who have a disability to find employment. That is right and proper.

Ann Clwyd (Cynon Valley) (Lab): Many of us will want to suspend judgment until we have had an opportunity to look at the proposals in more detail. I would just say to my right hon. Friend that when I spoke to workers at the plant this afternoon they said that they were devastated and gutted by the news that the factory in Aberdare was to close. Only last week—this underlines the sensitivity with which these matters are handled—they were given a report that said that all their targets had been met. As a result, they had expectations that their factory was going to remain open. It is a great disappointment to them that it is not. They also raised the question of outsourcing. If Remploy claims that some factories are unprofitable, why does it outsource some of its work to India and China? I know that my right hon. Friend has dealt with this matter by fully consulting Members of Parliament. Nevertheless, when such a decision is made, it is a considerable body blow to the areas concerned.

Mr. Hutton: I fully accept the points that my right hon. Friend powerfully makes. If a factory is in danger of closing, clearly we can all understand the concern that employees will feel, especially in an organisation such as Remploy. However, we simply cannot ignore the fact that the world is changing. We expect Remploy to discharge a very simple and clear responsibility as the transition is managed. As I have said, it is my duty first and foremost to ensure that Remploy handles this in the appropriate way—and I have no doubt at all that it will do so. We must think ahead and consider how we can help more disabled people to get into mainstream employment than at present. The prospect of quadrupling the number of disabled people who get jobs in mainstream employment is a prize well worth reaching for. I repeat that we, and the company, will behave properly and fairly when dealing with the challenge. If the work force at Aberdare feel that they have been misled by the company in any way, I very much regret that.

Annette Brooke (Mid-Dorset and North Poole) (LD): Can I be assured that the board will consider wider strategic solutions to help it to achieve all its aims? For example, in Poole, Dorset, there is a real opportunity to manage the transition of the factory while setting up a centre of excellence for the training of people with disabilities, which would obviously serve the whole of Dorset, bearing in mind the distance from the Poole site to any other Remploy factory in this country.

Mr. Hutton: Yes, I think that the consultation will be full and open. Members can put forward views and I am sure that the work force at Poole will put forward views about the future of their place of work. The company made it clear today that every serious proposal will be studied and examined carefully.

Roger Berry (Kingswood) (Lab): I understand the cause of the concerns that have been expressed, but I welcome the principles behind my right hon. Friend's statement. Does he agree that Remploy's objectives must be to offer the widest choice of employment opportunities for disabled people, to ensure that it can secure the maximum number of jobs for disabled people, and that the largest possible number of disabled people should be employed in mainstream employment, when that is what they wish? Will he assure me that during the consultation process, everything will be done to ensure that the views of disabled people and their organisations are clearly sought and acted on?

Mr. Hutton: I am grateful to my hon. Friend for his opening remarks. I can certainly give him the assurance that he seeks.

Stewart Hosie (Dundee, East) (SNP): A number of my constituents were deeply anxious about the threats to the factory in Dundee, which I understand has been saved. That is welcome. The factory lies in the Dundee, West constituency, so I will leave the hon. Member for Dundee, West (Mr. McGovern) to say more about it.

In general terms, I welcome what the Secretary of State said in his statement, especially regarding the fact that there will be no compulsory redundancies for employees with disabilities, and that they will keep their final salary pension scheme. What guarantees can he offer to the non-disabled employees, especially with regard to their final salary pension scheme? Will he guarantee that if the factories that might close are sold, any receipts will go back into the business, or will be used to help people with disabilities into mainstream or sheltered work, rather than being grabbed by his Department or the Treasury?

Mr. Hutton: We have no plans to grab any money in the way that the hon. Gentleman suggests. This exercise is not designed to reduce spending; quite the opposite. As I said earlier, I am prepared to invest more in the

business to give disabled people the prospects and choices to which my hon. Friend the Member for Kingswood (Roger Berry) referred.

I welcome the general support of the hon. Member for Dundee, East (Stewart Hosie) for the package that has been made available to disabled employees. Of course the accrued entitlements of Remploy's able-bodied employees under the final salary pension scheme will be fully observed by the company. However, the same offer could not be made to able-bodied employees as has been made by the company to its disabled employees. The company has made the choice—the right one, I think—that the proper and effective way to discharge its responsibilities and duty of care is the one that it has outlined today. That is the right way forward.

Angela Eagle (Wallasey) (Lab): I too welcome in principle the move, which has to be right, of those with disabilities into mainstream employment—but the Central Cutting unit at Birkenhead, which is to be merged, where I have constituents working, is devastated by the news today. Can my right hon. Friend confirm on the record once more what we were told in a briefing earlier by the chairman of the company: that all the existing work force will be guaranteed their terms and conditions, and access to the pension fund, and that level of support in any employment that they undertake in the future, for the whole of their employment life? "For life" was what the chair said to us when we met him earlier today. Can my right hon. Friend confirm that that is indeed the case?

Mr. Hutton: I am grateful to my hon. Friend. I want to emphasise two things. She referred to the Remploy factory in her constituency merging. That is the proposal; a final set of decisions has not yet been made by the company's board, and that will not happen until later this year. There is therefore the opportunity for her constituents and herself to be involved in helping to shape the final proposals that the board bring forward to Ministers. I am very happy to make it absolutely clear again that what the chairman of Remploy, Ian Russell, said today is the company's position—that there is an absolute guarantee along the lines that he indicated to my hon. Friend earlier in the day, and that that undertaking will be honoured.

Mr. Dennis Skinner (Bolsover) (Lab): The Secretary of State has used the words "sensitive" and "sensitivity" several times, and the company has been careful to try to get that message across. Will he continue that theme, bearing in mind that there are quite a number of these closures in the old pit areas, where unemployment is still a problem? There is one in my constituency, there is also one five miles away in Mansfield, and there was a closure a few years ago nearby. So will the Secretary of State look sensitively at that, as the operation has not been completed? And will he not keep referring to that £20,000 cost for each Remploy employee, because there are a lot of people in Britain that cost £20,000 to employ? In fact, there are some down in the sheltered accommodation at Buckingham palace who would all be put out to grass.

Mr. Hutton: In relation to my hon. Friend's most important point, I reassure him that the company has already looked at those issues very carefully, and it will have to take them into account in making its final proposals. There is one overwhelming obligation now; that is clear from what the chairman of Remploy said today. The company must honour the guarantee of no compulsory redundancies. If that cannot be done for the list of factories currently scheduled for closure, the company will have to come forward with alternative proposals. I hope that my hon. Friend will not mind if I do not get drawn on the last point that he made.

Mr. Chris Mullin (Sunderland, South) (Lab): I think that we will all agree that what my right hon. Friend proposes is sensible in theory, but we will all take a close interest in how it works in practice. I was glad to hear him say repeatedly that he would take account of local economic conditions—although when we hear that factories in, for example, Aberdare are to close, we do wonder how far they have been taken into account.

Is not the danger that when we help people into mainstream employment, they will remain in it for as long as the subsidy to the employer continues, and as soon as that subsidy ceases they will not be in it any more? Does my right hon. Friend have any long-term research on how long people who have already been helped into jobs have remained in them?

Mr. Hutton: I shall certainly make available all the research information that the Department currently has. The guarantee from the company is to support employment for the rest of a person's working life. It is inevitable, I suspect, that there will be occasions when a period of mainstream employment may come to an end, but the company's job and obligation there is to help the person find alternative work, and throughout that time that person will be employed by Remploy, on Remploy terms and conditions. I genuinely think that that is a very extensive offer of help and support.

I agree with my hon. Friend in one very important respect: I think we should all reserve our judgment until the final proposals have come through. I am willing and available, as is the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Stirling (Mrs. McGuire), who is the Minister with responsibility for disabled people, to meet any hon. Member to discuss their concerns and how we can best take forward this sensitive matter, which is important to all of us.

Mrs. Linda Riordan (Halifax) (Lab/Co-op): I was at the Halifax factory yesterday morning, and I am disappointed and angry at the news today, especially for the dedicated and hard-working staff there. Will the Secretary of State outline to the House why the Halifax factory has merited the proposed closure? What will be done to find suitable alternative employment for the staff, particularly considering the area we are in, and the proposed closure of the two Remploy factories nearest to Halifax—those in Barnsley and Bradford?

Mr. Hutton: Again, I understand my hon. Friend's point, but I want to make something clear to her. She has, I think, assumed—wrongly—that the Halifax factory is going to close, but whether that is so will be clear only when the final proposals have come through. If she and her constituents believe that there are strong

[Mr. Hutton]

arguments against the closure of the Halifax factory, I know that the board of Remploy will fully consider them.

Clive Efford (Eltham) (Lab): May I stress to my right hon. Friend the Secretary of State that the consultation must be genuine? I cannot imagine how the workers at my local factory must be feeling, having heard the recommendation that their workplace should close. My concern is that the recommendations are being made before Remploy has had the opportunity to prove that it can find places in mainstream workplaces for current Remploy employees. I think that that will be an extremely difficult task.

May I suggest that there is a way forward that has not been put forward by Remploy or been considered in enough detail? It is that Remploy factories could provide a training base—a stepping stone—for people with disabilities who are trying to go back into mainstream work. Although it is important that people have dignity in the workplace and should be supported in mainstream employment, there is undoubtedly an element of the Remploy work force that cannot be employed in any other setting. Getting rid of these unique workplaces, where people can have dignity and be safely employed, will be a retrograde step. We will not be able to recreate them. We need to consider innovative ways to use Remploy factories in a new form, to meet all the needs of the work force for whom we are trying to provide a service.

Mr. Hutton: My hon. Friend's last point has not been discounted by the company. I think it remains very much one of the options. I am sure that he and others will put that case to the Remploy board in the next three months or so, and I am prepared to act as interlocutor on his behalf if he feels that that would be helpful.

On my hon. Friend's first question—about whether we should be confident of our ability to find alternative employment—it is worth reminding ourselves that Remploy currently has 1,500 vacancies on its books to help disabled people to get employment in mainstream employment situations. We are therefore entitled to be reasonably confident that we will be able to provide alternative employment. However, I accept absolutely—it is baked into the Remploy proposals—the need for sheltered employment in future. No one is proposing that disabled people should have no choice. The express purpose of the reforms is to give disabled people more choice.

Mr. Doug Henderson (Newcastle upon Tyne, North) (Lab): My right hon. Friend will know that the trade unions have been calling for diversification and change in Remploy, because they could see what was coming. It seems to me that they have shown a lot more perspicacity than, historically, the management of Remploy have shown. If this is solely in the hands of Remploy, I have no great confidence that a plan will be brought forward in the consultation that will lead to security of employment in future. I think that a fund for change and modernisation is available. Is my right hon. Friend prepared to use that fund during the consultation period to explore the possibilities of establishing new employers with new products and new marketing schemes that could provide better long-term stable employment for those people, still secured under the terms and conditions that are broadly available at Remploy?

Mr. Hutton: I did indicate in my statement that we were prepared to put additional resources into the business if that would help to sustain the factory network, or in fact the company, in future. As for my hon. Friend's point about the board, there is a new chairman who has handled himself exceptionally well in the last few months, and who has begun to build good relationships with the work force and the trade unions. Notwithstanding the disappointment that many will feel, now that there is a plan, it is important that we take advantage of it to help to shape and mould the company, so that it can help to meet the priorities that he and I share. Those priorities are the need to provide choice, opportunities, and the dignity of proper, effective, meaningful employment for more disabled people. We will not be able to do that without reform. I do not believe that we can do all the things that he and I want to do if we simply carry on as we are. That would let down many disabled people in the long term, and it would not give disabled people and their families some of the things that he and I want for them.

Mr. Denis Murphy (Wansbeck) (Lab): May I first express my serious concern about the proposed closure of the Ashington factory in my constituency, which is at the heart of one of the areas of greatest unemployment in Northumberland? Indeed, the Remploy factory is the only factory in Northumberland. The work force were informed of the closure; they were told that the factory would close by the end of the year, and that is contrary to the spirit in which my right hon. Friend made his statement. Will he comment on that, and on the statement made today by Ian Russell, the chairman of Remploy, who said that no factory would close until suitable alternative employment was found for all those affected?

Mr. Hutton: I cannot explain how it came about that my hon. Friend's constituents were told what they were told. Clearly, it is flatly contradicted by what the chairman of Remploy said. I simply urge my hon. Friend's constituents to listen to the chairman of the board, and not to what they have been told by others.

Andrew Gwynne (Denton and Reddish) (Lab): Seventy-seven people are employed at the Remploy factory in Stockport, which is based in Heaton Chapel in my constituency, and 74 of them are disabled. They will be offered opportunities for employment at the Oldham Remploy factory, but will my right hon. Friend explain how they will be offered support in accessing those job opportunities, as that is obviously crucial to them?

Mr. Hutton: That will ultimately be a matter for the company to decide, assuming that the proposals are implemented as they are currently formulated. If that were to happen, clearly it would be incumbent on the company to find a way of making sure that my hon. Friend's constituents were able to work at Oldham. If that means providing help with transport and other costs involved in the move, the company will do that.

Mr. Jim McGovern (Dundee, West) (Lab): Like the hon. Member for Dundee, East (Stewart Hosie), I am delighted to hear that the Dundee Remploy factory will remain open. However, I have some concerns about Dundee, and other places. Will the Secretary of State confirm that factories for which closure is not proposed will remain unaffected by the plan? He says that the terms of transfer will go beyond the Transfer of Undertakings (Protection of Employment) Regulations 1981; will he confirm that, at the very least, TUPE will apply, so that if, five years down the line, the Remploy factories that remain open offer a beneficial 50 per cent. wage increase, it will apply to all former Remploy employees, regardless of how long ago they left and where they are employed at the time?

Mr. Hutton: Yes, I can confirm that the offer from the company is to maintain people's existing Remploy terms and conditions, and it is under those terms and conditions, whatever they are, that people will be employed in future. I am grateful to my hon. Friend for his opening remarks; I am glad that a way forward has been found, and that the company does not propose to close Remploy in his constituency. Clearly, some of the factories that are to stay open will be affected by the closures, because employees will be transferred to them, but I can only repeat what I said earlier: we are talking about the company's initial set of proposals, and we have to find a way to secure the long-term future of Remploy as a business. By that I mean its future as a provider of sheltered employment and as a provider of mainstream employment opportunities for disabled people. That is very much what the board wants, and what my hon. Friends and I want.

Houses in Multiple Occupation

4.54 pm

Dr. Alan Whitehead (Southampton, Test) (Lab): I beg to move,

That leave be given to bring in a Bill to require planning approval for the change of use of housing to multiple occupation; and for connected purposes.

Right hon. and hon. Members will be familiar with the housing landscape in many of our towns and cities, where parts of those towns have become areas where the house in multiple occupation is the predominant form of housing. In many instances those houses are not what one might call traditional HMOs—an original large house subdivided into flats—but are a single house remaining as such, occupied by perhaps half a dozen people paying rent for their individual occupation of an otherwise unconverted house.

This is particularly the case in towns and cities where there are substantial numbers of students. With the expansion of higher education over the past two decades, there are many such towns. The city that I represent, Southampton, is one of those, with an estimated population of 28,000 students in a city of about 220,000 people. It is a city that I represent along with my right hon. Friend the Member for Southampton, Itchen (Mr. Denham), the former president of the students union. Although university authorities have built increasing numbers of halls of residence and student flats, the majority of students live in such HMOs, under one roof, sharing facilities and, according to a court ruling of 1995 in the Barnes *v.* Sheffield case, living as a single household.

It is right that a range of types of accommodation should be available to people. HMOs of various types provide important accommodation for young people, single people and people who are seeking shorter-term accommodation. The difficulty that local authorities face in considering how the different types of housing stock are to be deployed is that most types of stock—flats and small or larger houses—and changes of use of building from commercial to residential are all subject to the local planning regime, whereas the conversion of houses from family occupation to multiple occupation is not.

Under present planning legislation, a landlord can simply purchase a family house, possibly with a buy-to-let mortgage, and place five or six tenants in the house immediately. Cumulatively, such HMOs have a substantial impact on the character and amenity of neighbourhoods and, over and above the self-sustaining market that they create, on the inability of families to purchase houses where "studentification" has taken hold, because of the power of purchase that such landlords hold. HMOs raise all the issues of transient tenancies, of large numbers of extra cars parked, and possibly of noise. In short, the area becomes quite different in character.

Despite the fact that HMOs are a specific kind of housing, they are the only kind that is effectively beyond the reach of local planning arrangements. That is because under present planning law, dwelling-houses are regarded as one kind of use, and are so defined in the use class orders that derive from planning legislation. According to the use class orders, with

[Dr. Alan Whitehead]

minor but important exceptions a dwelling-house is a dwelling-house is a dwelling-house, regardless of who occupies it. That is understandable in planning terms, as planning law is blind to occupants, and is concerned with land use and its effects.

To an extent, planning law acknowledges that multiple occupancy of a house has land use consequences, but the use class order effectively exempts a change of use within the class for a house with up to seven occupants. A very large HMO, therefore, can come under local planning scrutiny, but the vast bulk of HMOs do not have seven occupants, so the distinction is pretty redundant.

Housing law has moved to recognise the reality of houses in multiple occupation. As right hon. and hon. Members know, the Housing Act 2004 established extensive procedures whereby local authorities can register HMOs and license landlords to run them. The qualifying point for general registration under the Housing Act is five occupants living in a three-storey house, although more widespread registration schemes may be introduced with the agreement of the Secretary of State.

That is a welcome change. As it is implemented, it delivers the prospect of HMOs that are better managed, and the revocation of licences for landlords where such management consistently falls below a level acceptable to local communities. However, it does nothing about HMOs becoming HMOs in the first place. Furthermore, it introduces two different regimes for the definition of HMOs. The Housing Act, for example, specifically includes student houses in its definition of HMOs, because it defines an HMO as a dwelling in which a number of people not related to each other live under one roof. That, in turn, entails a definition of a family and what it means, in housing terms, to be related. Nevertheless, the Act encompasses the reality of HMOs in a way that planning law does not.

What is to be done? The title of my Bill indicates what should be done: the process of effectively changing the use of a family house to that of an HMO, whether that happens through the purchase of a previously occupied house or, as is becoming increasingly common, through the purchase of a new property for buy-to-let purposes, should be regulated through the local development and planning process.

It has been suggested that the way to achieve that aim is to change the use class definition of a dwelling-house and to place use as an HMO outside the definition—the placing of an HMO into the category of use changes that always need planning permission. That is, essentially, what has been done in Northern Ireland. That route is attractive, but the numbers entailed in the revised order in Northern Ireland—more than two unrelated people in a house—suggest that there might be difficulties in defining what relationships trigger what definition, and whether a small HMO can in reality be said to lead to a real effect on land use as a result of the change in the nature of occupation.

In my view, it would be far simpler to bring the definitions in the Housing Act 2004 of numbers licensable, and what constitutes a family, into planning law—in this instance into the use class and schedules in the use class order derived from the Town and Country Planning Act 1990. My Bill would redefine an HMO as requiring planning permission for change of use if more than four people were to occupy the house, and to bring the Housing Act 2004 definition of a family into planning law. In that way, local authorities would have the ability, subject to all the proper safeguards and requirements of the planning process, to determine whether all but the smallest HMOs should receive the go-ahead. That might be backed up by guidance statements about density in local planning framework documents. Local authorities would also be able to cross-reference the houses coming before them for licensing purposes to check whether those houses should go through the planning process, and whether enforcement action should be taken. In truth, this Bill would be a modest amendment to existing planning law; indeed, it would amend existing orders following primary legislation.

The Bill is modest, but it could have a large effect on the weave of the local variety of housing provision in localities in towns and cities, so that the unplanned and often unanticipated swing of entire streets or neighbourhoods towards HMOs would become, over time, a thing of the past. I therefore commend the Bill to the House—but in the uneasy knowledge that it is just possible that it may not complete its passage through the House, even if its progress is agreed today.

I therefore also commend the provisions in the Bill to Ministers in the Department for Communities and Local Government, who by felicitous coincidence are sitting on the Treasury Bench this afternoon in anticipation of future business. I say to them that spending an afternoon Upstairs in Committee would make a real and substantial difference to the future mix and balance of communities, as I have described today.

Question put and agreed to.

Bill ordered to be brought in by Dr. Alan Whitehead, Mr. John Denham, Mr. Andy Reid, Dr. Roberta Blackman-Woods, Alan Simpson, Dr. Phyllis Starkey, Martin Salter, Sandra Gidley and Fiona Mactaggart.

Houses in Multiple Occupation

Dr. Alan Whitehead accordingly presented a Bill to require planning approval for the change of use of housing to multiple occupation; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 19 October, and to be printed [Bill 109].

Orders of the Day

Local Government and Public Involvement in Health Bill

[2ND ALLOTTED DAY]

As amended in the Public Bill Committee, further considered.

New Clause 1

ORDERS UNDER PART 1 OF LOCAL GOVERNMENT ACT 2000: WALES

'(1) Part 1 of the Local Government Act 2000 (c. 22) (promotion of economic, social or environmental well-being etc) is amended as follows.

(2) In section 3(7) (limits on power to promote well-being) and section 4(5) (strategies for promoting well-being), for "the National Assembly for Wales" substitute "the Welsh Ministers".

(3) In section 5 (power to amend or repeal enactments relating to power to promote well-being), for subsection (4) substitute—

"(4) In exercising the power under subsection (1), the Secretary of State must not make any provision which has effect in relation to Wales unless he has consulted the Welsh Ministers.

(4A) In exercising the power under subsection (1), the Secretary of State—

(a) must not make any provision amending, repealing or disapplying any Measure or Act of the National Assembly for Wales without the consent of the National Assembly for Wales, and

(b) must not make any provision amending, revoking or disapplying subordinate legislation made by the Welsh Ministers (or the National Assembly for Wales established under the Government of Wales Act 1998) without the consent of the Welsh Ministers.

(4B) Subsection (4A) does not apply to the extent that the Secretary of State is making incidental or consequential provision."

(4) In subsection (5) of that section, for "The National Assembly for Wales" substitute "The Welsh Ministers".

(5) In section 6 (power to modify enactments concerning plans etc)—

(a) in subsection (1), at the end insert "so far as that enactment has effect in relation to a local authority in England"; and

(b) omit subsections (5) and (6).

(6) In section 7 (power to modify enactments concerning plans etc: Wales)—

(a) in subsection (1)—

(i) for "the National Assembly for Wales" substitute "the Welsh Ministers"; and

(ii) for "to which subsection (2) applies" substitute "(whenever passed or made) which requires a local authority to prepare, produce or publish any plan or strategy relating to any particular matter";

(b) omit subsection (2);

(c) in subsection (4), for "the National Assembly for Wales considers" substitute "the Welsh Ministers consider"; and

(d) omit subsection (6).

(7) At the end of that section insert—

"(8) An order under this section may not make a provision which, if it were a provision of a Measure of the National Assembly for Wales, would be outside the Assembly's legislative competence.

(9) For the purposes of subsection (8), section 94(4) of the Government of Wales Act 2006 has effect as if paragraph (a) (matters within legislative competence) were omitted.

(10) Subject to subsection (11), a statutory instrument which contains an order under this section is not to be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.

(11) A statutory instrument containing an order under this section which is made only for the purpose of amending an earlier such order—

(a) so as to extend the earlier order, or any provision of the earlier order, to a particular authority or to authorities of a particular description, or

(b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular authority or to authorities of a particular description,

is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.".

(8) In section 9 (procedure for orders under section 5 or 6)—

(a) in subsection (2), for "the National Assembly for Wales" substitute "the Welsh Ministers"; and

(b) in subsection (3)(d), for "the National Assembly for Wales" substitute "the Welsh Ministers".'.—*[Angela E. Smith.]*

Brought up, and read the First time.

5.4 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Angela E. Smith): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss Government amendments No. 56 and 58.

Angela E. Smith: New clause 1 amends part 1 of the Local Government Act 2000, which concerns the promotion of social, economic or environmental well-being. The amendments are needed as a consequence of power being given to the National Assembly for Wales in schedule 14 to the Bill, which will enable the Assembly to make an Assembly Measure in relation to community strategies prepared under the 2000 Act. The amendment to section 5 of the 2000 Act will prevent the Secretary of State from using, without consent, an order-making power to amend, repeal, revoke or disapply certain enactments that relate to Wales if she believes they will obstruct the well-being powers in the 2000 Act.

The Secretary of State will be able to amend an Assembly Measure only with the consent of the National Assembly, and Welsh subordinate legislation only with the consent of Welsh Ministers. Furthermore, the Secretary of State must not use the power under section 5(1) to make provision which has effect in Wales without first consulting Welsh Ministers. That reflects the formal separation of the National Assembly's legislative and executive functions under the Government of Wales Act 2006.

The amendment to section 6 of the 2000 Act will confine to England the Secretary of State's power to amend, repeal, revoke or disapply any enactment that requires a local authority to prepare, produce or publish any plan or strategy. In doing so, the equivalent power in respect of Wales will be conferred on Welsh Ministers. The amendment will ensure consistency with the wider devolved responsibility for local government in Wales and with the powers that the Bill will confer

[Angela E. Smith]

on the National Assembly. It will also remove any inadvertent need for the Assembly to seek the consent of the Secretary of State when making legislation that substantively affects only devolved matters.

As a result of the new clause, amendments Nos. 56 and 58 are needed to repeal sections 6(5), 6(6), 7(2) and 7(6) of the 2000 Act and to commence the amendments two months after the Bill is enacted. I commend the new clause and the amendments to the House.

Alistair Burt (North-East Bedfordshire) (Con): I welcome the Minister and thank her for that brief explanation of the amendments. When we asked her Department last week whether explanatory notes on the new clauses were available, we were told that they would not be available until the Bill reaches the House of Lords. I was therefore a little in the dark, but her clear explanation has helped me to some degree.

The amendments represent a perfectly proper devolutionary measure, which we welcome. That is a slight contrast with other elements of the Bill. As Ministers know—we will discuss this when we reach some of the other clauses—our main hesitation is that we are not sure that it is truly a devolutionary measure, despite the Government's protestations otherwise. In some areas—we will probably divide on some of them—we wish that there had been greater devolution than is proposed. However, in this instance, as in other parts of the Bill, the Minister is definitely doing the job, which is welcome.

It will be a matter of interest to see how the new relationship between the Government and the National Assembly for Wales works after the little stir of the mix in the Celtic firmament. The cosy relationships between Labour Administrations north of the border and west of Offa's dyke will create an interesting but necessary tension as localism and devolution are properly explored between the Assembly and Parliament. Another necessary tension to be explored between localism and devolution is that of local authorities and Westminster, particularly as the mix has been well and truly stirred by the results of the last set of local elections. As I read them out last Thursday, I do not intend to do so again, but we all know the score in that respect.

In a desire to move on, without further ado I welcome the amendments and appreciate the Minister's explanation.

Hywel Williams (Caernarfon) (PC): I welcome the opportunity to agree with the Government and celebrate the outbreak of fraternity and sorority in Cardiff, although that was five minutes ago and it may be different now. Perhaps the Minister can confirm that the Government here will work with the Government in Cardiff, whatever their political complexion, in the spirit of openness, trust and progress.

Angela E. Smith: We may have had our first champagne moment, given that we all agree—and my hon. Friend the Minister for Local Government says that he is buying.

Perhaps hon. Members misunderstand the new clause's intention. It has not been introduced in the spirit of party political advantage—it is the right thing to do to devolve power. The complexion of an authority—whether the Welsh Assembly Government or local authorities, which later provisions cover—is not relevant to the spirit of devolution that we are promoting today. I am grateful for the support of hon. Members of different parties.

The hon. Member for North-East Bedfordshire (Alistair Burt) mentioned explanatory notes. Much of the content of the measure and the amendments that the Government are introducing today are responses to discussions in Committee. As we go through the Bill, hon. Members will note the Government's enormous effort to respond to our wide-ranging and positive debate. That has inevitably delayed some of the explanatory notes. However, I assure the hon. Gentleman that the delay is the result of the spirit of co-operation.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 4

REQUESTS FOR SINGLE-MEMBER ELECTORAL AREAS

'In the Local Government Act 1992 (c. 19), after section 14 insert—

"14A Requests for single-member electoral areas

(1) A principal council which falls within subsection (3) may request the Electoral Commission—

(a) to give the Boundary Committee for England a direction under section 13(3) relating to the council's area, and

(b) to direct that Committee (under section 13(6)) that their recommendations under section 13(3) must contain recommendations as to single-member electoral areas.

(2) In subsection (1) "recommendations as to single-member electoral areas" means a recommendation, as respects each electoral area in the council's area, as to whether the electoral area should return one councillor.

(3) A principal council falls within this subsection if—

(a) it is not the case that each of the electoral areas in the council's area returns one councillor, and

(b) the council is subject to a scheme for whole-council elections.

(4) A council is "subject to a scheme for whole-council elections" if, in each year in which ordinary elections of councillors of the council are to be held, all the councillors are to be elected.

(5) If the Electoral Commission grant a request under this section—

(a) they must notify the Boundary Committee for England of the request when they give the directions requested, and

(b) subject to subsection (6), where the Boundary Committee for England make recommendations under section 13(3) in response to those directions they must recommend that each electoral area in the council's area should return one councillor.

(6) Subsection (5)(b) does not require the Boundary Committee for England to make any recommendation that they consider would be inappropriate having regard to the matters which they are required by section 13(5)(a) to (c) to have regard to.

(7) If the Electoral Commission decide not to grant a request under this section they must notify the council that made the request of—

(a) their decision, and

(b) the reasons for it.

14B Provision supplementary to section 14A

(1) Nothing in section 14A prevents the Electoral Commission—

(a) from making a direction under section 13 where there has been no request under section 14A, or

(b) if they grant a request under section 14A, from making directions under section 13(6) in addition to the one requested.

(2) Nothing in section 14A prevents the Boundary Committee for England, when making a recommendation as to whether electoral areas should return one councillor, from making other recommendations under section 13(3).

(3) In section 14A(2) and (5) references to electoral areas are, in relation to a case where the Boundary Committee for England make recommendations for change to the number or boundaries of electoral areas in the council's area, to the recommended electoral areas."".—*[Angela E. Smith.]*

Brought up, and read the First time.

Angela E. Smith: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this it will be convenient to discuss the following:

Government new clause 5—*Duty of local authority to provide Boundary Committee with information.*

Government new clause 6—*Consequential amendments.*

Government amendment No. 89

Amendment No. 163, in clause 37, page 21, line 4, at end insert—

'(4) Subject to the provisions of subsection (3) the local authority may from time to time make proposals to adjust the number of councillors per ward and must hold a referendum in the ward or wards affected before taking any steps to implement them

(5) The local authority may not pass a resolution which makes the proposed change or changes unless the result of the referendum is to approve the proposals.

(6) If the result of the referendum is not to approve the proposals, the local authority must publish in one or more newspapers circulating in its area a notice which—

(a) summarises the proposals;

(b) states that the referendum did not approve the proposals;

(c) summarises the authority's existing arrangements; and

(d) states that the authority will be continuing to operate those arrangements.'.

Amendment No. 265, in clause 39, page 22, line 16, at end insert—

'(1A) An order under subsection (1) must be made at least a year before it is due to take effect.'.

Government amendment No. 119.

Government new schedule 1—*'Elections: consequential amendments'.*

Angela E. Smith: New clause 4 would give councils greater flexibility about the arrangements of their wards or divisions. It gives councils the ability to initiate a move to single-member electoral areas by granting them a power to make requests about such provision in their area. It does that in a way that safeguards propriety and avoids any risks of perceived gerrymandering, unlike the amendments that Conservative Members have tabled. The new clause achieves those safeguards through maintaining the involvement of the independent Electoral Commission and the independent boundary committee.

The new clause delivers the White Paper commitment to give local authorities holding whole council elections the freedom to move to single-member electoral areas. By that, we mean district wards or county divisions, although most of the latter are single-member areas. Single-member areas can deliver stronger accountability. They provide a strong link between the councillor and his or her electorate and give clarity of leadership to the locality.

Calls for single-member wards are well established. In 1986, the Widdicombe Committee recommended them, stating that they

"provide a strong link between the member and his or her constituent".

In 1995, the Local Government Commission for England supported the Widdicombe recommendations for single-member wards. We are giving local authorities the opportunity to act on those recommendations, if they wish to do so. It is a matter for the authorities.

We also recognise that single-member electoral areas are not always the right solution. There may be individual local circumstances, such as the geography of the area, that make multi-member wards more appropriate. Single-member electoral areas are clearly not a sound electoral option when there are elections by thirds, since that would result in not all the council's electors having a vote in an election. That position should be avoided whenever possible.

There is no question of requiring single-member electoral areas everywhere. We are giving local authorities the choice of requesting them when they consider it right to do that. Councils that do not have whole council elections will not have such a choice. Those that have whole council elections can make the choice as they see fit. Again, it is a devolutionary measure.

Councils that want single-member electoral wards can request the Electoral Commission to direct the boundary committee to undertake a review of their area and make recommendations. If there is a large demand for single-member areas, the Commission would have to establish a work programme and decide on the timing of the reviews. In conducting those reviews, the boundary committee will be required to have regard to statutory criteria used for electoral reviews. Those are: reflecting community identity and interests, ensuring effective and convenient local government, and providing equality of representation. If the boundary committee considers that those statutory criteria cannot be met everywhere for the council under review with single-member electoral areas, it will exceptionally be able to recommend one or more multi-member electoral areas for that council in order to provide a better balance between the statutory criteria.

5.15 pm

New clause 6 and the remaining Government amendments in the group make the necessary consequential and paving provisions to allow part 2 of the Bill to operate effectively. That includes ensuring that the boundary committee can, in conducting electoral reviews, obtain the information that it needs from local authorities. Taken together, the new clauses and amendments deliver our White Paper commitment to devolve to councils the initiative to seek single-member electoral areas where it is right to do so.

Mr. Robert Syms (Poole) (Con): I have always rather liked single-member electoral areas for reasons that the Minister has suggested. There is a line of accountability with smaller districts, which can make life that little bit easier. We had quite a canter around the subject in Committee, where I raised some concerns because it was not clear at that stage whether varying the number of members per ward was to be upwards or downwards. We received the Minister's assurances that it would be three, two or one and I recall our discussing the geography of Tameside in great detail.

The hon. Member for Denton and Reddish (Andrew Gwynne) made a good argument about the position when authorities put together many towns that all have their own proud history. He argued that fitting the electoral arrangements to suit strong local ties sometimes caused difficulty. I know from experience as a parliamentary candidate in Walsall that it was not unusual to find that an electoral area based on a housing estate had had a bit added on from somewhere 3 or 4 miles away in order to meet the electoral arrangements. I can see the overwhelming logic of what the Government are trying to do, but I would like to probe them further on one or two aspects.

Under new clause 4, an authority that has a council election will be able to apply to the Electoral Commission for single-member wards or to review each of the electoral areas within its district. If it had 20 wards, I presume—I would like the Minister to confirm it—that it could recommend that they all be single-member areas or that some should be three or two or one in order to suit the local circumstance. I presume that the boundary committee would look into any such proposal, reflect on it and consult before giving its decision to the local authority.

I presume that the purpose is to stop gerrymandering. Clearly, a ward of three members might have one political outcome, but in a ward of two members or one it would not be beyond the wit of anyone who had knocked on doors and gained some feel for the area to create a different pattern of representation. If an authority were allowed to do that without going to the boundary committee, it might be possible to break up certain wards in a borough for some sort of party political advantage. We all realise that we would not want that, simply because if one party won one borough that way, another party might do it in another borough—so we all want a fair system of representation.

Will the Minister confirm that if an authority puts up a scheme, some consultation would have to take place? I presume that the boundary committee would undertake further consultation in order to decide whether to approve a scheme or, if not, to give its reasons for declining it. I presume that the boundary committee could propose variations on a scheme, as with any of its dealings, because it does not wholly agree with what the authority is proposing.

Michael Fabricant (Lichfield) (Con): I am following my hon. Friend's logic with considerable interest. Does he understand whether the proposal might involve a two-way street? I am not clear about that; perhaps the Minister will clarify the point when she winds up the debate. If the boundary committee decides that a one-member ward is a good idea and that goes ahead, but for one reason or another it does not work as well as expected, will it be possible to make a similar application after five or six years, saying, for example, "Okay, it hasn't worked. Let's go back to a two or three-member ward"?

Mr. Syms: Perhaps the Minister will pick up that point later. It is clear that the Government have moved on the question of whole council elections, and there might be further debate on that issue. My response to my hon. Friend is that all local authorities have their electoral arrangements reviewed periodically, and I presume that if they change their arrangements between one, two or three members in a particular borough, the next time a review took place within the ordinary schedule, those arrangements could be changed again. I do not see any great reason for an immediate change to that process. Also, determining whether something works or does not work can sometimes be quite subjective.

A local authority will produce a scheme and present it to the boundary committee, which will either approve it or give its reasons for not doing so. I would be grateful if the Minister could say whether, if there were a variation on the scheme, the boundary committee could enter into negotiations or propose changes to the scheme. Alternatively, would the boundary committee have to accept or reject the scheme put forward by the local authority with a yes or a no? How much dialogue could take place?

The Minister looks somewhat quizzical. If a local authority put forward a scheme for its area to the boundary committee, and the boundary committee agreed with 90 per cent. of it but had concerns about 10 per cent., would it have to reject it entirely on the ground of that 10 per cent. that it believed the local authority had got wrong, or could there be a degree of discussion whereby both sides could reach agreement, with the scheme being rejected only if there were no common ground? A great deal of time could be wasted if local authorities' schemes were simply chucked out because of a disagreement on just part of the proposal. I should like to hear a little more detail about how the provision will operate, but the Government are going down the right road in the manner in which they are constructing the various new clauses.

Given our concerns about aspects of the provision, however, we have tabled amendment No. 163, which calls for a referendum in the affected wards. We are unlikely to press that to a vote, because I am not sure how practical the proposal is. It is just the Opposition trying to flesh out the fact that there could be concerns among the electorate, who are used to the way in which their electoral arrangements work and might be worried about any proposed changes.

Michael Fabricant: Does my hon. Friend accept that the concept of one man—or, indeed, one woman—for one ward has a certain simplicity, just as one Member of Parliament for one constituency does? In my constituency, we have Lichfield city council—as you know, Madam Deputy Speaker—and Lichfield district council. In the recent local elections, people were confronted with one ballot paper on which they had to vote for five candidates, and another on which they had to vote for three. They then had to put the buff ballot

paper in the yellow ballot box—it was meant to be a yellow ballot paper, but it had been printed on buff paper—and the white ballot paper in the white box. Basically, it all got very confusing. There is a certain elegance to the idea of one person for one ward.

Mr. Syms: The first-past-the-post system—particularly the single-Member first-past-the-post system—is the simplest, which is why we tend not to get many spoilt ballots. We shall have to wait for the review into what happened north of the border, but it is clear that problems can arise with the more complicated electoral systems, particularly if more than one system is in operation on the same day. Having looked at the ballots in Poole borough, where we have three-member wards elected in the whole council election, I am still surprised that some people do not understand that they have to vote three times. Some people might deliberately vote just once, if, for example, there is only one Labour candidate, but these systems can cause a degree of confusion.

Tom Levitt (High Peak) (Lab): If I have interpreted the amendment correctly, it proposes that if a council holds a referendum on a change in the organisational details and the referendum fails to approve it, a process should take place to inform the public that the status quo will continue. However, it does not propose that should the referendum approve the change a formal notice should appear in the newspapers telling people that their electoral system will change. Is that an oversight, or is there a reason for it?

Mr. Syms: It is a probing amendment; it is not meant to be perfect legislation. People become used to a particular system, and although most of us think that a single-member system would have its benefits, it might well cause concern in certain areas. It is horses for courses. Let us call this the Tameside question. I think that the proposed system would work well in industrial communities where it might be possible to devise a better arrangement.

Amendment No. 265, tabled by the Liberal Democrats, concerns election dates. I am sure that the hon. Member for Hazel Grove (Andrew Stunell) will speak to the amendment, but I will say that in Committee we briefly discussed organising local elections to coincide with the dates of European elections. That would have various benefits and disbenefits, but the amendment suggests that if the Government decided to hold the elections on the same day they should give 12 months' notice. I do not think that unreasonable, because we know the dates of local and European elections. If there is to be a change, I do not see why the parties and returning officers should not be given the maximum amount of time to deal with it.

I welcome the thrust of the Government's new clauses and amendments, which I think make the position a little clearer, but I hope that the Minister will be able to give us a few reassurances about the way in which the new system might work.

Andrew Gwynne (Denton and Reddish) (Lab): First, I declare an interest as a member of Tameside metropolitan borough council. I am flattered that the hon. Member for Poole (Mr. Syms) referred to "the Tameside question". I am also pleased that the Government have an answer to the Tameside question, if not to the West Lothian question. However, to be fair to my constituents in Stockport, I think that there is also a Stockport question. My arguments in Committee about Dukinfield and Audenshaw are also relevant to Heaton Chapel and Heaton Norris in my constituency, which, by virtue of being split between the South Reddish and the North and South Heaton wards, is represented in Parliament both by me and by my hon. Friend the Member for Stockport (Ann Coffey).

When we consider local areas of that kind, we understand that home really is where the heart is. The people of Heaton Chapel and Heaton Norris feel that they are part of a single identifiable community, as are those in Dukinfield and in Audenshaw. It is very frustrating for them to be told by petty bureaucrats that they are no longer in the ward to which the majority of their community belongs. They become very passionate about it. I am pleased that the Government's proposals mean that if communities in those areas wish it, there can be much smaller wards reflecting the make-up of those communities. If the proposals are accepted, the people of Heaton Norris will no longer have to be represented by South Reddish councillors, but can be represented by Heaton Norris councillors. Likewise, those in Dukinfield will not need to be split between the Dukinfield and Dukinfield Stalybridge wards.

I do not think that a referendum is necessary, however. I think that in areas such as those I have mentioned there will be a popular will for the changes, and that as long as the checks and balances provided by the Electoral Commission and the boundary committee are retained, any grievances expressed by political parties can be raised fairly at the public inquiry.

Michael Fabricant: I was on a narrow boat last weekend, and one of my companions was Clive Patrick who stood for the Conservatives in Stalybridge—he lost, although he put up a brave fight. Does the hon. Gentleman not agree that the Government's proposal offers a good opportunity for such small towns and villages to have their own individual representatives, rather than a larger amorphous mass?

5.30 pm

Andrew Gwynne: I agree, although I must add that the hon. Gentleman's friend probably lost handsomely in Stalybridge and Hyde, which is part of the Labour stronghold of Tameside. That takes us back to the Tameside question. There are not only the nine fiercely independent towns that were cobbled together—to borrow a phrase used by the hon. Member for Poole—in 1974, but within those communities there are smaller identifiable areas. For example, in my town of Denton there is Haughton Green and Dane Bank, which I have the privilege of representing on the council. Such areas have as much right to be recognised as the towns and districts.

The Government amendments are the right way forward: without the need for a referendum they ensure that where there is the will among local people to be recognised in smaller areas, that can be achieved. Certainly in metropolitan districts, that was not possible in the past. That is why I welcome the Government amendments.

Andrew Stunell (Hazel Grove) (LD): Things would be a great deal easier for the Government and the Conservatives if there were proportionality in the voting system. That would be fairer for the voter and simplify the legislation substantially, and some of the issues that have been highlighted would not have arisen. However, given that we have been unsuccessful in persuading Members to add such a provision to the Bill, we do not dissent from the Government's proposals and think that the direction that they are going in is appropriate.

Nevertheless, I wish to discuss our amendment No. 265. It is simple: it proposes that any order to bring together local elections and European elections should be made at least a year before it is due to take effect. We discussed in Committee the concept of bringing together those two dates, and the Minister explained the Government's thinking. I have subsequently received a letter from the Electoral Commission—I am unsure whether an identical letter has been sent to the Minister. Its author states:

"I am writing in response to the comments you made during the second reading debate and committee stages...I would like to take this opportunity to outline the Electoral Commission's concerns"

about the new clause. The letter goes on to say that the new clause allows the Secretary of State

"to combine local elections with a European parliamentary election by statutory order.

We believe that provision should be made on the face of the Bill for the Order moving the date of the election to have to be made at least a year before it is due to take effect."

The Electoral Commission gives two reasons for that:

"We are concerned that without such provision, present or future Governments may be able to gain political advantage by moving the date of the elections at a later stage.

We are also concerned that late notice of a change of election date would not give electoral administrators sufficient time to be prepared for a combined election."

Tom Levitt: Does the hon. Gentleman believe that the Government were right to postpone the 2005 county council elections because of the problems caused by foot and mouth disease? Does he accept that 12 months' notice could not possibly have been given in that situation, and that his amendment would make those circumstances impossible to address in the same way as they were on that occasion?

Andrew Stunell: The hon. Gentleman, who is a close geographical neighbour of mine, is absolutely wrong, because whether this provision is added to the Bill would make no difference to the procedure used when the foot and mouth epidemic broke out, when provisions had to be brought before the House and discussed. That is the safeguard situation. This provision does not remove the capacity of the Government or Parliament to change dates in an emergency—such as the invasion of Kent by some unforeseen enemy. One can see that changes might have to be made in extremis, but the provision is not about such situations; nor, when Ministers introduced the provision, did they suggest that it had anything to do with such situations.

As well as giving two reasons for concern, the Electoral Commission pointed out that the provision is consistent with existing legislation. I was not aware of the reference it gives, but it says:

"A one year notice period would also be consistent with existing legislation. Section 37(1)(a) of the Representation of the People Act 1983 provides for the ordinary date of local elections to be changed as long as it is done before 1st February the year before (i.e. slightly more than a year) the original date of the election."

In one sense, this is a probing amendment, but we have been put up to it by the Electoral Commission, which has given good reasons why it should be taken more seriously than just an attempt to squeeze a concession out of the Government. The commission has made a strong case, and all the Opposition parties share the concerns about it. The present Government are full of integrity and good intentions—they never make a mistake or a cheap political judgment—so, obviously, I exonerate them from the wild accusation by the commission that they might be involved in such activity. However, the commission also mentions future Governments, and by the time we reach June 2009, Labour might be in opposition and might face a different, more oppressive Government.

In Committee, the Minister was quizzed on the point of introducing the provision. She replied:

"We seek to give the Secretary of State the power to combine such elections without the need for primary legislation by making an order to combine elections that fall due at around the same time."—[*Official Report, Local Government and Public Involvement in Health Public Bill Committee,* 8 March 2007; c. 591-92.]

Ministers would still have that opportunity if the amendment were accepted. It is just that they would have to think of it a bit earlier and not leave it to be informed by some tactical political consideration nearer the date.

We would argue that the concept of making that change and imposing a limit is what the Government originally set out to do. It is sensible to introduce the safeguard that the Electoral Commission believes should be introduced, and the idea of a one-year moratorium on date changes fits existing legislative provision, in the 1983 Act. I look forward to hearing the Government's response. If they do not feel able to accede to our proposal at this point, I hope that they will give a clear indication that they will engage in discussion with the commission and, if necessary, table an appropriate amendment later. For a second champagne moment, the Minister could say that she has heard the argument, listened to what the commission has had to say and is delighted to accept our amendment.

Angela E. Smith: The champagne moment has passed.

We have had an interesting discussion and I was pleased by the reassurance from the hon. Member for Poole (Mr. Syms) that his amendment was a probing amendment. Both he and the hon. Member for Lichfield (Michael Fabricant) spoke about having to ensure that the election process was as simple as possible and that any changes provided clarity for electors. The hon. Member for Poole made some specific points on that subject and I shall come to those shortly.

It is fair to say that all the amendments are about giving councils more say in the electoral arrangements for their area and enabling them to take the initiative. The Bill contains safeguards to ensure that the public retain confidence in the fairness and probity of our electoral arrangements. I am pleased that the hon. Member for Poole made it clear that he did not intend to press his amendment No. 163 to a vote, as it would remove probity from the process, leaving it open to manipulation. The Electoral Commission opposed the amendment on the grounds that it risked undermining the established process of electoral reviews and the principle of equality of representation across local authorities.

The hon. Member for Poole said that he was trying to ensure that it would not be possible for local councils, on a whim, to increase the number of electors in a ward where they had a majority, and reduce the number of electors in another ward. In fact, although the Government amendments would not do that, his amendment would. Taking it at face value, amendment No. 163 could mean that electors in a ward could be asked by the council, "Do you want to increase the number of councillors you have?" It would not be beyond the bounds of possibility for the electors to respond that they did want that but, since it does not specify that the offer would have to be made to residents in every ward, the amendment would therefore undermine the principles of equality of representation. All hon. Members are elected, and I appreciate that all of us would like to have some control over our constituency boundaries. Those of us facing boundary commission changes perhaps feel that more strongly than others, but I can assure the hon. Gentleman that the Government's aim is to ensure that there is equality between all the votes cast in an election.

The hon. Gentleman asked various specific questions about the boundary committee's role in single-member wards. When a local authority approaches the Electoral Commission to seek authority to move to single-member wards, it will be for the commission to decide whether that move is appropriate. The exceptional cases to which the hon. Gentleman referred, where multi-member wards were considered to be more appropriate, would be referred to the boundary committee. Councils would not be able to make the decision in such cases.

The hon. Member for Lichfield (Michael Fabricant) asked whether single-member wards could revert back at a later date. They can, but such decisions would be made following the regular review undertaken by the boundary committee. The Bill does not provide for such decisions, as a two-way street already exists.

The hon. Member for Hazel Grove (Andrew Stunell) referred to a letter that he had received from the Electoral Commission. I wish that I had been able to see it before today's debate, as that would have enabled me to give a more considered response, but I hope that he will consent to give us sight of that letter as the debate goes on. He explained that his amendment No. 265 would require the Secretary of State to lay before the House any order that combined local government and European elections one year before it was due to take effect.

When Ministers looked at the amendment, our concern was that, given the need for meaningful consultation on decisions about setting election dates, the lead-in time for all the necessary procedures would be something like 18 months. We would like to discuss the proposal further, as we want to ensure that the process is not rushed, but orders such as the one that we are discussing must be approved by both the House of Commons and the House of Lords, and we consider that to be adequate protection.

The hon. Member for Hazel Grove was worried about party political advantage, although I do not see where that would lie. The Government do not consider his amendment to be necessary but, without having seen the views of the Electoral Commission, it is difficult to make any further comment. I hope that he might be prepared to share the contents of the letter from the Electoral Commission with us.

5.45 pm

Andrew Stunell: The communication was dated 9 May and it had not occurred to me that the information was not already in the Government's hands. I shall of course make sure that copies are available immediately after these proceedings.

Angela E. Smith: I am grateful to the hon. Gentleman for raising the matter. I certainly do not suggest that he should have shown us a private letter to him, which he is obviously entitled to use, but it is a shame that the Electoral Commission did not share with us its thoughts about legislation that the Government were putting before the House. At this stage we cannot support the amendments, but if we can have a look at the hon. Gentleman's information, we will consider that particular point further before coming to a final decision.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 5

DUTY OF LOCAL AUTHORITY TO PROVIDE BOUNDARY COMMITTEE WITH INFORMATION

'(1) The Local Government Act 1992 (c. 19) is amended as follows.

(2) In section 13 (electoral reviews and recommendations), after subsection (7) insert—

"(8) A local authority must, if requested by the Boundary Committee for England to do so, provide that Committee, by such date as that Committee may specify, with any information that that Committee may reasonably require in connection with any of their functions under this section."'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 6

CONSEQUENTIAL AMENDMENTS

'Schedule (Elections: consequential amendments) has effect.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 22

ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES

'(1) An order under this section is an order which requires, prohibits or regulates the taking of specified actions by entities connected with a local authority.

(2) The Secretary of State may make an order under this section in relation to—

(a) all English local authorities;

(b) English local authorities of particular descriptions;

(c) particular English local authorities.

(3) The Welsh Ministers may make an order under this section in relation to—

(a) all Welsh local authorities;

(b) Welsh local authorities of particular descriptions;

(c) particular Welsh local authorities.

(4) An order under this section may also include provision which requires, prohibits or regulates—

(a) the taking of specified actions by a local authority in relation to entities connected with the local authority;

(b) the taking of specified actions by members or officers of a local authority who are qualifying persons.

(5) An order under this section may make provision in relation to—

(a) every entity connected with a local authority;

(b) such entities of a particular description.

(6) Where an order under this section makes provision in relation to entities of a particular description, it may provide for any expression used in identifying that description of entity to have the meaning for the time being given by—

(a) any document identified by the order; or

(b) any re-issue of such a document.

(7) For the purposes of this section an entity ("E") is "connected with" a local authority at any time if—

(a) it is an entity other than the local authority; and

(b) according to proper practices in force at that time, financial information about E must be included in the local authority's statement of accounts for the financial year in which that time falls.

(8) In this section—

"actions" includes courses of action;

"English local authority" means a local authority in England;

"entity" means any entity, whether or not a legal person;

"financial year" means a period for which accounts of the local authority must be prepared by reason of section 2 of the Audit Commission Act 1998 (c. 18) or section 13 of the Public Audit (Wales) Act 2004 (c. 23);

"local authority" means any body which—

(a) is a local authority for the purposes of section 21 of the Local Government Act 2003 (c. 26) (see subsection (6) of that section and section 23 of that Act); and

(b) is required to prepare statements of accounts by regulations made under section 27 of the Audit Commission Act 1998 (c. 18) or section 39 of the Public Audit (Wales) Act 2004 (c. 23);

"qualifying person" means a person who—

(a) is authorised to represent the local authority at meetings of an entity that is connected with the local authority; or

(b) is a member or director of such an entity or the holder of any other specified position in relation to such an entity;

"specified" means specified, or of a description specified, by the order;

"Welsh local authority" means a local authority in Wales.'.—*[Mr. Woolas.]*

Brought up, and read the First time.

Mr. Phil Woolas (Minister for Local Government): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this it will be convenient to discuss the following:

Government new clause 23—*Trusts.*

Government new clause 24—*Further provision about orders.*

Government new clause 25—*Exemptions from orders.*

Government new clause 26—*Definition of certain terms for purposes of other enactments: England.*

Government new clause 27—*Definition of certain terms for purposes of other enactments: Wales.*

Government new clause 28—*Consequential amendments.*

Government amendments Nos. 114, 115, 117, 121 and 122.

Government new schedule 3—*Consequential amendments relating to entities controlled etc by local authorities.*

Government amendment No. 130.

Mr. Woolas: I am grateful for the opportunity to table these amendments. I beg the indulgence of the hon. Member for North-East Bedfordshire (Alistair Burt) as I try to explain the proposals and to persuade the House that they are wholly desirable. I shall not go into too much detail, because if you thought that some of our previous debates were technical, Madam Deputy Speaker, "you ain't seen nothing yet", as they used to say in westerns.

The arrangements for ensuring accountability and propriety in the conduct of local authority companies are set out in part V of the Local Government and Housing Act 1989 and in an order made under it—the Local Authorities (Companies) Order 1995. The current controls variously placed on the face of legislation and in the provisions of the order address the accountability, auditing and personnel requirements of a local authority company and are known collectively as the propriety controls.

The existing part V arrangements are complex, outdated, and cover only companies, which is the essential point. Local authorities operate through entities that are not embraced by the narrow definition of a company provided in part 5.

Previously, the capital finance regime for local authority companies relied on part V to define the relationship between a local authority and its companies when deciding the borrowing limits for the authority as a whole—not just for the company. Now, under the prudential borrowing regime, introduced by my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford), who is not in the Chamber, authorities are free to take on as much debt as they can afford to service from their revenue resources. There are no longer any direct constraints on borrowing by the companies or similar entities that they own.

Michael Fabricant: I am grateful to the Minister for giving way. He quite rightly says that local councils are proprietors—if that is the right word—of organisations other than companies, as defined by the companies legislation. Will he go into a little more detail about precisely what he means? Is he talking about partnerships, associations, sole traders or companies that in some way are not controlled by the companies legislation? I was under the impression that a body could not call itself a company or a corporation unless it was either a limited company or a public limited company. Perhaps he could amplify that point.

Mr. Woolas: The hon. Gentleman said that he was grateful for my giving way. I am grateful to him for intervening, because it gives me a chance to draw breath. As I will go on to explain in more detail, in the diverse world of commissioning and in the light of the greater co-operation and the partnerships between local authorities and other public, private and voluntary sector organisations, the issue of the types of organisations that are owned by local authorities is complex. The idea of a council owning a company has been around for many years. Interestingly, the definition is partly based on companies legislation and partly on part V of the 1989 Act. A local authority company is in some ways different from what one might in lay person's terms describe as a company.

The next part of my speech explains the answer to the hon. Gentleman's question. I am sure that he will support the measures when he has heard the explanation. I am grateful that he has stayed awake to listen to what I am saying. Tens—if not hundreds—of millions of pounds of public money is backed up in these organisations, so it is important that we explain the measures and seek the support of the House.

There are no longer direct constraints on borrowing by companies or similar entities that authorities own, but any transaction by such an entity that increases or reduces the revenue resources of the authority will still need to be taken into account under the prudential regime, since it will affect the amount of borrowing that the authority can afford to service. The borrowing of that organisation is ultimately underwritten by the local authority and, therefore, the taxpayer. There are implications not just for the local authority and the council tax payer, but overall for public sector borrowing requirements and therefore for the central tax payer.

The borrowing regime currently relies on a different set of accounting definitions, which are provided in the Chartered Institute of Public Finance and Accountancy "Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice", which is known in the trade as SORP. I have a copy of the document and I am tempted to say that if the Opposition push their amendments in later groups, I will read it out.

Michael Fabricant: If you go too fast, you may need to.

Mr. Woolas: We have four hours. In the spirit of consensus, I have brought a copy of the document with me for the hon. Member for North-East Bedfordshire to read, should he wish to take it away with him. It is an important document and we are grateful to CIPFA for producing and monitoring it. The definitions in relation to accounting procedures, companies and entities that are contained in the SORP document capture a more appropriate relationship between an authority and its bodies than the part V definitions that I referred to earlier.

Michael Fabricant: There is only one thing that slightly concerns me. If we are going to broaden the definition of organisations that are owned by councils and, as the Minister said, organisations and councils can borrow, does he fear that the overall public sector borrowing requirement, taking into account council borrowings, might exceed Treasury and Bank of England guidelines?

Mr. Woolas: I am grateful to the hon. Gentleman for raising that point. My intention and belief is that the measures will have the opposite effect. Including in statute what the CIPFA code does will guarantee that public sector borrowing overall—and specifically borrowing in relation to local authorities—is more accurately defined. That will mean that the books can better reflect the liability that exists. I would not want any suggestion whatsoever that the Chancellor's golden rules were being broken in any way, especially at the moment. Local authority organisations such as some of the limited liability partnerships—to give an example, as the hon. Gentleman requested in his previous intervention—are covered by what is currently in the code of practice.

The new clauses replace part V of the 1989 Act. They will ensure that an appropriate range of entities are covered by propriety controls. They will also provide a less bureaucratic regime for local government in considering the relationship authorities have with their entities—if I can use that term to capture all the bodies involved—for accounting, capital finance and propriety control purposes. Authorities will need to have regard only to a single definition of entities.

The new clauses confer on the Secretary of State a power to require, regulate or prohibit the taking of specified actions by an entity connected with a local authority. The power is wide enough to ensure that an entity should not undertake an activity that the parent authority could not itself undertake if the need arose to do so. That is an important point for the private sector. Where entities might be in a marketplace with other organisations, we seek to ensure a level playing field for competition. Our intention is to use the power to make an order to apply propriety controls to the wider range of entities covered by the SORP definitions. We intend to consult on the controls that should apply to such entities, recognising that, as with the present arrangements, it may be appropriate for differential controls to apply to entities depending on the precise relationship of the authority to the body.

Consistent with that, the provisions permit an order to differentiate the application of controls to entities of a particular description, enabling the propriety controls to operate on a tiered basis according to the degree of control that the authority has over the entity—in other words, so that the liability recognises the proportion of involvement in it. New clause 22(6) allows the description of that relationship to be

[Mr. Woolas]

provided by a reference in a document. It is our intention to use that power to differentiate according to accounting definitions contained in the CIPFA SORP guidance.

An entity is considered to be connected with a local authority if financial information about the entity must be included in the authority's statement of accounts for that year. This shows that the authority is able to derive benefits or to be exposed to the risk of potential losses arising from the relationship and it is these entities that we would wish to apply propriety controls to.

Under its obligations as a trustee, a local authority could be exposed to the risk of potential losses and therefore we wish to ensure that trusts can be brought within the provisions of new clause 22 should that be desirable. As a trust is a purely equitable obligation, it does not easily fall within the consideration of an entity, which is why we have made this provision. New clause 23 brings trusts within the scope of an order made under new clause 22.

The existing propriety controls ensure that entities that are significantly connected with a local authority are required to act transparently and in accordance with the standards of the authorities themselves. To ensure that we can replicate these controls, new clause 24 makes further provision about what propriety controls in an order made under new clause 22 might contain.

We recognise that there may be exceptional circumstances in which the application of the propriety controls might not be appropriate to individual or particular descriptions of entities. Therefore, new clause 25 provides that the Secretary of State in England, or Ministers in Wales, can direct that these may be exempted from an order made under new clause 22.

Other legislation relies on the definitions of "control", "joint control" and "influence" in part V. Following the repeal of part V, new clause 26 will give the Secretary of State the power to define, for the purposes of other enactments, those definitions by order. Although that is a separate order-making power, we intend to use the definitions provided by the CIPFA SORP guidance. New clause 27 makes similar provision to new clause 26, but the power is conferred on Welsh Ministers to define definitions for other enactments that are the responsibility of the Welsh Assembly.

6 pm

New clause 28 will repeal part V of the 1989 Act. It will also allow any consequential amendments made to subordinate legislation to make reference to a definition contained in a document identified by the order, such as the CIPFA SORP. Amendments Nos. 114, 115, 117, 121 and 122 will make provision regarding the procedure for orders made under new clause 22, the extent of the repeal of part V of the 1989 Act, and the commencement of the provisions. Amendment No. 130 details the extent of the repeals made by the provision. New schedule 3 relates to the consequential amendments that are necessary due to the repeal of part V to ensure the competence of enactments.

Alistair Burt: I am grateful to the Minister for his explanation of the new clauses and amendments. I read them carefully when they were tabled and started to wonder about their purpose, which he helpfully clarified. I have some questions about the measures because I have been in touch with the Local Government Association. While it sees them as a replacement for existing clauses, it is worried about the wide-ranging powers that are being taken and wants clarification of several aspects of the powers.

What prompted the tabling of the new clauses? Have a series of problems been associated with the definitions of entities or the different forms of arm's length bodies that are run by local authorities? Are we considering purely a series of drafting changes, or do the measures reflect concern that has been raised by auditors or others? Does the fact that the measures have been introduced reveal an underlying worry about the way in which the bodies have been working, or does the Minister believe that this is purely a tidying process?

I was interested by the Minister's little exchange with my hon. Friend the Member for Lichfield (Michael Fabricant) about the public sector borrowing requirement. The Chancellor's ability to move things off the balance sheet is legendary. There is no danger of golden rules or anything else being broken while the Chancellor remains in his post, or while he remains Chancellor when he becomes Prime Minister, as he undoubtedly will. His ability to shift things to ensure that he does not break the golden rule will no doubt continue. I am not quite sure whether the powers are needed in such circumstances. We have noted the nifty ability to change golden rules and doubt that that will change much under a future regime.

The new clauses will provide for the original powers, although the provisions have been redrafted. How often have the original powers needed to be used? There are two sorts of power: the power to prohibit or regulate under new clause 22, and the power to apply for consent under new clause 24. Has the Secretary of State used those powers, or have permissions been requested by local authorities? Have the powers been used often, or are they effectively nominal? I am trying to get to the heart of where the measures have come from. Have they arisen due to problems, are they designed to address anticipated problems, or are they purely drafting changes to accommodate the rise of entities in their different forms?

Let me ask a question about the entities themselves. How many are we talking about? Is there a growing trend of such entities in local authorities? To that extent, is the Minister expressing concern that the bodies are moving slightly outside the control of local authorities and the Government? Is there any evidence that the number of entities is growing significantly and that such controls are thus necessary? To what extent does the Minister think that the Government are carrying out an exercise in second-guessing?

Although we are considering a devolutionary Bill, we are discussing measures that give the Secretary of State powers that look significant on paper, even though the Government have the back-up position that the PSBR is relevant and that the Secretary of State must thus remain in control. However, if we are talking about the extent of risk taking among local authorities

and the Government, as we will on Third Reading and we did earlier in the debate, how does the Minister see the powers fitting in with that?

Andrew Stunell: I realise that we are running the serious risk of the Minister invoking his threat and reading the whole CIPFA document to us. However, does the hon. Gentleman agree that there is a sniff of control freakery in some of the new clauses? We need to understand the precise context in which they have been proposed.

Alistair Burt: This is not a plea for the Minister to read more of that enlightening document. The hon. Gentleman echoes the concerns that I raised at the start of my speech. As I said, and as the LGA has noted, the powers look very wide ranging on paper. We need to know the reasons behind the measures and whether they represent a change from previous legislation to reflect issues that have been raised with the Department by local authorities, which have led it to want changes.

When local authorities are inspected and audited, are these entities subject to the same audits and performance regulations, or are they subject to something quite separate and different? Finally, will there be any difference between the way in which entities that are trading and those that have become dormant will be dealt with? That last question is a bit technical, so the Minister might want to write to me about it.

The amendments are technical and we will not wish to press them to a Division.

Michael Fabricant: Do not tell the Minister that.

Alistair Burt: "Don't tell him, Pike." I will definitely conceal that we will not be pressing the measures to a Division.

My inquiry has been prompted by the need to know where the measures are coming from, given that they were not considered in Committee. If the Minister will give us that explanation and help out with several of the technical questions that I raised, Conservative Members will be grateful.

Mr. Neil Turner (Wigan) (Lab): The Minister might have inadvertently misled the House at the start of his speech. He indicated that, "You ain't seen nothing yet," came from a western, but it was actually said by Al Jolson in "The Jazz Singer". I would not want the Minister to have to come back to the House to make an abject apology for that, and neither would I want him to reply in syncopation.

Michael Fabricant: Following that brilliant speech, I do not know whether I can do justice to the debate. However, I want to raise several issues, although I was broadly content with what the Minister said. I understand that there are organisations other than just public companies in the sense of plcs and limited companies. Indeed, the Minister even talked about limited partnerships, yet a limited partnership would have been an oxymoron—is that the right word?—a few years ago because partnerships usually have no limits on their liability.

I was reassured when the Minister said that one of the main objects of this group of new clauses was to ensure that the public sector borrowing requirement could be more closely monitored, although I have to agree with my hon. Friend the Member for North-East Bedfordshire (Alistair Burt) that the goalposts for the economic cycle frequently move to ensure that the golden rule is never breached. Sadly, there are no explanatory notes to the Bill. I understand why, and I am not condemning the Government for it, but it does not make things any easier. I guess that it is a compliment to the civil servants, in that it shows how helpful explanatory notes are when they do produce them.

Subsection (5) of new clause 22 says that an order under the new clause may make provision in relation to

"every entity connected with a local authority",

although it does not actually say "owned by" the local authority. Subsection (7) carries on from that because it says, in marvellously unclear English:

"For the purposes of this section an entity ('E') is 'connected with' a local authority at any time if—

(a) it is an entity other than the local authority; and

(b) according to proper practices in force at that time, financial information about E must be included in the local authority's statement of accounts for the financial year in which that time falls."

I guess that "E" must be the name of a particular entity at that time. It is the phrase "connected with" that I do not understand. The Minister's explanation was perfectly logical, but the new clause does not seem to make any sense. Subsection (8), which contains some definitions, says that

"'entity' means any entity, whether or not a legal person",

but it says nothing about its being owned by the authority.

In Lichfield—I always find myself mentioning Lichfield because it is such a beautiful place—we have a new theatre called the Lichfield Garrick. That would certainly be an entity because it is owned by the authority and, quite rightly and properly, its debt—because all theatres need subsidy and it is a particularly good theatre and it is good that it is subsidised—relates to the debt of the council. However, I wonder whether the wording of new clause 22 would cover other entities, not just those that are owned by local authorities. Why does the new clause refer to every entity as that which is "connected with"? Why are the words "connected with" used?

Robert Neill (Bromley and Chislehurst) (Con): Will my hon. Friend give way?

Michael Fabricant: My hon. Friend is a lawyer, so perhaps he will tell me whether "connected with" has some legal meaning. Does "connected with" mean "owned by"?

Robert Neill: I now regret asking my hon. Friend to give way. Perhaps he could help me or ask the Minister to help me. Is not my hon. Friend's confusion added to by the fact that "connection" is referred to throughout the Bill, which I agree is separate from ownership as far as any of us can see? It does not necessarily involve shareholding because, as I understand it, it does not have to be a legal person. To make things worse, the heading of new clause 22 refers to "Entities controlled...by local authorities". It is the juxtaposition in the same

[Robert Neill]

context of "controlled", "connected" and "owned" that is perplexing. I hope that the Minister can clarify that for us.

Michael Fabricant: That is an important point. I am rather alarmed that my hon. Friend, who is a barrister or a solicitor—

Robert Neill: I never did this sort of work.

Michael Fabricant: At least not without payment.

It is fascinating that the heading of new clause 22 "Entities controlled...by local authorities" implies ownership, but "connected with" does not, and could mean anything. Does that mean that any sort of association will be audited, and would that also apply to the public sector debt? If it did, the golden rule would be burst overnight.

Alison Seabeck (Plymouth, Devonport) (Lab): Perhaps the hon. Gentleman could ask the Minister whether there is a legal definition of "connected"?

Madam Deputy Speaker: Order. I think that the hon. Member will have the opportunity to ask the Minister directly.

6.15 pm

Michael Fabricant: The hon. Member for Plymouth, Devonport (Alison Seabeck) raises an interesting point, so yes, I will ask the Minister, as my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) seemed unable to answer me; I was quite shocked. *[Interruption.]* Fifteen guineas?

Does "connected with" mean, in law, owned by? If it does not mean owned by—and I suspect that it does not—what is the boundary that controls whether an entity falls within the ambit of new clause 22? The Minister was very clear in his explanation. He used the words "owned by", and we all understand what that means. That would mean having a 51 per cent. share or more in an organisation if shares were issued, or however else ownership is defined. Why, for the sake of clear English, is not the word "ownership" used, and what is the difference between "connected with" and owned by?

Robert Neill: I shall be very brief. First, I assure my hon. Friend that if he wants a definition of "fraudulent", "homicidal" or anything of that sort, I will do my best to oblige him, but "connection" is not an area in which I hold myself out as having any expertise, so I hope that the Minister can help us.

I wonder whether the Minister can also help on another short matter. Clearly, the orders are quite wide ranging and can make provision for a large number of matters, but is it envisaged that this change in the clauses, and what is on the face of it a significant extension of powers, will have any impact on the scrutiny of any of these arm's length organisations? The definitions refer to the entity's position in accounting terms, but nothing is said about scrutiny. It may be that it is not intended that there should be any change, to follow up the point made by my hon. Friend the Member for North-East Bedfordshire (Alistair Burt). If part of the justification relates to the operation of these organisations in the past, has failure or difficulty of scrutiny been any part of that? Can the Minister assure us that none of the changes would diminish scrutiny of any organisations in which significant sums of public money may be invested, in whatever fashion?

Mr. Woolas: I think that there is unanimity is that the House will remember the contribution by my hon. Friend the Member for Wigan (Mr. Turner) long after they have forgotten the details of these new clauses.

Tom Levitt: Does my hon. Friend think it appropriate, given that it was an intervention by my hon. Friend the Member for Wigan (Mr. Turner), that "You Ain't Seen Nothing Yet" was also a song by Bachman-Turner Overdrive in the 1970s?

Madam Deputy Speaker: Order. We have had some levity, but I think that we had better get back to the amendments before the House.

Mr. Woolas: Thank you, Madam Deputy Speaker.

I congratulate the hon. Member for North-East Bedfordshire (Alistair Burt) on his questions. As ever, he has clearly done his research, and he has given me the opportunity to allay the fears that the Local Government Association expressed to him. He asked whether these powers were too wide ranging and what prompted the change. As you would expect, Madam Deputy Speaker, there is a history to this. The commitment to review part V of the 1989 Act was indeed trailed, as hon. Members know, through the White Paper "Modern local government: in touch with the people" published in July 1998, and in the "Modernising Local Government Finance" Green Paper in September 2000. The Government have, with their partners, a capital programmes working party technical sub-group. In 2003, at that sub-group, the LGA expressed a desire to move local authority companies to be defined according to accounting practices. This Bill provides an opportunity to do that, now that there have been adequate discussions. If I may, I shall explain that.

We intend, of course, to consult on the content of the proposed order. The hon. Member for North-East Bedfordshire asked whether there had been problems or whether we were tidying up. Essentially, we are tidying up because of the change in the architecture of local government provision of services. For the record, I am informed that the power has been used only twice since 1989, although I am not aware of the details of those two occasions. The hon. Gentleman implied that the Chancellor has moved the golden rules. I reject that charge, which is not backed up by evidence. Local government borrowing is an important part of the PSBR. The answer to his question about inspection and audit is, yes, they are subject to the same provisions. I am grateful for the caveat that he gave with his question about dormant companies or entities because he is absolutely right—the matter is too detailed for me to attempt an answer now.

To answer the question of the hon. Member for Lichfield (Michael Fabricant) about "control", "controlling", "ownership" and "connected with", the point at issue is what the potential liability is. A local

authority could control an entity and, through that control, it could incur a liability that was, or was not, dependent on the local authority. The question of ownership and control relates to that. I made reference to that in the eighth point of my opening speech. I know that the hon. Gentleman followed my remarks closely, so I shall not repeat them, but I congratulate him on his vigilance in probing the point.

Michael Fabricant: I thank the Minister for that. He is talking about cases in which there could be liability. Let me give for my example an organisation that is not controlled or owned by a council, but is, for some reason, underwritten and guaranteed by a council—

Mr. Syms: A theatre.

Michael Fabricant: Such as a theatre, as my hon. Friend suggests, although the Lichfield Garrick is not that type of organisation. If the council would be liable if anything were to happen to that organisation, would that be covered by the "connected with" definition?

Mr. Woolas: That would depend on the nature of the contract between the local authority and the body. That is an extremely important point and it is why we propose to bring in the CIPFA regulations on accounting practice. Local authority treasurers must abide by accounting practice and they get their guidance from CIPFA. Annex 1 to the regulations—"Definitions in relation to group accounts"—is very specific on the points that the hon. Gentleman raised. I congratulate him on spotting the essence of the argument, which centres on where liability and control lie. The definition in annex 1 is:

"An entity other than a subsidiary or joint venture in which the reporting authority has a participating interest and over whose operating and financial policies the reporting authority is able to exercise significant influence."

He will be familiar with the fact that the definition of "control", "ownership" and "connected with" depends on the degree of control, whether it be through ownership, part ownership or control through contract or other such arrangements. The provision is designed to stop local authorities overreaching and thereby to protect the public purse.

The hon. Member for Bromley and Chislehurst (Robert Neill) asked about scrutiny. The definitions provided by accounting practice will translate into the definitions of scrutiny. He will remember that under the part of the Bill that deals with overview and scrutiny, it can be the contract that is scrutinised rather than the body itself.

The provisions relate to what I have described as proprietary controls. The financial controls are covered not only by this part of the Bill, but by the Local Government Act 2003, which defines the new prudential borrowing arrangements. I hope that the House has not fallen asleep. These are important matters for local authorities.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 23

TRUSTS

'(1) In this section a "relevant trust" means a trust connected with a local authority.

(2) An order under section (Entities controlled etc by local authorities) may include provision which requires, prohibits or regulates—

(a) the taking of specified actions by the trustees of a relevant trust;

(b) the taking of specified actions by a local authority in relation to the trustees of trusts connected with that local authority;

(c) the taking of specified actions by a member or officer of a local authority who is a trustee of a trust connected with that local authority.

(3) Provision included in an order by virtue of this section may relate to—

(a) the trustees of every relevant trust;

(b) the trustees of relevant trusts of a particular description.

(4) Where by virtue of this section an order makes provision in relation to the trustees of trusts of a particular description, it may provide for any expression used in identifying that description of trust to have the meaning for the time being given by—

(a) any document identified by the order; or

(b) any re-issue of such a document.

(5) For the purposes of this section a trust ("T") is "connected with" a local authority at any time if, according to proper practices in force at that time, financial information about T must be included in the local authority's statement of accounts for the financial year in which that time falls.

(6) In this section the following have the same meaning as in section (Entities controlled etc by local authorities)—

"actions";

"financial year";

"local authority";

"specified".'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 24

FURTHER PROVISION ABOUT ORDERS

'(1) An order under section (Entities controlled etc by local authorities) may make provision requiring an entity, a local authority or trustees to obtain the consent of the appropriate person before taking any particular actions.

(2) In subsection (1) "the appropriate person" means—

(a) in relation to an order made by the Secretary of State, the Audit Commission;

(b) in relation to an order made by the Welsh Ministers, the Auditor General for Wales.

(3) The provision that may be included in an order by virtue of section (Entities controlled etc by local authorities)(4)(a) includes in particular provision—

(a) requiring a local authority to make arrangements for enabling questions about an entity's activities to be put to members or officers of the authority who are qualifying persons;

(b) prohibiting a local authority from taking action (including refraining from exercising a right) which would have the result that a person of a specified description becomes a qualifying person;

(c) requiring a local authority to ensure so far as practicable that entities comply with provisions of the order applicable to them.

(4) The provision that may be included in an order by virtue of section (Trusts)(2)(b) includes in particular provision—

(a) requiring a local authority to make arrangements for enabling questions about a trust connected with the authority to be put to members or officers of the

authority who are trustees;

(b) prohibiting a local authority from taking action (including refraining from exercising a right) which would have the result that a person of a specified description becomes a trustee of a trust connected with the authority;

(c) requiring a local authority to ensure so far as practicable that trustees comply with provisions of the order applicable to them.

(5) Nothing in subsections (1) to (4) affects the generality of section (Entities controlled etc by local authorities)(1) or (4) or (Trusts)(2).

(6) An order under section (Entities controlled etc by local authorities) may include incidental, consequential, transitional or supplementary provision.

(7) In this section the following have the same meaning as in section (Entities controlled etc by local authorities)—

"actions";

"entity";

"entity connected with a local authority";

"local authority";

"qualifying person".

(8) In this section "the Audit Commission" means the Audit Commission for Local Authorities and the National Health Service in England.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 25

EXEMPTIONS FROM ORDERS

'(1) The appropriate authority may give a direction exempting—

(a) a particular entity, or entities of a particular description, or

(b) the trustees of a particular trust, or of trusts of a particular description,

from an order under section (Entities controlled etc by local authorities) or specified provisions of such an order.

(2) A direction under this section may provide for an exemption to have effect—

(a) for a specified period; or

(b) subject to specified conditions.

(3) A direction under this section may be varied or revoked by a subsequent direction of the appropriate authority.

(4) In this section "the appropriate authority" means—

(a) in relation to an order made by the Secretary of State, the Secretary of State;

(b) in relation to an order made by the Welsh Ministers, the Welsh Ministers.

(5) In this section—

"entity" has the same meaning as in section (Entities controlled etc by local authorities);

"specified" means specified by the direction.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 26

DEFINITION OF CERTAIN TERMS FOR PURPOSES OF OTHER ENACTMENTS: ENGLAND

'(1) The Secretary of State may by order under this section—

(a) define an "entity under the control of a local authority" and an "entity jointly controlled by bodies that include a local authority" for the purposes of section 4(2) of the Prevention of Corruption Act 1916 (c. 64);

(b) define for the purposes of section 80(1)(aa) of the Local Government Act 1972 (c. 70) the reference in that provision to "an entity under the control of" the authority mentioned there;

(c) define, for the purposes of sections 98(8)(d) and 100(1)(a) of the Local Government, Planning and Land Act 1980 (c. 65), the references in each of those provisions to—

(i) "an entity under the control of" the body mentioned there;

(ii) "an entity subject to the influence of" that body; and

(iii) "an entity jointly controlled by" that body and one or more other bodies;

(d) define for the purposes of paragraph 7(2) of Schedule 7 to the Environment Act 1995 (c. 25) the reference in that provision to "an entity under the control of" the authority mentioned there;

(e) define for the purposes of section 18(2)(b) of the Local Government Act 2003 (c. 26) the references in that provision to—

(i) "an entity under the control of" and "a trust under the control of" an authority or Executive mentioned there;

(ii) "an entity subject to the influence of" and "a trust subject to the influence of" such an authority or Executive; and

(iii) "an entity jointly controlled by bodies that include" and "a trust jointly controlled by bodies that include" such an authority or Executive.

(2) Any reference in subsection (1) to the purposes of a provision of—

the Local Government Act 1972 (c. 70),

the Local Government, Planning and Land Act 1980 (c. 65),

the Environment Act 1995 (c. 25), or

the Local Government Act 2003 (c. 26),

is a reference to the purposes of that provision as it applies in relation to England.

(3) An order under this section may provide for any expression used by it to have the meaning for the time being given by—

(a) any document identified by the order;

(b) any re-issue of such a document.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 27

DEFINITION OF CERTAIN TERMS FOR PURPOSES OF OTHER ENACTMENTS: WALES

'(1) The Welsh Ministers may by order under this section—

(a) define for the purposes of section 80(1)(aa) of the Local Government Act 1972 (c. 70) the reference in that provision to "an entity under the control of" the authority mentioned there;

(b) define, for the purposes of sections 98(8)(d) and 100(1)(a) of the Local Government, Planning and Land Act 1980 (c. 65), the references in each of those provisions to—

(i) "an entity under the control of" the body mentioned there;

(ii) "an entity subject to the influence of" that body; and

(iii) "an entity jointly controlled by" that body and one or more other bodies;

(c) define for the purposes of paragraph 7(2) of Schedule 7 to the Environment Act 1995 (c. 25) the reference in that provision to "an entity under the control of" the

authority mentioned there;

(d) define for the purposes of section 18(2)(b) of the Local Government Act 2003 (c. 26) the references in that provision to—

(i) "an entity under the control of" and "a trust under the control of" an authority mentioned there;

(ii) "an entity subject to the influence of" and "a trust subject to the influence of" such an authority; and

(iii) "an entity jointly controlled by bodies that include" and "a trust jointly controlled by bodies that include" such an authority;

(e) define "an entity under the control of a local authority" for the purposes of section 48(3) of the Public Audit (Wales) Act 2004 (c. 23).

(2) Any reference in subsection (1) to the purposes of a provision of—

the Local Government Act 1972 (c. 70),

the Local Government, Planning and Land Act 1980 (c. 65),

the Environment Act 1995 (c. 25), or

the Local Government Act 2003 (c. 26),

is a reference to the purposes of that provision as it applies in relation to Wales.

(3) An order under this section may provide for any expression used by it to have the meaning for the time being given by—

(a) any document identified by the order;

(b) any re-issue of such a document.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 28

CONSEQUENTIAL AMENDMENTS

'(1) Omit Part 5 of the Local Government and Housing Act 1989 (c. 42).

(2) Schedule (Consequential amendments relating to entities controlled etc by local authorities) (other consequential amendments) has effect.

(3) Subsection (4) applies where by virtue of section 14 of the Interpretation Act 1978 (c. 30) (implied power to amend) any subordinate legislation is amended in consequence of the repeal of Part 5 of the Local Government and Housing Act 1989 (c. 42).

(4) Any provision inserted or substituted by the amendment may provide for an expression used in such provision to have the meaning for the time being given by—

(a) any document identified by such provision;

(b) any re-issue of such a document.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 36

SCHEMES FOR ELECTIONS

'For the purposes of this Part—

(a) a council is "subject to a scheme for whole-council elections" if all of its councillors are to be elected in each year in which it holds ordinary elections of councillors;

(b) a council is "subject to a scheme for elections by halves" if one-half (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors;

(c) a council is "subject to a scheme for elections by thirds" if one-third (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors.'.—*[Mr. Woolas.]*

Brought up, and read the First time.

Mr. Woolas: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this it will be convenient to discuss the following: Government new clause 37—*Resolution for whole-council elections.*

Government new clause 38—*Resolution for whole-council elections: requirements.*

Government new clause 39—*Resolution for elections by halves.*

Government new clause 40—*Resolution for elections by halves: requirements.*

Government new clause 41—*Resolution for elections by thirds.*

Government new clause 42—*Resolution for elections by thirds: requirements.*

Government new clause 43—*Publicity for resolution.*

Government new clause 44—*Notice to Electoral Commission.*

Government new clause 45—*Electoral Commission to consider whether electoral review is necessary.*

Government new clause 46—*Electoral Commission to make order for new electoral scheme.*

Government new clause 47—*Order for elections by halves: years in which elections are to be held.*

Government new clause 48—*Order for elections by halves: councillors to be elected at ordinary elections.*

Government new clause 49—*Order for elections by thirds: years in which elections are to be held.*

Government new clause 50—*Order for elections by thirds: councillors to be elected at ordinary elections.*

Government new clause 51—*Order for elections by halves or elections by thirds: transitional provision.*

Government new clause 52—*Power of Electoral Commission to make incidental etc provision.*

Government new clause 53—*Position if Electoral Commission acts under existing powers.*

Government new clause 54—*Publicity for order by Electoral Commission.*

Government new clause 55—*Power of council to alter years of ordinary elections of parish councillors.*

Government new clause 62—*Electoral Commission and Boundary Committee: reviews and recommendations.*

Government amendments Nos. 196 to 209, 258, 211, 212, 219 to 221 and 227.

Mr. Woolas: Putting my CIPFA guidance to one side, we come to a highly political matter that was the subject of significant and constructive debate in Committee. It may be helpful to the House if I explain the purpose and effect of the new clauses and amendments and why we have proposed them.

The effect of the new clauses and amendments would be to allow local authorities that have at any time been subject to a scheme for partial council elections—normally referred to as "thirds", although that is not always the case—but that are subject to a scheme for whole council elections to revert to a

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scheme for partial council elections. To use the political jargon, if a council has moved from thirds to all outs, can it move back? I know that there are differences in two-tier areas—the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Basildon (Angela E. Smith), has explained them to me.

The Government amendments also amend part 2 of the Bill to require local authorities to pass resolutions for changing their schemes for elections by a two-thirds majority. The same figure applies to districts at the moment. In addition, they extend the permitted resolution period during which a metropolitan district council may first resolve to move to a scheme for whole council elections from 31 December 2007 to 31 December 2009. My hon. Friend the Member for Wigan (Mr. Turner), who represents such an area, pressed that point in the Committee.

In Committee, we listened carefully to the concerns expressed by hon. Members from all three parties about the proposal that local authorities that resolve to move to whole council elections should be unable to move back to partial council elections. At the end of an extremely constructive Committee debate, the hon. Member for Hazel Grove (Andrew Stunell) withdrew the amendments that would have allowed county councils and London boroughs to move to partial council elections, even though there is no tradition of partial council elections in those areas.

6.30 pm

We believe that if a council has always held whole council elections—that is the pattern of election that the Electoral Commission recommended and demonstrated to be in the interests of electors and effective democratic processes—it would be perverse to give it the option of moving away from those arrangements. However, in Committee we undertook to give further consideration to whether amendments should be made that would allow areas with a tradition of partial council elections to return to that scheme if they thought that whole council elections were not appropriate in their area. I hope that the House will find that the amendments address the concerns that were expressed in Committee, when the issue was subject to extremely constructive scrutiny.

I hope that I have support in saying that a great deal of experience was brought to the Committee by Members of all parties—people spoke as constituency Members, irrespective of their Government or Opposition roles, and some powerful points were made. The debate has been around for 50 years. I do not want to bore the House with details of my bedtime reading, but I am reading the memoirs of a predecessor in the 1950s, who explained that in 1955-56 the Conservative party had an election commitment to, and a debate in Cabinet on, election by thirds. It wanted to ensure election by thirds in order to secure strong executive leadership on the councils. Fifty years later, that position has been turned around by events but the subject is still debated by elected representatives, both in the House and on councils. It is an important issue, and that is why we considered it in the light of the points made by the Committee. We tabled this group of amendments in that spirit. I am glad to see that, if my reading of the amendment paper is correct, there are no non-Government amendments on the subject, so I hope that our point is accepted.

Michael Fabricant: Has the Minister, in his extensive reading or in the research that his Department does on his behalf, noticed any pattern and found that one particular group of councils goes for thirds, while another chooses all-out elections, or is it completely random?

Mr. Woolas: That is an interesting point. The Government's central intention in introducing the measures is to devolve the decision from the Secretary of State to the council. At the moment, the Secretary of State, or Ministers and officials acting on her behalf, take the decision. In my time in office, I have been asked to take decisions on elections in areas of which, in all honesty, I have no personal knowledge, although of course advice is available. We think that that is wrong and we want to devolve that responsibility. We want the safeguard of the two thirds.

The evidence available is inconclusive. There are many views on why particular decisions are taken. As we debated in Committee, there are those who say that elections by thirds keep the council in touch with the public, keep it on its toes, and make it more responsive. Equally, there are those who say that all-out elections provide for stronger decisions and mean that councils can take better quality decisions in the long run. If we look at the ratings by the Audit Commission and others, we can see that there are cases where there is no relationship between the rating and the electoral cycle. There are also examples of cases in which there is a relationship, and where local and other factors seem to come into play. Indeed, it is partly because there is no decisive evidence, although there is a body of knowledge, that we decided to table the amendments.

Let me briefly explain the principles behind the amendments. The Government's starting point—the manifesto mentioned this—is the belief that whole council elections create the framework most likely to support and promote the strong and accountable leadership that we need if powers and responsibilities are to be devolved to local councils. There is a relationship between devolution and the responsible holding of power. Whole council elections can strengthen democratic processes by providing clarity to the electorate.

Secondly, we believe that local authorities should make the decision. That is why the Bill will give them the power to make a resolution to change the electoral cycle if they believe that to be in the best interests of their area. Thirdly, as we stated in the White Paper, we recognise that the pattern of local elections can reflect long-held traditions and be part of the culture of local public life. If a council has been subject to partial council elections since the local government reorganisation in 1974, it will be able to move to whole council elections—and, if it sees fit, it can subsequently return to elections by thirds. I reiterate that the option of moving to partial council elections should not, in our view, be extended to areas where there is no such tradition.

My hon. Friend the Member for Wigan stated in Committee that between electoral cycles

"there should not be a constant ping-pong".—[*Official Report, Local Government and Public Involvement in Health Public Bill Committee*, 8 February 2007; c. 211.]

We therefore propose that any resolution to change the cycle or scheme for elections must be made at a specially convened meeting and be passed by a two-thirds majority of those voting. That will ensure that a significant majority of councillors support the change being made. That is the process that currently applies for district councils that have the option of requesting the Secretary of State to make that change.

Fifthly, we need to set out when a change of electoral cycles can realistically first be made under the Bill. We propose that if a metropolitan district council chooses to make a change, having obtained a two-thirds majority in support of that choice, the first year in which it can have a whole council election will be 2010. For shire districts, including unitaries, the first year will be 2011. I have set those dates because it would be wrong if the electorate were not aware of what they were voting for. If the move was made during the current electoral cycle, it could be unfair. The new clauses and amendments in the group that we are discussing follow the five principles that I have just outlined.

Michael Fabricant: The Minister's argument is interesting. Would he go further and say that although proposed changes are not set out in the Bill, they really should be in a manifesto? Let us suppose that a council argued for a change from election by thirds to all-out elections, or vice versa. The Minister is saying that the safeguard is that the change will happen in the next electoral cycle. The proposal should therefore really be set out in some form of manifesto, so that people know what they are voting for.

Mr. Woolas: Yes, I agree with that. The hon. Gentleman makes an important point, and that is partly why I chose the dates that I mentioned. If a party stood for election and won a majority, perhaps not unexpectedly, and then told the electorate that it was moving to all-out elections, that would not be fair. I therefore agree with the hon. Gentleman's point, and a random sample of opinion among Labour Members, taken in the past few moments, shows that there is consensus among Labour Members, too.

Robert Neill: I very much agree with the Minister's last observations and I suspect that there is consensus on the point that he makes. I am interested in the references to halves. Perhaps it comes of having lived a sheltered life in the London boroughs and the home counties, where elections are either all-out or by thirds, but I am interested to hear whether there is any significant demand for elections by halves, how many local authorities come out for halves, and what place that option holds in the argument. I can see the argument for all-out elections, which the Minister has advanced, and I can see the argument for thirds—that, too, has been advanced, and it is well known to all of us—but election by halves seems an odd hybrid animal. Perhaps it is an historical anomaly. I would be interested to hear the Minister's thoughts. Is it a route that the Government seek to encourage; is it merely included as an option, as a result of their desire to maximise devolution; or would it simply preserve the historical practices in one or two parts of the country?

Mr. Woolas: I am grateful to the hon. Gentleman for his lengthy intervention because inspiration arrived during the course of it. I am told that there are seven districts that hold elections by halves.

The principle that we are trying to put into the Bill—not just in this part, but across the Bill—is that the route by which a decision is taken is the route by which it can be reversed. In cases where election is by halves, that would apply. Furthermore, given his experience in the Greater London Authority, the hon. Gentleman will be more aware than most that the electoral cycle for councils should take into account upper tier and lower tier authorities. In the Bill we are trying to encourage the creation of parish councils. I am not one of those who want huge ballot papers, so I hope that the House will bear with me on that point.

The new clauses and amendments follow the principles that I have outlined. They also put in place the necessary technical processes to allow the Electoral Commission to review district wards where changes to electoral cycles are being made. In short, the amendments will allow councils to have the flexibility that they need. I commend them to the House.

Mr. Syms: There is substantial consensus on the matter. As the Minister rightly said, trying to make a judgment about which is the best system can be inconclusive, to say the least. There are examples of extremely good authorities that are elected by thirds, by halves and by all-out elections. I have always had a preference for all-out elections, because that gives the electorate a manifesto, and a day when it decides who is to run the authority, or perhaps who to kick out, if the council has made a hash of it.

From the tone of the debate in Committee, it was clear that the Government, possibly because of a manifesto commitment, wanted to go in a particular direction, whereas we wanted authorities to have the option of going into reverse gear if they so wished. I agree with the Minister's remarks about the two thirds. Some cross-party co-operation will probably be necessary under the changed electoral arrangements. In some authorities—Wigan might be one of them—that might not make much difference in terms of political party, but for most authorities a two-thirds majority would require some acquiescence by the minority to change the electoral arrangements and to change back. The new clauses seem to be written in a perfectly sensible manner.

The Government set out their belief that whole council elections are generally the best route, so they are not giving such councils the opportunity to revert to election by thirds or halves. I accept that. The Government have moved some way to allay the concerns expressed in Committee. It is sensible that the dates are set some way ahead to allow for change. That would allow a political party that wished to campaign on the changed electoral arrangements to put those to the electorate. Broadly speaking, we are happy with the way that the Government are proceeding.

6.45 pm

Tom Levitt: I congratulate my hon. Friend on responding to the mood of the Committee, especially

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the mood on the Labour Back Benches during the Committee, where, as a 100 per cent. loyalist, I still felt the urge to be a rebel on these matters. It did not make sense to me that we should be able to move from one form of voting to another, but not the other way round. We are particularly flattered that it has taken no fewer than 40 amendments in the group before us to address our concerns.

One concern was that the situation in two-tier authorities had not been fully taken into account by the original drafting of the Bill. Derbyshire county has large single-member wards, and no one would argue that there should be anything but all-out elections every four years. However, I have been involved with local authorities at district level that have had all-out elections, and also with authorities that had elections by thirds, and there is something to be said for both systems. The all-out system provides consistency for at least four years, and if there is a mayoral system, the four-year system probably matches that and supports it better. On the other hand, a council that goes out by thirds allows a rolling programme, and non-catastrophic evolution. I use the word "catastrophic" advisedly. In High Peak we had all-out elections and lost nine seats on 3 May. Had we had elections by thirds, the outcome would be the equivalent of losing only three seats, which would not have looked quite so catastrophic.

That is a good reason why we should have been able to have elections by thirds—but in my book continuity wins out. I have served on a local authority that was elected by thirds—the same authority on which I sat with my hon. Friend the Member for Stroud (Mr. Drew). Continuity and evolution are better than a possibly catastrophic pendulum swing every four years.

I have one or two questions to ask my hon. Friend the Minister, bearing in mind that very few councils have ever taken the opportunity that the existing law provides to change from one system to the other. My guess is that most councils are set up in a certain way and stay like that. If he is allowing only those that have once been elected by thirds and are now all-out to revert to thirds, how many councils is he giving that power to? It seems that only the local authorities that are currently all-out but once upon a time had election by thirds can go back. I am glad that the hon. Member for Bromley and Chislehurst (Robert Neill) raised the question of halves. That was new to me, too. Can my hon. Friend say whether the same would apply in the case of halves? Would those authorities need to have had a different system in the past in order to qualify for movement between all-out elections and elections by part?

There is a worry that if councils are given a new right to go in the other direction, but only a handful of them would qualify to be considered, it is not much of a right. I am sorry to put my hon. Friend on the spot, but these questions are important. I hope that the 40 amendments will ensure that some councils have the option to move in the other direction, from all-out to halves or thirds, if that is what they choose, subject to the sensible provisos suggested by the hon. Member for Lichfield (Michael Fabricant).

Andrew Stunell: I thank the Minister for responding to the debate in Committee which, as he said, was all-party and saw the need for a process that could work in either direction. I welcome the new clauses and amendments that he has tabled. Like the hon. Member for High Peak (Tom Levitt), I am disappointed that the provisions are restricted in their application. I shall comment on that in a moment.

First, however, I want to ask the Minister whether the difference in wording between the rules for halves and the rules for thirds is deliberate and, if so, why. New clause 39(1) states that a non-metropolitan district council in England can qualify, and new clause 41, which relates to election by thirds, allows a district council in England to qualify. In other words, election by halves is restricted to non-metropolitan districts, and the other case appears to apply to metropolitan districts. I would be interested to know whether that is a difference with a deliberate intention, or whether it will be subject to amendment in another place in due course. I favour the widest possible interpretation, so I prefer new clause 41 to new clause 39 in that respect. I look forward to hearing that that is the intention.

I asked the Library for a note on how many local authorities would be eligible, and it provided me with a list of the councils that had elections by thirds in 1974, which is the qualifying date. According to the Library, there were 114 such shire district councils, but it did not tell me how many of those changed at one time or another away from election by thirds to all-out elections. I hope that the Minister will provide that information—if not now, perhaps separately after the debate.

Although the concession is generous and the amendments to achieve it are lengthy, my concern is that it will apply to only a small number of local authorities. My disappointment is that the Government have not seen fit to make this a concession that any council could have—although in saying "any council", I accept that, as the Minister said in introducing his amendments, our original wording, which included county councils and other upper-tier bodies, would not have been appropriate. I fully accept that our drafting was deficient in that respect. I want to see the Minister nudge forward a little bit on the possibility of a larger number of district councils being eligible. If he were to tell us in plain terms that there are 100 such councils, maybe I would not feel so concerned, but if, as I suspect, there are only about a dozen, this concession is not as worth while as it seems.

The Library list of 114 councils that had election by thirds in 1974 includes a number of councils that are now unitary authorities. For example, City of York council was a district council in those days, and it is now a unitary council. It was clearly set up as a unitary authority after 1974, and therefore although it appears to qualify under new clause 41(2)(a), it would apparently be disqualified under subsection (2)(b), which states:

"if later, the date on which the council was created."

I want to hear from the Minister whether, if a geographical area once had election by thirds, it still retains the capacity to go through the reversing act, if it wishes, even if its status as a council has changed. I have no information to the effect that City of York council has any intention of doing that, and I am simply using it to illustrate a case that might arise.

Although we welcome the direction of travel, as we say these days, that the Minister has undertaken, I want him to travel further. If, as I fear, he has hardly opened the front door and got on to the garden path, it will be a major disappointment.

Andrew Gwynne: Like my hon. Friends the Members for Wigan (Mr. Turner) and for High Peak (Tom Levitt), I was one of the defenders of elections by thirds in Committee, and I am delighted that the Minister has tabled the amendments that we are discussing today.

I will not rehearse the arguments that I expressed in Committee. There are strong views on both sides. I think that elections by thirds works well in the two local authorities in my constituency, Tameside and Stockport. Tameside has four stars and "improving strongly" status under the strong leadership of Councillor Roy Oldham CBE.

The Minister has delighted me with these amendments. I have always rated him as an effective operator on the political field, and as a result he is a great Minister for Local Government. In Committee, he made great play of his devolutionary desires, which he has actually demonstrated. He has proved to be a listening Minister, too, because there was consensus across the Committee on this issue.

It is absolutely right to introduce the two-thirds majority safeguard to ensure that the powers are not abused by local authorities. In a council such as Tameside, where the controlling group has a two-thirds majority, the safeguard would not make much of a difference, but I realise that it would in most local authorities.

The Minister has been absolutely generous in respect of opportunities to move back. After a full council cycle, if a council resolves at a special meeting by a two-thirds majority to move back, it will be permitted to do so. That is much more generous than the provisions proposed by me, my hon. Friends the Members for Wigan and for High Peak and the hon. Member for Hazel Grove (Andrew Stunell). We thought that it would be more reasonable to have two cycles to allow the new system to bed down; two cycles would result in a period of eight years and three cycles would result in a period of 12 years. If a local authority sees that approach as a failure, the opportunity to move sooner is welcome.

I was going to raise the precise point mentioned by the hon. Member for Hazel Grove about non-metropolitan districts established under the Local Government Act 1972, which came into force on 1 April 1974, that have subsequently become unitary authorities. When those districts were non-metropolitan shire districts in a two-tier system, many of them were elected according to elections by thirds. On becoming unitary authorities, which gave them a new status and a new creation date, because they technically became new local authorities on the date on which the unitaries were created, many of them moved to all-out elections. If such local authorities wanted to elect by thirds, it would be wrong to prevent them from doing so. Like the hon. Member for Hazel Grove, I look forward to the Minister's response.

Mr. Neil Turner: I, too, congratulate the Minister on introducing this excellent group of amendments in response to the constructive cross-party debate in Committee.

We do not need to rehearse the arguments—it is finely balanced whether elections should be all out or whether they should be by thirds—because it is not really for us in this Chamber to make that decision, which should be made by councils and their local communities. What we need to do is to give councils and their local communities that opportunity, and I am grateful to the Minister for introducing the amendments, which will allow local authorities to take that decision.

I agree with the Minister that the two-thirds issue is important. I do not think that it is right that a local authority with a majority of 50 per cent. plus one should take that decision, because the issue would then become party political rather than a decision being made for the whole of the community. The hon. Member for Poole (Mr. Syms) has suggested that there is a two-thirds majority on Wigan council, but we are not quite there yet; we had one gain last year and three gains this year, so a couple more gains next year will get us to that position. If we want to make changes, however, as a four-star authority we will put community consultation to the fore.

I join my hon. Friends the Members for High Peak (Tom Levitt) and for Denton and Reddish (Andrew Gwynne) and the hon. Member for Hazel Grove (Andrew Stunell) in saying that the measure appears to be slightly limited. The exclusion of the London boroughs is not a logical step. If a London borough wants to move from all-out elections to one-third elections, I cannot see why it should not have the opportunity to do so. It seems illogical to allow that in metropolitan districts but not in London boroughs. If we were truly devolutionary, it would be open to all local authorities to take that decision, in line with the wishes of their communities. I hope that the Minister will take that point back to the Department and have further discussions with his colleagues—perhaps he will introduce further amendments in the Lords. Nevertheless, the provision is a move forward, and I congratulate the Minister on it.

Robert Neill: I had not intended to speak on this group of amendments, but the hon. Member for Wigan (Mr. Turner) has stung me into action. I am sorry to disagree with his final point—I had thought that this year our only disagreements would relate to promotion and relegation, and I commiserate with him on the circumstances in which he finds himself in that regard.

Mr. Neil Turner *rose—*

Robert Neill: That does not mean that I am going to volunteer, on behalf of West Ham United, to make any change in our current situation.

I shall be careful not to try your patience, Mr. Deputy Speaker, so I shall now move on. I urge the Minister to be cautious about the issue raised in relation to London—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I was merely unclear as to which sport the hon. Gentleman was referring to.

Robert Neill: You must have been to Upton Park on one of our bad days, too, Mr. Deputy Speaker, and experienced similar confusion.

7 pm

I urge a note of caution with regard to London. I understand the devolutionary sentiment behind the comments of the hon. Member for Wigan, but one should balance that with the point made by the Minister, whose thinking I commend in this respect. Experience in the Greater London authority has shown the value of fitting elections into the cycle. The metropolitan districts are different because there is, in effect, a top-tier authority in the form of the GLA. A system that allows for some gap between the two tiers is generally well regarded in London.

Andrew Gwynne: It is entirely for the London boroughs to decide on this matter. However, before 1986 the metropolitan counties outside London had elections by thirds to the metropolitan districts, and in the fourth year, which is now the fallow year, elections to the metropolitan county councils such as Greater Manchester council. The London model could fit with election by thirds.

Robert Neill: Except for this difference: the metropolitan counties were abolished and have not been reinstated, so there is now a single-tier authority and a year off. That also happens in the case of one or two unitaries that were formerly metropolitan counties. The difference in London is that it is generally regarded as convenient to have the all-out election for the Mayor and the assembly, and then to have an all-out election for the boroughs halfway through the electoral cycle. I hope that the Minister will not consider any change in relation to London without considering the views of those in London local government. London has a unique local government structure and different considerations should therefore apply.

Michael Fabricant: This argument is interesting to me, because I do not come from a local government background. Would my hon. Friend care to speculate on why, given the fallow year that has been mentioned, the option of quarters was not discussed? Perhaps the Minister could explain that when he winds up. If the argument is that it is helpful to have elections every year, why have elections for three years and then in a final, fourth year have no election at all? Given that halves are an option used by seven district councils, why not have the option of quarters too?

Robert Neill: I am genuinely grateful to my hon. Friend for raising that interesting point, which had not occurred to me before. I can see an argument for it, although I am not aware that it has ever received much support among electors or the local government community. I hope that he will forgive me if I appear not to do justice to his intervention by saying that I can only leave it at that and return to my point about London, and the desire to have something that works well in the London context. I am not aware that any local authority or significant group of opinion in London would wish for a change in our current electoral arrangements.

Mr. Woolas: If members of the press or the public were ever to doubt that Members of Parliament know what they are talking about, they should read the *Hansard* record of the debate on these new clauses. I am tempted to say that the reason why we did not consider the option of quarters was to give the poor electorate a year off—*[Interruption.]* And the canvassers, as my hon. Friend the Member for Wigan (Mr. Turner) says. The real reason is traditional and historical. Areas had two tiers; in our area of Greater Manchester, the fallow year was for the upper tier. To meet the point made by the hon. Member for Lichfield (Michael Fabricant), we would have to reconsider the number of councillors per ward and move to four, or two or one. We could do that, but I do not think that he would want us to.

Andrew Stunell: As the Minister and I know, on the past three occasions our fallow year in Greater Manchester has been occupied with a general election, so we are never short of an election in our area.

Mr. Woolas: That is a point often made to me by the cross-party leaders of the 10 authorities in Greater Manchester. I suspect that the results would be better for us in both sets of elections were that not the case—but I will not be tempted down that road.

I am grateful to hon. Members for their response to the amendments, and will deal briefly with the points that have been made. The hon. Member for Poole (Mr. Syms) mentioned our manifesto commitment. For the record, the manifesto required the Government to look at the Electoral Commission's proposals on all-out elections. We have done that, so we have fulfilled the commitment. The manifesto did not commit the Government to moving to all-out elections, but gave that as a preference. Our debate has reflected that.

The hon. Member for Poole welcomed the requirement for a two-thirds majority, which provides more of a guarantee that a resolution would not be used in a partisan way, or by a small number of councils for tactical reasons. That principle is already enshrined, because in districts that have the power to request the Secretary of State to move to all-out elections, the resolution requires a two-thirds majority in the council. The hon. Gentleman mentioned whole council decisions. My hon. Friend the Member for Wigan put his finger on the main point, which is that this section of the Bill allows local authorities to decide. The research that the hon. Member for Hazel Grove (Andrew Stunell) did in the Library and elsewhere teaches us something, although circumstances will change in future, given that councils know that decisions are in their own hands and are not subject to the decision of the Secretary of State, who may or may not agree with the resolution.

Tom Levitt: Is my hon. Friend saying that under the amendments, a council that has always had all-out elections has the right to choose to go to election by thirds? If not, such a council does not have the right to choose. My impression was that the amendments would give a council the right to move to thirds only if it had had that system at some time in the past.

Mr. Woolas: That is correct; I thank my hon. Friend for giving me the opportunity to clarify the position. I am on the front path, not out on the street, to use the analogy made by the hon. Member for Hazel Grove.

Tom Levitt: So why does my hon. Friend make that distinction between the two categories of council?

Mr. Woolas: Because I have not been asked to until now. I am reflecting the debate in Committee. My hon. Friend should look back on the five principles that I mentioned, one of which the hon. Member for Bromley and Chislehurst (Robert Neill) disagreed with. This might seem surprising coming from the Labour Benches, but tradition is important in this area. It is not desirable to create turbulence in the system, but at the same time we should move in a generally devolutionary direction. My hon. Friend the Member for High Peak (Tom Levitt) is trying to move the debate forward. I have tried to ensure that the Government have not been too restrictive in imposing all-out elections, so as to allow for a change in the direction of travel, but I cannot, as yet, go as far as he is asking. If he gives me a chance to list the figures, he will get some satisfaction.

The hon. Member for Hazel Grove could be described in this instance, if not outside this debate, as a political anorak. I do not mean that in a pejorative sense. I congratulate him on going to the Library to ask the question that he did, and I am interested to hear that he did not get a satisfactory answer. In 2002, six authorities moved to election by halves—Cheltenham, Fareham, Gosport, Hastings, Nuneaton and Bedworth, and Oxford. Several councils have moved from whole council elections to election by thirds. They include Warrington in 1997, Purbeck in 1999, Castle Point in 2003, North-East Lincolnshire in 2003, and Plymouth in 2003. Councils that have moved from election by thirds to whole council elections include Medway in 1997, Broadland in 2007 and Eastbourne in 2007. I know that the hon. Member for Hazel Grove is especially interested in Eastbourne.

Hon. Members asked about the position in York. For the purposes of the Bill, it is a non-metropolitan district. It is, of course, a unitary authority, so the answer to the question about York is yes. The hon. Member for Hazel Grove asked about halves and metropolitan districts. No metropolitan districts elect on the basis of halves; they have no tradition of that. Seven non-metropolitan districts work on the basis of halves, and could move back to a previous system. Indeed, I have just provided a list of them. All metropolitans could go back to a previous system if they first choose to move to whole council elections. If any of the 81 districts or 19 unitaries that currently elect by thirds or the seven district councils that work on the basis of halves moved to whole council elections, they could move back to thirds or halves, as the case may be.

Any of the 150 district councils that currently hold whole council elections but previously elected by thirds could move back. Since 1997, three district councils have moved to whole council elections; they could therefore move back. I hope that that is as clear as possible.

Tom Levitt *rose—*

Mr. Woolas: My hon. Friend is going to push me on that point.

Tom Levitt: I am about to sound a little ridiculous. Does my hon. Friend genuinely suggest that we have tabled 40 amendments simply to allow three councils to move back to election by thirds?

Mr. Woolas: No. I shall not repeat myself, but a reading of *Hansard* will show that that is not the case. We are essentially trying to allow councils that have moved to move back, but not necessarily those that moved in the last period. Where there is a tradition, councils can revert to it. I am essentially excluding London and counties. The reason for that is interesting. It is partly because there is no tradition and partly because the consultation did not request the inclusion of London and counties.

Sir Peter Soulsby (Leicester, South) (Lab): Let us be clear. Is the Minister saying that unitary authorities that were formerly metropolitan district authorities can revert to elections by thirds if they held such elections at some point since the 1973-74 reorganisation?

Mr. Woolas: Yes. That is precisely my point.

An inevitable consequence of devolution is different patterns in different areas. As a country and a body politic, we need to get used to that and welcome it.

Andrew Stunell: I appreciate the spirit in which the Minister approaches the matter. He appeared to be surprised by the point that the hon. Member for High Peak (Tom Levitt) made about authorities that had always held all-out elections, and the fact that the Bill is not giving them the opportunity to move to thirds. The Minister expressed surprise that he had not been asked about that previously. Let me remind him that the amendment that we tabled in Committee included those councils, too.

Mr. Woolas: The hon. Gentleman is right and I was wrong. I intended to refer to the pre-consultation. He thanked me for my approach. I should like to thank my hon. Friend the Member for Denton and Reddish (Andrew Gwynne), whose pressure and lobbying, along with that of other hon. Friends, led to the amendments. However grateful the hon. Member for Hazel Grove is, my hon. Friend the Member for St. Helens, North (Mr. Watts)—from the Whips Office—is not. I therefore urge hon. Members to support the new clause.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 37

RESOLUTION FOR WHOLE-COUNCIL ELECTIONS

'(1) A district council in England that is subject to a scheme for elections by halves or by thirds may resolve that it is to be subject instead to the scheme for whole-council elections under section 33.

(2) A resolution under this section is referred to in this Part as a "resolution for whole-council elections".'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 38

RESOLUTION FOR WHOLE-COUNCIL ELECTIONS: REQUIREMENTS

'(1) A council must comply with this section in passing a resolution for whole-council elections.

(2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.

(3) The resolution must be passed—

(a) at a meeting specially convened for the purpose, and

(b) by a majority of at least two thirds of the members voting on it.

(4) The council must pass the resolution in a permitted resolution period.

(5) In this section "permitted resolution period" means—

(a) in relation to a metropolitan district council—

(i) the period ending with 31 December 2009, or

(ii) the period in 2013, or in any fourth year afterwards, that starts with 1 October and ends with 31 December;

(b) in relation to a non-metropolitan district council—

(i) the period ending with 31 December 2010, or

(ii) the period in 2014, or in any fourth year afterwards, that starts with 1 October and ends with 31 December.

(6) The Secretary of State may by order provide that a permitted resolution period is to end later than the day determined in accordance with subsection (5).'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 39

RESOLUTION FOR ELECTIONS BY HALVES

'(1) A non-metropolitan district council in England that—

(a) was formerly subject to a scheme for elections by halves, but

(b) is for the time being subject to a scheme for whole-council elections,

may resolve that it is to revert to being subject to a scheme for elections by halves.

(2) For the purposes of this section, a council that is subject to a scheme for whole-council elections was "formerly subject" to a scheme for elections by halves if it was subject to such a scheme at any time in the period beginning with—

(a) 1 April 1974, or

(b) if later, the date on which the council was created.

(3) A resolution under this section is referred to in this Part as a "resolution for elections by halves".'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 40

RESOLUTION FOR ELECTIONS BY HALVES: REQUIREMENTS

'(1) A council must comply with this section in passing a resolution for elections by halves.

(2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.

(3) The resolution must be passed—

(a) at a meeting specially convened for the purpose, and

(b) by a majority of at least two thirds of the members voting on it.

(4) The council must pass the resolution in a permitted resolution period.

(5) In this section "permitted resolution period" means the period in 2008, or in any fourth year afterwards, that starts with 1 October and ends with 31 December.

(6) The Secretary of State may by order provide that a permitted resolution period is to end later than the day determined in accordance with subsection (5).'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 41

RESOLUTION FOR ELECTIONS BY THIRDS

'(1) A district council in England that—

(a) was formerly subject to a scheme for elections by thirds, but

(b) is for the time being subject to a scheme for whole-council elections,

may resolve that it is to revert to being subject to a scheme for elections by thirds.

(2) For the purposes of this section, a council that is subject to a scheme for whole-council elections was "formerly subject" to a scheme for elections by thirds if it was subject to such a scheme at any time in the period beginning with—

(a) 1 April 1974, or

(b) if later, the date on which the council was created.

(3) A resolution under this section is referred to in this Part as a "resolution for elections by thirds".'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 42

RESOLUTION FOR ELECTIONS BY THIRDS: REQUIREMENTS

'(1) A council must comply with this section in passing a resolution for elections by thirds.

(2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.

(3) The resolution must be passed—

(a) at a meeting specially convened for the purpose, and

(b) by a majority of at least two thirds of the members voting on it.

(4) The council must pass the resolution in a permitted resolution period.

(5) In this section "permitted resolution period" means—

(a) in relation to a metropolitan district council: the period in 2011, or in any fourth year afterwards, that starts with 1 October and ends with 31 December;

(b) in relation to a non-metropolitan district council: the period in 2008, or in any fourth year afterwards, that starts with 1 October and ends with 31 December.

(6) The Secretary of State may by order provide that a permitted resolution period is to end later than the day determined in accordance with subsection (5).'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 43

PUBLICITY FOR RESOLUTION

'(1) A council must comply with this section as soon as practicable after passing a resolution for elections by halves or a resolution for elections by thirds.

(2) The council must produce an explanatory document.

(3) The council must make the explanatory document—

(a) available for public inspection at the council's principal office at all reasonable times, and

(b) available to the public by such other means as the council thinks appropriate.

(4) The council must publicise these matters—

(a) that the council has resolved to become subject to the new electoral scheme;

(b) that the Electoral Commission is to make provision by order about the operation of, and transition to, the new electoral scheme;

(c) how the explanatory document is available in accordance with subsection (3);

(d) the address of the council's principal office.

(5) It is for the council to decide how these matters are to be publicised.

(6) An explanatory document is a document which sets out details of the new electoral scheme (so far as the details are known at the time the document is prepared).'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 44

NOTICE TO ELECTORAL COMMISSION

'(1) A council must comply with this section as soon as practicable after passing a resolution for elections by halves or a resolution for elections by thirds.

(2) The council must give the Electoral Commission notice that it has passed the resolution.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 45

ELECTORAL COMMISSION TO CONSIDER WHETHER ELECTORAL REVIEW IS NECESSARY

'(1) This section applies if the Electoral Commission receive notice under section (Notice to Electoral Commission) that a council has passed a resolution for elections by halves or a resolution for elections by thirds.

(2) As soon as practicable after receiving the notice, the Commission must consider whether to exercise their power under section 13(3) of the Local Government Act 1992 (c. 19) to direct the Boundary Committee to conduct a review of the district in question (or any part of it).

(3) As soon as practicable after deciding whether or not to direct the Boundary Committee to conduct an electoral review, the Commission must give the council notice of the decision.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 46

ELECTORAL COMMISSION TO MAKE ORDER FOR NEW ELECTORAL SCHEME

'(1) Where the Electoral Commission receive notice under section (Notice to Electoral Commission) that a council has passed a resolution, they must—

(a) in the case of a resolution for elections by halves, make an order for elections by halves in relation to the council (see sections (Order for elections by halves: years in which elections are to be held) and (Order for elections by halves: councillors to be elected at ordinary elections));

(b) in the case of a resolution for elections by thirds, make an order for elections by thirds in relation to the council (see sections (Order for elections by thirds: years in which elections are to be held) and (Order for elections by thirds: councillors to be elected at ordinary elections)).

(2) But the Commission must not make the order—

(a) before they have decided whether or not to give the Boundary Committee a direction to conduct an electoral review (see section (Electoral Commission to consider whether electoral review is necessary)(2)), or

(b) if they give such a direction, before the Boundary Committee have concluded the review.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 47

ORDER FOR ELECTIONS BY HALVES: YEARS IN WHICH ELECTIONS ARE TO BE HELD

'(1) An order for elections by halves in relation to a council must secure that the ordinary elections of councillors of the council are held in years determined in accordance with this section.

(2) Ordinary elections of the councillors of the council are to be held in—

(a) the first relevant year after the year in which the Electoral Commission makes the order, and

(b) each subsequent year for elections by halves.

(3) In this section—

"relevant year" means 2011 and every fourth year afterwards;

"year for elections by halves" means 2012 and every second year afterwards.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 48

ORDER FOR ELECTIONS BY HALVES: COUNCILLORS TO BE ELECTED AT ORDINARY ELECTIONS

'(1) An order for elections by halves in relation to a council must make provision for the election and retirement of councillors in accordance with this section.

(2) In the case of the ordinary elections held in the year determined in accordance with section (Order for elections by halves: years in which elections are to be held)(2)(a)—

(a) all of the councillors are to be elected;

(b) on the fourth day after the elections are held—

(i) the councillors elected in those elections are to come into office, and

(ii) all of the sitting councillors are to retire.

(3) In the case of ordinary elections held subsequently—

(a) one half (or as nearly as may be) of the councillors are to be elected;

(b) on the fourth day after the elections are held—

(i) the councillors elected in those elections are to come into office, and

(ii) the specified sitting councillors are to retire.

(4) The order must include provision for identifying which councillors are to retire in each year in which ordinary elections are to be held (other than the first), including provision for identifying—

(a) the wards affected;

(b) the councillors affected within particular wards.

(5) In this section "specified sitting councillors", in relation to ordinary elections, means the sitting councillors who are to retire in the year of those elections by virtue of the order.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 49

ORDER FOR ELECTIONS BY THIRDS: YEARS IN WHICH ELECTIONS ARE TO BE HELD

'(1) An order for elections by thirds in relation to a council must secure that the ordinary elections of councillors of the council are held in years determined in accordance with this section.

(2) Ordinary elections of the councillors of the council are to be held in—

(a) the first relevant year after the year in which the Electoral Commission makes the order, and

(b) each subsequent year, unless it is a fallow year.

(3) In this section—

"fallow year" means 2013 and every fourth year afterwards;

"relevant year" means—

(c) in relation to a metropolitan district council: 2014 and every fourth year afterwards;

(d) in relation to a non-metropolitan district council: 2011 and every fourth year afterwards.'—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 50

ORDER FOR ELECTIONS BY THIRDS: COUNCILLORS TO BE ELECTED AT ORDINARY ELECTIONS

'(1) An order for elections by thirds in relation to a council must make provision for the election and retirement of councillors in accordance with this section.

(2) In the case of the ordinary elections held in the year determined in accordance with section (Order for elections by thirds: years in which elections are to be held)(2)(a)—

(a) all of the councillors are to be elected;

(b) on the fourth day after the elections are held—

(i) the councillors elected in those elections are to come into office, and

(ii) all of the sitting councillors are to retire.

(3) In the case of ordinary elections held subsequently—

(a) one third (or as nearly as may be) of the councillors are to be elected;

(b) on the fourth day after the elections are held—

(i) the councillors elected in those elections are to come into office, and

(ii) the specified sitting councillors are to retire.

(4) The order must include provision for identifying which councillors are to retire in each year in which ordinary elections are to be held (other than the first), including provision for identifying—

(a) the wards affected;

(b) the councillors affected within particular wards.

(5) In this section "specified sitting councillors", in relation to ordinary elections, means the sitting councillors who are to retire in the year of those elections by virtue of the order.'—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 51

ORDER FOR ELECTIONS BY HALVES OR ELECTIONS BY THIRDS: TRANSITIONAL PROVISION

'(1) An order under section (Electoral Commission to make order for new electoral scheme) (order for elections by halves or for elections by thirds) may include provision about the transition to the council's new electoral scheme.

(2) Provision made by virtue of this section may, in particular, include provision for the retirement of some councillors after their initial election at times different from those otherwise applying, and for identifying which of them are so to retire.'—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 52

POWER OF ELECTORAL COMMISSION TO MAKE INCIDENTAL ETC PROVISION

'The Commission may by order make incidental, consequential, transitional or supplemental provision in connection with provision made by order under section (Electoral Commission to make order for new electoral scheme) (order for elections by halves or for elections by thirds).'—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 53

POSITION IF ELECTORAL COMMISSION ACTS UNDER EXISTING POWERS

'In a case in which—

(a) the Commission give the Boundary Committee a direction to conduct an electoral review (see section (Electoral Commission to consider whether electoral review is necessary)(2)), and

(b) in response to that request the Boundary Committee make recommendations to the Commission for electoral changes,

nothing in this Part requires the Commission to make any provision in relation to matters dealt with, or to be dealt with, by the Commission in an order under section 17 of the Local Government Act 1992 (c. 19) giving effect to those recommendations.'—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 54

PUBLICITY FOR ORDER BY ELECTORAL COMMISSION

'(1) A council must comply with this section as soon as practicable after the Electoral Commission have made an order under section (Electoral Commission to make order for new electoral scheme) (order for elections by halves or for elections by thirds) in relation to it.

(2) The council must produce an explanatory document.

(3) The council must make the explanatory document—

(a) available for public inspection at the council's principal office at all reasonable times, and

(b) available to the public by such other means as the council thinks appropriate.

(4) The council must publicise these matters—

(a) that the council has become subject to the new electoral scheme;

(b) how the explanatory document is available in accordance with subsection (3);

(c) the address of the council's principal office.

(5) It is for the council to decide how these matters are to be publicised.

(6) An explanatory document is a document which sets out details of the new electoral scheme.'—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 55

POWER OF COUNCIL TO ALTER YEARS OF ORDINARY ELECTIONS OF PARISH COUNCILLORS

'(1) This section applies if a council passes a resolution under this Part.

(2) The council may by order make provision that changes the years in which the ordinary elections of parish councillors for any parish situated in the council's area are to be held.

(3) The power may only be exercised so as to secure that those elections are to be held in years in which ordinary elections of district councillors for a ward in which any part of the parish is situated are to be held.

(4) The order may include transitional provision—

(a) for the retirement of existing parish councillors at times different from those otherwise applying;

(b) for the retirement of some parish councillors after their initial election after the order comes into force at times different from those otherwise applying.'.—*[Mr. Woolas.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 56

TERMS OF REFERENCE OF REVIEW

'(1) The terms of reference of a community governance review are the terms on which the review is to be undertaken.

(2) The terms of reference of a community governance review must specify the area under review.

(3) Sections (No review being undertaken: duty to respond to petition) and (Review being undertaken: duty to respond to petition) make further provision about the terms of reference of community governance reviews.

(4) Subject to subsection (2), and sections (No review being undertaken: duty to respond to petition) and (Review being undertaken: duty to respond to petition), it is for a principal council—

(a) to decide the terms of reference of any community governance review which the council is to undertake; and

(b) to decide what modifications (if any) to make to terms of reference.

(5) As soon as practicable after deciding terms of reference, the principal council must publish the terms.

(6) As soon as practicable after modifying terms of reference, the principal council must publish the modified terms.'.—*[Angela E. Smith.]*

Brought up, and read the First time.

Angela E. Smith: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following:

Government new clause 57—*Council's power to undertake review.*

Government new clause 58—*No review being undertaken: duty to respond to petition.*

Government new clause 59—*Review being undertaken: duty to respond to petition.*

Government new clause 60—*Power to respond to petition.*

New clause 63—*Parish councils: power to issue guarantees—*

'(1) A parish council may make and issue a guarantee for a sum, incidental to its support for an activity which is within its powers under this or any other Act.

(2) A guarantee under subsection (1) may be made—

(a) in respect of membership of a company incorporated under the Companies Act;

(b) in respect of membership of an association of local authorities; or

(c) to a voluntary organisation operating in its area.

(3) In exercising the power to make a guarantee under subsection (1), the council must have regard for any limit on the maximum sum that may be guaranteed that the Secretary of State may by order prescribe.'.

Government amendment No. 90.

Amendment No. 164, in clause 57 page 43, line 37, leave out 'an eligible' and insert 'a'.

Amendment No. 165, page 44, line 1, leave out subsection (4).

Amendment No. 166, in clause 58 page 44, line 8, leave out 'an eligible' and insert 'a'.

Amendment No. 167, in page 44, line 13, leave out 'an eligible' and insert 'a'.

Amendment No. 168, in page 44, line 14, leave out 'an eligible' and insert 'a'.

Government amendments Nos. 228 to 233.

Government amendment No. 91.

Government amendments Nos. 234 to 245.

Amendment No. 169, in clause 78 page 54, line 6, at end insert 'or'.

Amendment No. 170, in page 54, line 8, leave out from 'councils' to end of line 9.

Government amendments Nos. 246 and 247.

7.15 pm

Angela E. Smith: The new clause and the associated amendments provide clarity about handling community governance petitions and reviews generally. In future, the Secretary of State will have no role in decisions about the creation, abolition or modification of parish councils. Those will be truly local decisions, as they should be.

The Bill provides for local people to petition their local authority to conduct a community governance review. When a council receives a valid petition, it must conduct a review except in the following circumstance: when a petition is received within two years of the receipt of an earlier petition that related to the whole or a significant part of the same area as the recent petition. In such a case, the council need not treat the petition as valid. However, even in those circumstances, a council may treat the later petition as valid and conduct a review in relation to it, if it chooses.

In contrast, when the principal council currently initiates a community governance review, it has no power to treat a petition received while it is undertaking the review or following the conclusion that a review is invalid. That inconsistency should be corrected. Accordingly, we want to give the principal council the flexibility to choose whether to conduct a review when a petition is received within two years of the conclusion of a review of the whole or a significant part of the petition area.

[Angela E. Smith]

The flexibility is necessary because we want to avoid a position whereby a local authority conducts a community governance review, recommends the creation of a parish council but, the following day, receives another petition requiring it to conduct another review of the same area. Providing a two-year discretionary period will allow authorities to be secure in the knowledge that they will not be required to conduct a review of the same area immediately after the completion of the initial review, but that they have the flexibility to do so if they choose.

I hope that I have convinced the House of the merits of ensuring that the community governance review processes are consistent. The new clauses and amendments will deliver that. We have also tabled several technical amendments. I ask the House to accept the new clause to ensure that the devolved community governance review process works effectively.

Mr. Syms: First, I broadly welcome the thrust of the Government's actions, which are to devolve power to parish and town councils. I suspect that, when the power is implemented, local authorities will conduct a review of the authorities in their area, especially if they are brave. I remember that, as a county councillor, I had approximately 15 parishes in my county council ward. Some of our areas—I think especially of Wiltshire—have hundreds of parish councils. Many have strong links but, because of the passage of time, many villages have died out since the parishes were instigated. There will, therefore, be a good argument for a review.

I shall outline my only concerns about the regulations. There is a duty on local authorities to respond to a petition within the terms that the Minister set out. It is, effectively, after two years, but I believe that that is not long enough. Two years is not a great length of time for reviewing all the parishes in an area. Some parishes meet only annually and might have had two or three meetings between the time of the review and the time someone brings forward a petition to change the arrangements yet again.

I suspect that petitions are most likely when a town has expanded and a new estate finds itself in a parish but wants to belong to the town to which it is appended. Even over a period of two or three years, one could easily foresee substantial change in house building as strategic planning takes place and planning permissions are granted, so two years is much too quick. My concern is that the local authority will always have to undertake a review or respond to a particularly vociferous group that is regularly raising petitions. In those circumstances, a longer term of more than two years—perhaps five or 10 years—would be more sensible. Nothing changes substantially, except perhaps where a town is growing and a new estate is expanding into a parish adjacent to a new town. The Government are too generous in allowing these petitions, which may well cause a problem for some authorities.

Is a petition time limited? Clause 60(3) stipulates that if the area has

"fewer than 500 local government electors, the petition must be signed by at least 50 per cent. of the electors".

Various requirements and thresholds are set out for a community governance petition, but I did wonder whether a petition would be time limited. Could a petition last three, four, five or six years, eventually reaching a point that triggers a response from the council? If so, that would be wrong. If someone is to gain a significant amount of support for a change in the parish arrangements, there should be a time frame within which they should have to raise the petition. Otherwise, someone could raise petitions over a much longer period.

If an authority is having to deal with a petition of 2,000 names, the council concerned should at least look into the number of names on it to establish before undertaking a community governance review whether they are fairly current. Presumably, under the clause, they would have to be local government electors, so to qualify, the petition should include an electoral number or an address against the names. Are we talking about the current electoral position? In other words, if someone wants to raise a petition for a community governance review, will they have to use the current year's electoral register in order that people qualify?

The provisions are still not clear, so the Government should provide some reassurances about how petitions will be raised. If we are placing a duty on a local authority, which may involve a cost to that authority, it is perfectly proper that a petition should be raised quickly in the appropriate manner and responded to accordingly. The petition should be time limited. Two years is far too short a period for the council to respond. It should be rather longer; otherwise, vociferous groups could be rushing around to raise petitions in order to change arrangements, causing all sorts of difficulties for local authorities, which have a duty under the Bill to respond.

Mr. David Drew (Stroud) (Lab/Co-op): I declare an interest immediately as a town councillor of some 20 years' standing, although I do not intend to talk about all my experiences. I want to put on record my congratulations to the Government on pressing forward with the advancement of parish and town councils. It is a long overdue change and I hope that urban areas in Britain will realise the benefits of truly local councils.

I want to raise one issue that has always concerned me, which I am still a bit unclear about, and I hope that the Minister will put me straight when she responds. Talking about a principal council implies that there is such a thing, but I am still unclear where the authority lies in three-tier arrangements, where there are parish and town councils and a county and a district council. It is not uncommon to have parish and town councils that are popular with another layer of government but unpopular with the third layer of government. In my county of Gloucestershire, the county council has always been reasonably favourable towards parish and town councils, but that sentiment has not always been shared by all district, city or, indeed, borough councils.

It is a nice notion that a petition will gain universal support among the hierarchy of those other councils, but I can envisage one layer encouraging a petition only for it to be shot down by another layer. I therefore hope that the Minister can clarify exactly what is meant when we talk about a principal council. Where there is

conflict, the new clauses seem to clarify the situation, but will there be a clear outcome so that rather than seeing a battle within local government, we get what we all want: proper representation at the most appropriate level, which to my mind is the most local level.

Mr. David Heath (Somerton and Frome) (LD): I rise to speak to my new clause 63, which deals with the power to issue guarantees in respect of parish councils. I preface my remarks by echoing what the hon. Member for Stroud (Mr. Drew) said, as it is, indeed, welcome that the Government recognise the value of parish councils. I was lucky enough a little while ago to secure an Adjournment debate on the subject of parish councils and the Minister for Local Government replied to it, making clear his personal support for them. It was perhaps one of our more discursive Adjournment debates, lasting several hours, and it provided a very good opportunity to discuss the powers of parish councils.

My new clause deals with a much narrower issue. I raised the matter on 22 January on Second Reading of what is charmingly abbreviated in *Hansard* as the "Local Government in Health" Bill. I hope that we are talking about local government in health rather than otherwise. I raised a point that had been brought to my attention by the Somerset Association of Local Councils about the power to issue a guarantee. The Secretary of State, responding to my intervention, said:

"The hon. Gentleman makes a valid point that we are actively considering with local parishes. We are seeking to find a way forward, but I shall certainly correspond with him to see whether we can address the problem."—[*Official Report*, 22 January 2007; Vol. 455, c. 1151.]

I was rather pleased with that reply, as it sounded as if there was a possibility of making progress, but I have to say—I am not being over-critical of the Department—that I have not received any such correspondence from the Secretary of State or other Ministers since. According to my interlocutors in local councils, nor are the National Association of Local Councils or the Society of Local Council Clerks aware of having had such discussions since that intervention as we had hoped might take place on this specific issue.

I looked into the matter in more depth subsequently and noticed that a similar issue was discussed—though not in the same terms—in relation to local government legislation in the other place on 16 July 2003. Lord Hanningfield—not in my party, but a man I well know as leader of the Conservative group on the Association of County Councils when I was the leader of the Liberal Democrat group—raised a broadly similar issue in that debate. He was told in due course by the Minister that the matter was under review, and that active discussions would take place to find a solution. I am not waiting with bated breath for a response from the Government.

7.30 pm

I want briefly to say what new clause 63 is about. There is an anomaly at the moment, in that principal councils—however defined, as the hon. Member for Stroud said—have the power to enter into a guarantee. They may do so under the terms of the Local Government Act 2000 and their power to promote well-being. Clause 57 of the Bill provides parish councils with the power to promote well-being, but restricts that to quality councils, as defined by the Minister, rather than extending it to all parish councils.

I am a little surprised that the hon. Member for Poole (Mr. Syms) did not mention his own amendments in this group. I had expected him at least to refer to them, so that I would be able to support them. Those proposals would extend the power to promote well-being to all parish councils, rather than just to the chosen few that have passed the test applied by the Secretary of State. The absence of such a measure creates a difficulty. If a parish council did not have the power to promote well-being, on which it would rely in order to enter into a guarantee, it would become subject to the court judgments made in respect of guarantees made before the 2000 Act, particularly London borough of Sutton *v.* Morgan Grenfell, which was based on the Credit Suisse case against Allerdale borough council in 1994. Both cases found that a guarantee given by a local authority was unenforceable in the absence of the power given in the 2000 Act. That is why I have tabled my new clause. Without the power to issue a guarantee, a parish council cannot participate in the joint arrangements that now often involve a company that is limited by guarantee. It cannot be a full participatory member of such arrangements.

Parish councils take many forms in this country, ranging from the very small ones with small budgets, which are unlikely to enter into such agreements, to the substantial town councils or even city councils. I can think of two examples in Somerset: Frome town council is a substantial council with considerable assets and a reasonable-sized budget, and Wells city council, which has all the trappings of city government but is still a parish council because Wells is a very small city in the context of this country. They are unable to enter into the kind of arrangements that other councils have.

My new clause would do three things in respect of the ability to issue a guarantee. It would enable a parish council to enter into

"membership of a company incorporated under the Companies Act",

in other words, to enter into one of the associations of councils—perhaps a regeneration body, or a citizens advice bureau consortium or other non-governmental organisation consortium—that are now often incorporated as companies limited by guarantee. It would enable it to do that as an equal partner—a voting partner—which it clearly ought to be able to do if it is providing funding to the partnership or another body.

The new clause would also regularise the position of associations of local authorities, removing the strange position of having an unincorporated body of incorporated councils. That anomaly needs to be corrected. The third effect would be to enable parish councils to give the kind of small guarantees that are clearly in the interest of the local area. Examples include the underwriting of a small event such as the village fete, or of a body such as the cricket club or other sporting club within the parish council area. Those are small guarantees involving limited liability for the parish, but at the moment parish councils cannot legally enter into any such guarantee arrangements, because to do so would be ultra vires.

In anticipating the concerns that the Minister might have about these proposals, I have also incorporated a qualification that the Secretary of State may limit the maximum sum to be guaranteed. Indeed, if the measure were accepted, I envisage different limits for different sizes of council, based either on the council's budget or on a sum per elector in the council area. I share the possible concern of the Minister that there might be occasions on which a small council might hopelessly overreach itself in giving financial guarantees and find itself in significant difficulties. Although I trust parish councils to make appropriate financial decisions, I would have no problem with limiting those guarantees.

It is now time to correct this anomaly and to ensure that all parish councils—not just those that pass the threshold test that the Minister has in mind—have the power to enter into guarantee arrangements. My colleague in local government in Somerset, Mr. Peter Lacey of the Somerset Association of Local Councils, followed his comments to me on this proposal with a personal observation, which I hope he will not mind my sharing with the House. He said:

"I do not want to retire before this quite reasonable power is given to my members."

As I want Peter to be able to retire satisfied that he has done his bit and that I have done mine on behalf of the membership in Somerset, may I ask the Minister to accept my new clause now? If she cannot do that, I do not propose to divide the House on the issue, because it is not the sort of material on which we should be dividing the House, but will she at least give me an assurance that there will be genuine progress on the matter, and that a new clause or an amendment will be tabled in another place to correct this minor yet important anomaly for the parish councils of this country?

Robert Neill: We discussed the question of parish councils in London in some detail in Committee. Without repeating those arguments, I want to stress that the misgivings expressed by the representative body of the London boroughs, London Councils, still remain. We understand the devolutionary sentiment that, in principle, lies behind the measures, but it remains an issue that there does not appear to be any significant demand in London for parish councils. The proposal runs the risk of offending the tradition and turbulence tests set by the Minister for Local Government. If either of those tests were applied, we would not be going down this route in London.

I have also endeavoured to answer the Pratt's Bottom question, and made a point of visiting that part of the constituency of my hon. Friend the Member for Orpington (Mr. Horam). The general consensus there was that the principal concerns about a parish council were whether it would cost any more, and whether Ken Livingstone would have anything to do with it. Such prospects did not elicit an enthusiastic response. I do not think that any evidence has been forthcoming apart from what we heard earlier in regard to a great upsurge in the demand for parish councils.

My colleagues and I were grateful for the Government's acceptance of the need to ensure that community cohesion was an important consideration in the decision to set up parish councils, especially in the London context, for reasons that we all know and on which I do not need to elaborate. I hope that I can be assured that the petition provisions in the new clauses will not undermine that. I agree with what my hon. Friend the Member for Poole (Mr. Syms) said about the need for safeguards against abuse of the right to petition—such as people keeping them going for a long time—and the need to ensure that petitions are genuinely up to date and representative.

There are those who might, in London, seek to establish parish councils for reasons that would not advance community cohesion. We think the Government were right to include safeguards for purposes of community cohesion, and some of the safeguards suggested by my hon. Friend in respect of the way in which petitions are conducted may be particularly relevant in that context.

Angela E. Smith: I thank Members for their contributions. The tone of our discussion has reflected our discussions in Committee on this and other issues. I, too, was surprised that the hon. Member for Poole (Mr. Syms) did not speak to his own amendments, but I shall be able to respond to what the hon. Member for Somerton and Frome (Mr. Heath) said about his new clause.

The hon. Member for Poole was worried about the two years that must elapse before a petition can be presented again. He thought that the Government were being too generous, and that the period was not long enough. Much as I would like to take credit for that generosity, I must ascribe it to the hon. Gentleman's own party. Our proposal reflects a provision in the Local Government and Rating Act 1997, introduced by the last Government, which also allowed a two-year period between petitions. We are applying the provision to community governance reviews in general.

The hon. Gentleman asked about limits in relation to signatures. Clause 60(3) states that

"if the area to which the petition relates has fewer than 500 local government electors, the petition must be signed by at least 50% of the electors".

The hon. Gentleman asked what would happen if it took six years to collect the signatures. I suspect that during that time it might be necessary to go back and start again, as many electors might have moved on and might no longer be on the electoral roll. The electoral roll will enable councils to ensure that a petition is valid.

Both the hon. Gentleman and my hon. Friend the Member for Stroud (Mr. Drew) asked which would be the principal council. The principal council will be the council that currently makes recommendations to the Secretary of State, whether it is a district council, a metropolitan authority or a London borough. There will be no conflict, because county councils have no governance role and no say in the matter.

The hon. Member for Somerton and Frome asked about the power to promote well-being, which was raised in other amendments. I can tell him that we would have to reject the Conservative proposals to extend that power, because its application could be very broad. We do not seek to place constraints on parishes' expenditure, but we believe that there must be safeguards to ensure that the power is not abused. Parish councils vary enormously in size, shape and general nature. The largest is Weston-super-Mare, which is larger than some of the smaller district councils. There will be a basis for

eligibility, which we are discussing with the National Association of Local Councils and other stakeholders, including the Local Government Association. We intend to draw on the guidance provided by the quality parish scheme. If amendments Nos. 164 to 168 are pressed to a vote, we will reject them for those reasons.

In new clause 63, the hon. Member for Somerton and Frome has tried to deal with an issue that I know has concerned him for some time. I have some sympathy with what he said and I think that the issue needs clarification, but I would have to advise the House to reject the amendment if it were put to a vote—although the hon. Gentleman said that he was merely testing the water. I believe that there are defects in the drafting of the new clause. I also believe that we need to understand all the implications of the policy that it recommends, and any risks that it would pose to council tax payers in relation to parish precepts.

7.45 pm

The position is fairly complex. There has been some communication between parish clerks and the Department, but I should like to think further about the hon. Gentleman's proposal. I realise that he was trying to be helpful in subsection (3), which acknowledges that the Secretary of State cannot issue an open guarantee. However, it merely requires councils to "have regard for" an order by the Secretary of State. It would not be possible to pass legislation on that basis.

We need to consider the hon. Gentleman's proposal in some depth, particularly in the light of the proposed extension of the power to promote well-being. I cannot guarantee that our consideration will be completed before the Bill reaches the House of Lords, but he may wish to meet me to discuss the matter. I am rather concerned about Peter Lacey: the hon. Gentleman did not say how old he was. If he is 25, I can tell the hon. Gentleman that the matter will definitely be resolved before he retires.

Mr. Heath: I think Peter Lacey would probably own up to being a little older than 25, but I am grateful for the tone of the Minister's response. She proposes, in clause 57, to give the power to some parish councils. I understand why she might not wish to give plenipotentiary powers to all parish councils, but I think that it is worth considering whether a power, limited in whatever way within the budget of an individual council, can be constructed. I should be happy to meet the Minister, but it would be helpful if I could bring representatives of local government with me so that they could raise their concerns and, perhaps, provide answers to some of the concerns that she has expressed.

Angela E. Smith: I am pleased that the hon. Gentleman suggests a meeting. It is important for the issues to be clarified, and I appreciate the tone of his comments as well.

I did not realise how much I had missed hearing about Pratt's Bottom and Badgers Mount in Committee—but let me turn to amendments Nos. 169 and 170. All Members have made clear their views on the contribution parish councils make to the community. Parish councils enhance the democratic life of communities, and do a power of good in helping to make them better places in which to live and work where there is a demand for them. For many years there have been parish councils all over the country, except in London.

In the past, parish councils have always required the Secretary of State's consent. The district council, or principal council, considers the matter and advises the Secretary of State, but it invariably ends up on my desk. I think it nonsensical for a Minister who has never been to an area—which may be very small—and may not even know where it is until he or she looks at a map, to decide whether the area should have a parish council. The devolutionary aspect of the Bill is that the Secretary of State's consent is no longer required, but it is difficult to justify not extending those devolved rights to London: we do not think we can deny London the same rights as other areas.

I understand the concerns raised about such issues as community cohesion, and they have been taken on board. We are already holding discussions with London councils, the Local Government Association and others on the guidance that could be issued to local authorities. Community cohesion is important, and the whole reason for establishing parish councils is their ability to contribute to it. It was a meeting that I had with Councillor Cockell that produced the Government amendments on community governance review protection periods. We are listening to what is being said to us, and a working group including London councils, the NALC and a number of other bodies is examining the guidance with us.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 57

COUNCIL'S POWER TO UNDERTAKE REVIEW

'A principal council may undertake a community governance review.'.—*[Mr. Watts.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 58

NO REVIEW BEING UNDERTAKEN: DUTY TO RESPOND TO PETITION

'(1) This section applies if these conditions are met—

(a) a principal council receives a community governance petition which relates to the whole or part of a principal council's area;

(b) at the time the petition is received, the council is not in the course of undertaking a community governance review.

(2) The principal council must undertake a community governance review that has terms of reference that allow for the petition to be considered.

(3) But the duty in subsection (2) does not apply if—

(a) the principal council has concluded a previous community governance review within the relevant two-year period, and

(b) in the council's opinion the petition area covers the whole or a significant part of the area to which the previous review related.

For further provision about this case, see section (Power to respond to petition).'.—*[Mr. Watts.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 59

REVIEW BEING UNDERTAKEN: DUTY TO RESPOND TO PETITION

'(1) This section applies if the following conditions are met—

(a) a principal council receives a community governance petition which relates to the whole or part of a principal council's area;

(b) at the time the petition is received, the council is in the course of undertaking a community governance review ("the current review");

(c) the petition area is wholly outside the area under review.

(2) The principal council must follow one of the options in subsection (4), (5) or (6).

(3) But the duty in subsection (2) does not apply if—

(a) the principal council has concluded a previous community governance review within the relevant two-year period, and

(b) in the council's opinion the petition area covers the whole or a significant part of the area to which the previous review related.

For further provision about this case, see section (Power to respond to petition).

(4) The first option mentioned in subsection (2) is for the principal council to modify the terms of reference of the current review so that they allow for the petition to be considered.

(5) The second option is for the principal council to undertake a community governance review that—

(a) is separate from the current review, and

(b) has terms of reference that allow for the petition to be considered.

(6) The third option is for the principal council to—

(a) modify the terms of reference of the current review,

(b) undertake a community governance review that is separate from the current review ("the new review"), and

(c) secure that (when taken together)—

(i) the terms of reference of the current review (as modified), and

(ii) the terms of reference of the new review,

allow for the petition to be considered.'.—*[Mr. Watts.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 60

POWER TO RESPOND TO PETITION

'(1) In any of the following cases where a principal council receive a community governance petition, it is for the council to decide what action (if any) to take under section (Council's power to undertake review) (power to undertake review) or (Terms of reference of review)(4)(b) (power to modify terms of review) in response to that petition.

(2) The first case is where—

(a) section (No review being undertaken: duty to respond to petition) applies (no review being undertaken when petition received), but

(b) the duty in section (No review being undertaken: duty to respond to petition)(2) does not apply because of section (No review being undertaken: duty to respond to petition)(3) (no duty to respond to petition because previous review concluded in relevant two-year period).

(3) The second case is where—

(a) section (Review being undertaken: duty to respond to petition) applies (review being undertaken when petition received: petition area wholly outside area under review), but

(b) the duty in section (Review being undertaken: duty to respond to petition)(2) does not apply because of section (Review being undertaken: duty to respond to petition)(3) (no duty to respond to petition because previous review concluded in relevant two-year period).

(4) The third case is where these conditions are met—

(a) a principal council receives a community governance petition which relates to the whole or part of a principal council's area;

(b) at the time the petition is received, the council is in the course of undertaking a community governance review;

(c) the petition area is wholly or partly inside the area under review.'.—*[Mr. Watts.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 62

ELECTORAL COMMISSION AND BOUNDARY COMMITTEE: REVIEWS AND RECOMMENDATIONS

'(1) Section 13 of the Local Government Act 1992 (c. 19) (reviews and recommendations of Electoral Commission and Boundary Committee) is amended as follows.

(2) For subsection (5)(d) substitute—

"(d) in the case of a district council that is subject to a scheme for elections by halves or by thirds, or that has resolved to revert to being subject to such a scheme under Part 2 of the Local Government and Public Involvement in Health Act 2007, the desirability of securing that an appropriate number of councillors is elected in each ward at each ordinary election of councillors."

(3) After subsection (5) insert—

"(5A) For the purposes of this section—

(a) a council is "subject to a scheme for elections by halves" if one half (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors;

(b) a council is "subject to a scheme for elections by thirds" if one third (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors;

(c) the number of councillors elected in a ward at an ordinary election of councillors is "appropriate"—

(i) in the case of a scheme for elections by halves, if it is divisible by 2, and

(ii) in the case of a scheme for elections by thirds, if it is divisible by 3."'.—*[Mr. Watts.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 34

EXECUTIVE ARRANGEMENTS: MOVE TO ALTERNATIVE ARRANGEMENTS

'(1) The Local Government Act 2000 (c.22) as amended as follows.

(2) For section 33(5) substitute—

"(5) The Secretary of State may by regulations make provision for or in connection with enabling a local authority which is operating executive arrangements to operate alternative arrangements in place of the executive arrangements."'.—*[Alistair Burt.]*

Brought up, and read the First time.

Alistair Burt: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following:

No. 133, in clause 40, page 23, line 32, leave out 'specified in subsections (2) to (5)'.

No. 141, page 24, line 14, leave out subsection (6).

No. 135, in clause 42, page 25, line 31, at end insert—

'33ZA Changing governance arrangements

(1) Any local authority in England may submit a scheme of internal governance appropriate to its circumstances, which shall stand deferred until the next ordinary day of election and may not take effect until the day after that day.

(2) Where no recognised group has overall control, it shall be competent for the council to implement other arrangements as it may determine.'.

No. 136, page 26, leave out lines 4 to 10 and insert—'A local authority in England which is operating alternative arrangements may—'.

No. 137, page 26, leave out lines 13 to 18.

No. 138, page 26, leave out lines 23 to 25.

No. 139, page 26, line 28, leave out from 'arrangements' to end of line 29.

Government amendment No. 12.

No. 142, page 27, leave out line 44.

No. 140, page 28, line 9, leave out '33A' and insert '33ZA'.

Government amendment No. 213.

No. 143, page 29, line 19, leave out 'or elected executive'.

No. 144, page 29, leave out line 23.

No. 145, page 29, leave out from beginning of line 44 to end of line 2 on page 30.

No. 146, page 30, line 3, leave out 'or elected'.

No. 147, page 30, line 7, leave out from 'executive' to end of line 8.

No. 148, page 30, line 11, leave out from 'mayor' to end of line 12.

Government amendments Nos. 214 and 215.

No. 149, page 31, leave out line 19.

Government amendments Nos. 216 and 217.

No. 150, in clause 43, page 32, line 22, leave out 'an elected executive,'.

Government amendments Nos. 13 and 14.

No. 151, in page 33, line 1, leave out clause 45.

Government amendment No. 15.

No. 152, in clause 46, page 34, line 17, leave out from 'mayor' to end of line 18.

No. 153, in clause 47, page 34, leave out line 29.

No. 154, page 34, line 30, leave out 'other'.

Government amendments Nos. 16 and 17.

No. 155, in clause 49, page 35, line 2, leave out subsection (1).

No. 259, in page 38, line 1, leave out Clause 51.

Government amendments Nos. 18, 218, 222 to 225, 57 and 226.

Alistair Burt: I shall do my best to be brief. New clause 34 stands in my name and that of my hon. Friend the Member for Meriden (Mrs. Spelman) and a number of other colleagues. The Bill has generally been consensual, but now the rubber will hit the road: we now need to ask the Minister to choose from some of the issues at the heart of the Bill.

Committee members will remember a champagne moment when the Minister, having been chided for being over-centralist, stood back from the Front Bench and said, "I want to be devolutionary; let them choose." That was a moving moment and, as we have seen in Committee and in the Chamber, he has in limited respects been open to allowing people to choose, but not on executive arrangements. I have three particular concerns to raise, and as I suspect that a couple of other Members want to speak I shall do my best to be brief.

Local freedom is a key issue. At the heart of our debates on the Bill is an issue that we have discussed intermittently during its passage: whether it is truly devolutionary. The Bill provides an acid test. Local decision making is key to local government. The Government are right that local authorities need to have good, clear, effective and efficient leadership, but it must be local. Our principal complaint with the Bill is that the Government are being prescriptive in having a limited number of models for efficient and effective local government. We simply pose this question: why?

Do the Government truly trust local government to deliver? The Minister has made much of the progress of local government over the past 10 years, which he claims is due to the targets exerted by Government, but which local government feels owes much to its ability to respond.

Mr. Woolas: I and my ministerial colleagues always acknowledge the three factors that have led to improvement: the hard work of councillors and officers; the extra resources provided by this successful Government; and the performance regime. I am glad that the hon. Gentleman acknowledges that.

Alistair Burt: I am pleased that the Minister took the chance to respond to that. I am sure that he would agree that a key factor is the ability of local councils to have responded and to have worked hard.

This is where the issue of trust comes in. Our contention—and that of many Committee members—is simply that the Government should not be so prescriptive. Do they truly trust local government? Have lessons been learned from 20 years of central direction to cure various ills in local government, and from local government's response to that? Now is the time to let local councils choose what model of leadership they want.

There are serious penalties if councils get things wrong. The electorate is increasingly sophisticated. The Minister said recently that it is increasingly hard to discern national swings in local elections. He is right. One of the things that is interesting about local election results nowadays is that councils get thrown out of office for poor performance no matter what political hue they are—and no matter what hue are the Government of the day. Councils know that there are

[Alistair Burt]

now penalties if they get things wrong. So why cannot we let local authorities choose what executive model they think suits them best?

Mr. Heath: I am listening carefully to the hon. Gentleman and I agree that it is not for the Secretary of State to prescribe matters in such detail. However, I am puzzled that the hon. Gentleman's new clause 34 gives all the power to the Secretary of State to prescribe, and if he or she chooses not to prescribe, not to do so. That is an internal paradox in the new clause.

Alistair Burt: No, what I am doing is using this new clause as a symbolic way of opening up the possibility of a variety of alternative arrangements being available to local councils. We could move a series of new clauses; I do not know whether the hon. Gentleman has had the opportunity to go through all the amendments in this group. We have chosen this one to be a key new clause, and it allows us to raise the possibility of alternative arrangements, and we intend to press it to a Division.

In Committee, we raised the growing risk of separation of the people from local and national Government, and the sense that their vote now counts for rather less than it used to. The Local Government Association supports our amendments and agrees that local councils should have more say in which executive arrangements best suit them. Therefore, my first point was about the need for greater local freedom.

My second point is that the prescriptive models used do not allow the opportunity to go for some form of revised committee system. I ask Members to note that I did not propose that we go back to the old committee system. We seek to give authorities who so desire the opportunity to go to a modernised and revised committee system.

Mr. Dan Rogerson (North Cornwall) (LD): The hon. Gentleman will be aware that some authorities, such as North Cornwall district council in my constituency, have never moved from that committee system. What proposals does he have for councils that feel that the arrangements are working well for them?

Alistair Burt: It is a fortunate council, but the vast majority of councils have had to move from that system. We wish to enable those authorities that want to retain such a system to continue with the alternative arrangements for as long as they wish. That is contrary to the determination of Government; they would sooner or later close down that option.

The hon. Member for Leicester, South (Sir Peter Soulsby) was particularly forthright in his contributions in Committee. For example, he said:

> "I do indeed recall the strengths of that system as well as its weaknesses. I am convinced that those strengths can be used to produce a reformed committee structure and a system that would enable the leadership and accountability that we have all said we would wish local government to deliver."—*[Official Report, Local Government and Public Involvement in Health Public Bill Committee,* 20 February 2007; c. 457.]

He is right. Committee members of different parties expressed the same sense. We could not quite understand why the Government were so adamant about closing down the option of a revised committee system.

In the spirit of the debates that we have had, I urge the Minister to think again when this Bill passes to another place, and to listen to councillors who say that the change from the committee system has disfranchised a number of back-bench councillors who want more to their role than just scrutiny. They want to deliver more. Councillor Phyllis Gershon of Bedfordshire county council—I am delighted to have had the chance to mention Bedfordshire, as it has not been included in the place-naming during the course of the evening—has persistently told me that councils need that option. It should not be forced on them, but it should be an option for them. I ask the Minister: why be so prescriptive?

8 pm

My third and last point relates to elected executives. The Government will not allow councils the option of a revised, modernised committee system, which many councillors have mentioned, including the council leaders who came to brief the Committee. Members of the Committee have also spoken about it. However, the Government are prepared to press heavily for elected executives, although we cannot see any evidence that anyone wants them. We pressed the Minister on that in Committee: where are the examples of the public, or the local government fraternity, clamouring for the opportunity to deliver elected executives? The Minister was not able to enlighten us. I therefore humbly suggest that local authorities will not pick up on that option. I cannot see why he should be so keen on that option, but not on a modernised committee system. Several of our amendments deal with an elected executive and, had there been more time, we would probably have pressed an amendment on throwing out the elected executive option. Instead, we will probably press to a vote the general amendment on clause 34 that I mentioned earlier.

Those are my three points—local freedom is being denied, the committee model is not provided as an option and elected executives are being given the thumbs up by Government when nobody seems to want them. In the spirit of the Bill, which is supposed to be about a listening Government, we have given the Government an opportunity not to be prescriptive. They have not taken similar chances in the past, and that has marred the Bill, but this is an opportunity for a champagne moment. The Minister could say, "We have listened to you, you've got it right, and we'll give it up."

Philip Davies (Shipley) (Con): I of course endorse everything that my hon. Friend the Member for North-East Bedfordshire (Alistair Burt) said, but I speak in support of amendment No. 259, in my name. It would delete clause 51 and the time limit for holding referendums. Clause 51 states:

> "A local authority...in England may not hold more than one referendum in any period of ten years".

It also says that the clause

> "applies to referendums held before, and referendums held after, this section comes into force."

It seems to me that the clause has been put in specifically to deal with what might be described as the Doncaster problem.

The elected mayor in Doncaster is very unpopular and has become a bit of a laughing stock. The residents of Doncaster have put together a petition, with the

necessary signatures, to have a further referendum on whether to scrap the mayoral system in the area, much to the embarrassment, no doubt, of the Labour party in Doncaster and of the Government, who have tried so hard to push the mayoral system in this country. This clause appears to be a cynical attempt to prevent the good people of Doncaster from being able to get rid of their mayor. I hope that the Minister will be able to confirm—if he will not accept my amendment—that the people of Doncaster, who have gathered the thousands of names on the petition to get rid of the mayor—that has been endorsed by Doncaster council—will not be prevented from having a referendum to get rid of their unpopular mayor. I hope that the Minister will address that point when he winds up.

Andrew Stunell *rose—*

Mr. Deputy Speaker: Order. I do not think that the hon. Gentleman was in his place for the beginning of this debate, so I shall call the Minister.

Mr. Woolas: This debate has, not surprisingly, repeated some of the points that were made in Committee. I shall try to answer some of the questions that have been raised. I acknowledge the limits to devolution that the Bill imposes and I shall try to convince the House of the justification for them. The Government believe that those limits are in the best interests of local government and sustainable communities.

I am glad that the main point—that the Bill is devolutionary—is broadly accepted. Last week, I cited the words of my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford), a previous Minister with responsibility for local government, that change in local government finance was a marathon, not a sprint. Change in the power relationships between central and local government, and local government and its communities, is, if not a marathon, at least a 10 km run. It should certainly not be done in haste, and it is important to build consensus.

The second principle is that in devolving powers, the Government—and, I suggest, Parliament—have a responsibility to do so to structures and functions that can take responsibility on behalf of the public. The logical consequence of the argument of the devolutionist without any catalyst is that local areas should be free to choose their own form of local government. I think that there are limits and I shall explain what they are.

Our arguments are not just based on opinion; there is substantial research to back up our points. Indeed, I will shortly publish a paper entitled "Does Leadership Matter?", including research showing that the two main current models of executive arrangements—directly elected mayors and leaders with cabinets—demonstrate benefits in visibility and accountability and the streamlined focus for decision-making that is needed in modern local government. I do not base my arguments only on that report, of course, because the House has yet to see it. It will be published shortly, but there is further evidence that has already been published.

It is true—the hon. Member for North-East Bedfordshire put the argument in Committee—that the best leaders can be successful in any system. The argument of some who propose elected mayors often relies on the example of New York in recent years, but they fail to point out that New York went bankrupt under a system of elected mayors. It does not logically follow that the structural system for governance of local authorities necessarily provides strong leaders. Neither does the opposite follow—there could be a complete shambles and strong leaders emerge from that—

Michael Fabricant: Tony Blair.

Mr. Woolas: The hon. Gentleman mentions my right hon. Friend the Prime Minister, and I would agree with him. We were in a bit of a mess and my right hon. Friend did come and sort things out. God bless him for that. There are only four or five weeks left before jokes about public schoolboys can become part of our debates again without any embarrassment on our part. I am looking forward to that because I am told that there are five old Etonians in the shadow Cabinet—[HON. MEMBERS: "Only five!"] That is just Eton—you are frowning at me, Mr. Deputy Speaker.

Mr. Deputy Speaker: Order. I was merely wondering where this was going, and I suspect that it is further and further away from the new clause.

Mr. Woolas: I am desperately trying to sustain the argument, with little success, that the structure of local government has a relationship to the strength of leadership, but is not a causal effect. My argument is that the arrangements we have suggested are more likely to lead to such circumstances.

Joan Walley (Stoke-on-Trent, North) (Lab): Will my hon. Friend give way?

Mr. Woolas: I will of course give way to my hon. Friend, as she represents Stoke, which has a unique system.

Joan Walley: I am listening carefully to my hon. Friend's remarks, but Stoke-on-Trent is in a category all of its own, because of the system of a council manager and an elected mayor, and that was mentioned specifically in the White Paper. Can he reassure me that arrangements are in hand to enable us to proceed with the promised commission so that in Stoke-on-Trent we can reach our own decision on how to proceed at the next local elections, which will be relevant to finding a way forward?

Mr. Woolas: My hon. Friend once again takes the opportunity to promote the case for Stoke-on-Trent, and I commend her for that. Only two local authorities in this country present separate cases. Stoke-on-Trent is the only one to have adopted the elected mayor with the city manager model, and that is different from the one in Doncaster to which the hon. Member for Shipley (Philip Davies) referred. In addition, the council in Brighton and Hove also has separate arrangements. The commission is going ahead and announcements will be made shortly about Stoke-on-Trent, and I am grateful to my hon. Friend for her support in that process.

Of course, there are caveats. Just as other councils face restrictions on what they can and cannot do, if the

[Mr. Woolas]

commission proposed to create a kibbutz for governance in Stoke-on-Trent I would not accept it. However, on a more serious note, the answer to the question poised by my hon. Friend the Member for Stoke-on-Trent, North (Joan Walley) is yes, very definitely. Part of my argument is that Stoke-on-Trent needs that model of governance, but it has its limits.

I am not making a cause and effect argument. The evidence is that the most likely improvements are made when strong executive arrangements are in place.

Andrew Stunell: What makes the Minister think that the models that he has chosen this time will have a higher ratio of success than last time? He has already said that the Stoke model had not succeeded, so why does he believe that central direction is essential to the process?

Mr. Woolas: First, in Stoke, Doncaster and elsewhere it is important that we separate the office holder from the office. The hon. Member for Shipley referred to a petition in Doncaster. I am not sure what it has to do with him as Doncaster is not in his bit of the county, but he asked a question and I shall answer it. The petition relates to the position of the mayoralty, but we must separate that post from the person who occupies it. If an electorate want to remove a mayor, they can do so at the ballot box, but separate arrangements govern changing the office, as I shall explain later.

I shall lay out some of the evidence that I hope will convince the hon. Member for Hazel Grove (Andrew Stunell). It is generally accepted by local authorities that the new arrangements have, on the whole, led to some improvement. For example, a recent survey of councillors and officers showed that 71 per cent. believe that leadership by executive councillors has had a positive impact on the performance improvement in their authorities. More than half of councillors and nearly three quarters of officers believe that the new arrangements have made the executive more effective in articulating the vision for their area.

What is important is that, through the new arrangements, the Government and Parliament are asking local authorities to take on more responsibilities in their work with other public sector agency partners and with the private and voluntary sectors in their areas. Sir Michael Lyons described that role as "place shaping".

I know that the hon. Member for Hazel Grove accepts that the process of devolution and decentralisation is about more than devolving responsibilities to local government. It is also about devolving those responsibilities from Whitehall to the other public sector partnerships in a local area. That is why the public's requirement for strong executive leadership goes beyond the council itself and includes services across their area.

Secondly, to complete the jigsaw, this Bill builds on the arrangements for overview and scrutiny put in place by previous legislation. Those arrangements cover the work of the local authority and all public sector and other organisations in the delivery of local government services. Indeed, this Bill brings health and local government closer together.

Tom Levitt: I agree with every word of the last couple of paragraphs uttered by my hon. Friend the Minister, and that is why I believe that this is such a good Bill. Throughout the debate, we have acknowledged that it extends the range of choices available to local authorities. It does not do so universally—sometimes the range is extended in some directions more than others—and we have argued about that previously. However, does he agree that the provisions under discussion extend the choice available to local authorities in such a way that they are able to find the best direction for governance locally? Ironically, given what we have heard this afternoon, would not new clause 34 reduce the options available to councils?

8.15 pm

Mr. Woolas: My hon. Friend is absolutely right. Ironically—although perhaps it is not so surprising—we are having a topsy turvy debate. The hon. Member for North-East Bedfordshire claims that his proposals would benefit devolution, even though they do not. To be fair to the hon. Member for Hazel Grove, his proposals do promote devolution, although I think that they go too far. However, we should not be surprised at all that: the Conservatives are centralists, while the Liberal Democrats are devolutionists without responsibility. I guess that explains where we have ended up. I must try to rebuild the consensus that I have been crafting so carefully for the past two years and which I may have destroyed in the last 10 seconds. This debate has revealed the divergence of view between the Liberal Democrats and the main Opposition party, whose proposed new clauses would reduce the range of choice that the Government are offering.

Neither I nor the Government claim, as the hon. Member for North-East Bedfordshire suggested, that councils are "clamouring" after the elected executive model. I readily concede that they are not.

Tom Levitt: Not yet.

Mr. Woolas: They will be clamouring for it in the future, of course, but the serious point is that the idea for directly elected executives came from local authorities themselves. Given that that model meets the criteria of providing a strong leadership model with clearer visibility and accountability, it would be wrong to rule it out. My problem with the old committee structure, and with most of the enhanced committee structures that I have seen in practice, is that they do not provide clear leadership. I think that the changes in the Bill will get the balance right.

Andrew Stunell: Will the Minister give way?

Mr. Woolas: I will because the hon. Gentleman has been consistent on this point.

Andrew Stunell: I very much appreciate the Minister giving way. He said that directly elected executives had the support of local authorities—that is, in the plural. The LGA told us in evidence that one local authority supported the idea, but I discovered subsequently that that evidence had not been discussed in the council before it was submitted. What other council shares that

point of view and thus justifies his assertion that local authorities, in the plural, supported the directly elected executive model?

Mr. Woolas: I did not say that local authorities supported that model, but that the idea had come from them. That is a different matter, but the answer to his question is embodied in the strong executive and Liberal Democrat leader of Cornwall county council. I could also speak about Stockton, Durham and elsewhere, but the serious point is that the idea has support in local authorities that cover very large geographical areas. There, the traditional system of making up the cabinet from divisional ward members requires huge amounts of travel, often for short meetings. In part, the idea of the directly elected executive arose from the geography of those areas—but, hey, let us not worry about that. If the people in those areas want to pick up that option, they can; if they do not, they do not have to.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): Does my hon. Friend accept that although strengthening executive powers as he suggests has certain advantages, it may increase the alienation of back-bench councillors? Is he concerned about that?

Mr. Woolas: One important argument about the benefits of the old committee system is that it brought experience to so-called back-bench councillors, or front-line councillors as many people refer to them, but I believe that the overview and scrutiny process that is now embedding provides that experience. The process can increasingly involve not just scrutinising executive decisions but making recommendations and reports, rather as our Select Committees do, and crucially it does so across the public sector, not just in the institution of the council. My second argument, with which I hope my hon. Friend will agree, is that we are kidding ourselves if we think that the old committee system did not involve an executive; it had a hidden executive—the chairs of the senior committees were, ipso facto, the executive of the council. Our model offers a better way forward.

To the first point made by the hon. Member for North-East Bedfordshire—let them choose—I say, yes but within limits. The hon. Gentleman's second point—that the revised committee decision-making system should be a matter for local councillors—does not, I fear, meet the new statutory framework that the Bill puts in place. On clamouring for elected executives, the hon. Gentleman has a point, but let him give me a champagne moment: let them have it if they want it and we will not worry about it. Perhaps we could call it the Burt system.

The hon. Member for Shipley made a point about Doncaster. I emphasise the fact that his point related to the office holder, not to the office. Our argument for a 10-year period is a fair one because we want a balance between devolution and stability, and a four-year mayoral office could be bedevilled by the threat of a referendum—I use the word "threat" deliberately—often inspired for mischievous purposes. Of course, the public have the right to reverse the decision and the principle enshrined in the Bill is that the method by which an executive arrangement was chosen is the method by which it can be replaced. The evidence is that the mayoral models are improving the situation in those areas—

Philip Davies *indicated dissent.*

Mr. Woolas: The hon. Gentleman shakes his head, but I could take him to Torbay where the Conservative mayor is doing a good job. The idea of having a mayor was opposed at first, but it is now embedded. The model might not suit neighbouring councils in that region or elsewhere, but we have made a change that is delivering improvements in local areas.

Mr. Khalid Mahmood (Birmingham, Perry Barr) (Lab): Under the Bill, the right to petition for a referendum will be taken away and councils will decide about whether to have an elected mayor. In Birmingham, the local authority does not want an elected mayor but, as my hon. Friend knows, a huge campaign for a petition has been mounted by the *Birmingham Evening Mail*. What will happen in such communities?

Mr. Woolas: My hon. Friend raises an important point. The Bill does not take away the right of the public to raise a petition to bring about a new executive model; it enhances the power of the council to take that decision, should it so wish—not as an alternative to a petition, but in addition to that right.

With those arguments, I ask the House to resist the new clause and to vote for the Government amendments.

Alistair Burt: I am grateful to the Minister and I have listened carefully to his arguments, but we intend to press the new clause. It is not good enough to reject a model that many Members and many councillors think valuable and to persist in including an option that no one wants. Given the points we have made about local freedom and local desire to choose, it would be best to allow the fullest possible opportunity for councils to make that choice, so I commend the new clause to the House.

Question put, That the clause be read a Second time:—

The House divided: Ayes 129, Noes 305.

Division No. 125] **[8.24 pm**

AYES

Afriyie, Adam	Butterfill, Sir John
Ainsworth, Mr. Peter	Campbell, Mr. Gregory
Arbuthnot, rh Mr. James	Cash, Mr. William
Atkinson, Mr. Peter	Clark, Greg
Baron, Mr. John	Cox, Mr. Geoffrey
Bellingham, Mr. Henry	Crabb, Mr. Stephen
Benyon, Mr. Richard	Davies, David T.C. *(Monmouth)*
Bercow, John	Davies, Philip
Beresford, Sir Paul	Djanogly, Mr. Jonathan
Binley, Mr. Brian	Dodds, Mr. Nigel
Boswell, Mr. Tim	Donaldson, rh Mr. Jeffrey M.
Bottomley, Peter	Dorries, Mrs. Nadine
Brazier, Mr. Julian	Duddridge, James
Brokenshire, James	Duncan, Alan
Burns, Mr. Simon	Duncan Smith, rh Mr. Iain
Burrowes, Mr. David	Evans, Mr. Nigel
Burt, Alistair	

Fabricant, Michael
Field, Mr. Mark
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Grayling, Chris
Hague, rh Mr. William
Harper, Mr. Mark
Hayes, Mr. John
Heald, Mr. Oliver
Heathcoat-Amory, rh Mr. David
Herbert, Nick
Hermon, Lady
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Howarth, Mr. Gerald
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Lait, Mrs. Jacqui
Lansley, Mr. Andrew
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
May, rh Mrs. Theresa
McIntosh, Miss Anne
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Murrison, Dr. Andrew
Neill, Robert
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Robinson, rh Mr. Peter
Rosindell, Andrew
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Syms, Mr. Robert
Tapsell, Sir Peter
Vaizey, Mr. Edward
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. David Evennett and Mr. Mark Lancaster

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Beith, rh Mr. Alan
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Bradshaw, Mr. Ben
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burstow, Mr. Paul
Burt, Lorely
Butler, Ms Dawn
Byrne, Mr. Liam
Cable, Dr. Vincent
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clwyd, rh Ann
Coffey, Ann
Cooper, Rosie
Cooper, Yvette
Cousins, Jim
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Farron, Tim
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
George, rh Mr. Bruce
Gibson, Dr. Ian
Goggins, Paul
Goldsworthy, Julia
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harris, Dr. Evan
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Holmes, Paul
Hood, Mr. Jimmy
Hopkins, Kelvin
Horwood, Martin
Howarth, David
Hughes, rh Beverley
Hughes, Simon
Humble, Mrs. Joan
Hunter, Mark
Hutton, rh Mr. John
Ilsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Laws, Mr. David
Laxton, Mr. Bob
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Lucas, Ian
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric

McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mulholland, Greg
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Öpik, Lembit
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sanders, Mr. Adrian
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Teather, Sarah
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Liz Blackman and Tony Cunningham

Question accordingly negatived.

New Clause 64

ABOLITION OF STANDARDS BOARD FOR ENGLAND, REPEAL OF PROVISIONS RELATING TO INVESTIGATIONS ETC. (WALES) AND ABOLITION OF ADJUDICATION PANELS ETC.

'(1) Part 3 of the Local Government Act 2000 (c. 22) (conduct of local government members and employees) is amended as follows.

(2) Omit sections 57 to 80.

(3) Omit Schedule 4.'.—*[Philip Davies.]*

Brought up, and read the First time.

Philip Davies: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following: Amendment No. 250, in clause 141, page 97, line 10, leave out from 'include' to end of line 11 and insert

'the principle that the conduct of a member or co-opted member in their private capacity is not covered by this Part of this Act except where it has resulted in a criminal conviction which is directly relevant to the performance of the official functions of the member or co-opted member'.

Amendment No. 251, page 97, line 14, leave out from 'apply' to end of line 15 and insert

'to the conduct of a member or co-opted member in their private capacity where that conduct has resulted in a criminal conviction which is directly relevant to the performance of the official functions of the member or co-opted member'.

Amendment No. 134, page 97, line 15, at end insert—

'(4B) Such provisions shall include a right of a person who is member of a relevant body to speak and vote at any meeting of that body or of any delegated committee or sub-committee to which he has been appointed in respect of the determination of any planning applications within the area which he represents on that body, not withstanding any disclosure he may have made about his predisposition in respect of that application.'.

Amendment No. 252, page 97, line 19, leave out from 'apply' to end of line 20 and insert

'to the conduct of a member or co-opted member in their private capacity where that conduct has resulted in a criminal conviction which is directly relevant to the performance of the official functions of the member or co-opted member'.

Amendment No. 260, page 99, line 2, leave out clauses 143 and 144.

Government amendments Nos. 61 to 67.

Amendment No. 261, page 105, line 1, leave out clauses 148 to 157.

Government amendments Nos. 68 to 72.

Amendment No. 262, in clause 158, page 112, leave out lines 15 and 16.

Amendment No. 263, page 112, line 27, leave out subsections (1) to (3).

Government amendment No. 73.

Amendment No. 264, in schedule 15, page 190, leave out lines 20 to 24 and insert—

'Sections 57 to 80.

Schedule 4.'.

Philip Davies: Amendments Nos. 260 to 264, which I also tabled, are consequential to new clause 64, which would abolish the Standards Board for England. From the outset I should declare an interest: my wife has recently been elected to the newly formed Baildon parish council in the village in which I live in Shipley.

The Standards Board for England has become a bit of a laughing stock in local government. It is damaging the reputation and standing of local councillors and local government. Indeed, the Committee on Standards in Public Life has said:

"The system has generated a large number of apparently minor, vexatious and politically motivated complaints"—

I could not have put it better myself.

The number of complaints to the Standards Board has been rising year on year, from 2,948 in 2002-03 to 3,861 in 2004-05. And yet according to Government figures, in the last year for which figures are available only 3 per cent. of complaints resulted in a verdict that the code had been breached, and many of the breaches were very minor offences, such as not showing sufficient respect to people—as the Mayor of London can testify. This constant rise in the number of allegations clearly shows that either standards are not improving as a result of the Standards Board, or the process is fuelling unfounded and malicious complaints.

There is very little comeback for complainants when allegations against local councillors are shown to be vexatious and lacking in substance. Worse, the Standards Board proudly states that for data protection reasons it does not publish the names of people who make allegations. That leaves councillors very exposed to politically motivated and unnecessary complaints. Even worse, it takes so long to investigate complaints. Sir Alistair Graham wrote in a report that research by the Committee on Standards in Public Life suggested that

"the time taken to complete investigations"

was

"an average of 8.5 months",

with

"a backlog of over 400 cases".

That obviously has a negative impact on people who are facing complaints, with the smell hanging over them for so long, and also sometimes on the people who have made a complaint, who feel that nothing ever seems to get done.

Despite this absolute shambles, the cost to the Government of the Standards Board is forecast to rise to £9.4 million; that is up from £6.2 million in 2003. So not only is it damaging to local government, but it is a very expensive exercise.

One of the consequences of this situation is that there is a reported shortage of candidates coming forward for places on parish councils, because they do not want to get embroiled in all this nonsense. In my local area we have a shortage of people wishing to stand for the parish council, and I do not think it any coincidence that that has happened since the introduction of the Standards Board.

At this point I must pay tribute to my hon. Friends the Members for North Shropshire (Mr. Paterson) and for Aldershot (Mr. Howarth), who wrote a tremendous pamphlet on the Standards Board called "A Question of Standards". Given that we have limited time, I urge all hon. Members to read that pamphlet, which exposed the problems of the Standards Board and highlighted some of the cases that it has dealt with.

In one case, the Standards Board investigated a complaint of misconduct made against a chap who was a long-standing parish councillor and county councillor, and indeed a churchwarden—an upstanding member of the community. Someone in the parish had baked a loaf of bread, and the lady claimed that this upstanding member of the community refused to eat her bread at a Sunday communion, and that that was tantamount to harassment and humiliation. She deemed him unfit for public office, and complained to the Standards Board. While that allegation was minor, the ridiculous investigations that ensue following such complaints are not uncommon. That emphasises the ridiculous situation that we have got ourselves into.

The chairman of a parish council proposed that a grant of £300 be made to a village club for retired people. Two other councillors declared an interest as club members, and they did not speak or vote on the matter; but because they did not leave the room, an anonymous complaint was made to the Standards Board that they and the two other councillors were in breach of the rules. The resulting investigation lasted nine months, culminating in a full hearing involving 15 people, including lawyers, district councillors and a senior enforcement officer. The hearing lasted four hours. All were found guilty and sent on a training course on how to follow the rules. That particular charade cost the taxpayer thousands and thousands of pounds. Such instances are clearly not uncommon, given that only 3 per cent. of complaints lead to people being found in breach—and that was one of the 3 per cent. The whole situation is a shambles.

There is now more scrutiny of parish councillors and local district councillors than there is of Cabinet Ministers. The Deputy Prime Minister was responsible for introducing the relevant legislation. If the Standards Board applied to Ministers, it is likely that by now, under the system that he set up for parish and district councillors, he would have been suspended.

8.45 pm

Quite apart from the way in which the Standards Board has operated, there is an important principle at stake—a principle of democracy. When people are elected as councillors, whether district, parish or county councillors, they are there to represent their constituents—the people who elected them. It should be for those people to determine whether they consider that their councillors' actions are appropriate. It should not be for a committee of busybodies dealing with tittle-tattle to decide whether people who have been democratically elected have acted properly or improperly. Such matters should be decided by the electorate at the next election.

The Standards Board is a shambles. It is incredibly damaging to the reputation of local councillors and local government generally. It serves no particular fit purpose. I therefore intend to press the new clause to a Division, to test the will of the House. I think that Members of Parliament should stand up for local councillors, who work incredibly hard on behalf of

their electorate and do not deserve to have the smell of this self-serving Standards Board constantly hanging over them.

Mr. Andrew Dismore (Hendon) (Lab): I have some sympathy with the position taken by the hon. Member for Shipley (Philip Davies), having seen the cases involving Councillor Paul Dimoldenberg of Westminster city council and the London Mayor, which there is no time to go into.

However, I shall focus on amendments Nos. 250 to 252, which, in effect, have been tabled on behalf of the Joint Committee on Human Rights, which I chair, and give effect to the recommendations of our 11th report and our subsequent monitoring report. In our view, there is no doubt that that the Bill's proposed extension of the scope of the conduct of local authority members that may be covered by code of conduct engages members' right to respect for their private life under article 8, and their right to freedom of expression under article 10, of the European convention on human rights. We believe that there is a real risk that those two articles will be breached.

In January 2005 the Committee on Standards in Public Life considered the question in its 10th report. It recommended that the model code should make a clear distinction between private and official conduct, and that private conduct wholly unrelated to an individual's official capacity should fall outside the ethical framework. The most obvious example of that was the case of the Mayor of London, in which the High Court allowed the Mayor's appeal on the basis that the code of conduct did not apply because the Mayor was not acting in his official capacity and the code did not extend to regulating the Mayor's private conduct. So far, so good. However, it appears that the Government want to overturn the decision of the High Court through the proposals in the Bill.

In proceedings in the Public Bill Committee, the Minister for Local Government confirmed that the policy objective was to bring within the code instances where members who were acting outside their official duties received a criminal conviction. He said:

> "We are trying to say that the code of conduct should not cover a councillor's private life, with the caveat that if a criminal conviction was involved, that should be taken on board by the standards committee."

We welcome that clarification, but that is not what the Bill actually says. As it stands, the Bill provides for a power which, on the face of it, is capable of being exercised so as to make the code of conduct apply to any private conduct of a member. In our view, that is highly likely to give rise to breaches of members' rights to privacy and freedom of expression under articles 8 and 10. There is nothing in the Bill to confine the power along the lines that the Minister suggested.

Indeed, the hon. Gentleman told the Public Bill Committee that hon. Members might

> "have the impression...that we are trying to do the opposite of what we are really trying to do",

and later added that

> "the law has to be widened and clarified so that the code can be narrowed."—[*Official Report, Local Government and Public Involvement in Health Public Bill Committee*, 1 March 2007; c. 419-21.]

The members of the Joint Committee simply do not understand that rather puzzling explanation, and we see no reason why the Bill should not expressly state the exact extent to which the code should apply to private conduct by members—for example, by providing that the only private conduct to which the code applies is conduct that has resulted in a criminal conviction.

The second problem that remains is that the Government's intention appears to be that any criminal conviction, however minor, should be capable of counting as conduct that could reasonably be regarded as bringing a member's office into disrepute. That would mean that speeding tickets or other regulatory offences of a minor nature would be within the scope of the code of conduct. We agree with the Committee on Standards in Public Life that only private conduct resulting in a criminal conviction relevant to the member's official duties should be within the scope of the code of conduct.

We corresponded with the Minister and we were not satisfied with the outcome of that correspondence. As the Bill neither states the basic principle that private conduct should not be covered by the code, nor defines an exception to that principle, such as cases in which private conduct has resulted in a criminal conviction, we remain of the view that we should press our amendments. I hope that the Minister will respond positively to that point in the time that he has to reply. If he does not, amendments of a similar nature will inevitably be tabled in the other place, and they will almost certainly be made.

We are trying to give effect to the Government's stated policy, which we think is a reasonable approach. If it were a question of restricting the code to relevant criminal convictions of a sufficiently serious nature to impinge on someone's ability to serve as a councillor, we would say, "So be it," but unfortunately the Government amendments simply do not do that. Our Committee wants legislation that says what it should say; it should confine itself to the narrow requirements of policy, which are acceptable, and not go beyond them, as the legislation does, and impinge on articles 8 and 10 of the European convention on human rights.

Andrew Gwynne: In Committee, I spoke at length on that very issue. Is it not the point that many of the complaints made to the Standards Board are frivolous or vexatious, and are made either by political opponents or by the disgruntled? Is it not the case that if we are to have a body such as the Standards Board, we need to tighten up on such complaints and deal with the issues that my hon. Friend is talking about?

Mr. Dismore: My hon. Friend is right, and that is why I have some sympathy with the hon. Member for Shipley, who moved a new clause that would abolish the Standards Board. I certainly do not think that we should go that far—there must be a minimum degree of standards—but there is the question of whether what is proposed in the Bill is discriminatory and contrary to article 14. For some reason, we have singled out local government councillors for a regime that is much more rigorous than any that applies to anyone else in public life, including ourselves. After last Friday's debate, we need to be a little more aware of the fact that we should treat people fairly and equally.

[Mr. Dismore]

I hope that the Minister will take my Committee's concerns on board. We are dealing with significant issues of human rights, and it could be argued that the Standards Board has itself been brought into disrepute by some of the cases that it has taken up. If we are serious about maintaining standards in public life, and particularly in local government, we have to be realistic about what we do and do not expect from our councillors.

Mr. Syms: Debates on first principles are usually the best, even when they are very brief. We know why the Standards Board was set up, and most of us have seen how it has operated over a number of years. Most of us probably know councillors who have been affected by it in one way or another. The most important issue is the length of time that it has taken to deal with many investigations, and the way in which it has operated; it does not seem that there is natural justice in the whole process. The hon. Member for Hendon (Mr. Dismore) made a good point, and we have concerns about widening the scope, but we welcome many of the other issues that the Minister discussed, and the measures that will localise many aspects of standards. Progress is being made, and throughout the Committee stage I was pleased with what the Minister said. In our last general election campaign we opposed the Standards Board, and that may well be our position at the next election, too. We believe that we need to keep the Minister on his toes, so we will support my hon. Friend the Member for Shipley (Philip Davies) when his new clause is pressed to a Division.

Andrew Stunell: I want to draw the House's attention to amendment No. 134, in my name and that of my hon. Friends, which addresses a completely different issue: the capacity of local councillors to stick up for their constituents when planning issues are being discussed and voted on by councils. It deals with the difficult doctrine of predisposition and bias, which we spent some time on in Committee.

Bearing in mind what was said in Committee, and the sympathetic words that we have heard from the Minister in respect of matters other than planning, I hope that he now feels able to move forward on the planning issue. I particularly draw his attention to what the Secretary of State for Communities and Local Government said yesterday about the importance, under the new planning White Paper, of more community engagement and involvement with planning at the local level. I draw the Minister's attention to the fact that we would be preposterously incapable of delivering that if, every time that there was such engagement, all local representatives were excluded from participating.

I now want to give the Minister the opportunity to say something about that, and the other issues. We shall support the new clause tabled by the hon. Member for Shipley (Philip Davies). Some progress has been made, but more needs to be made.

Mr. Woolas: In the brief time available to me, I shall attempt to respond to the points raised by hon. Members. The hon. Member for Shipley (Philip Davies) is clearly a Yorkshireman. He stated what he thinks, and he thinks we should get rid of the Standards Board lock, stock and barrel. He is consistent, although I wish he would get off the fence on some of the other issues. We do not agree with that view, although we agree with part of his analysis. On some occasions the processes have unintentionally damaged the reputation of local government, but we think the return to a more locally based system is right.

There are examples of frivolous complaints, which we have tried to address. Frivolous complaints are made against the police, and the hon. Gentleman would not want us to abolish the police force, and similarly the court and the police court. We have a straightforward disagreement. I respect that. We have put in place measures that will enhance the reputation of local government and provide for a sensible code.

My hon. Friend the Member for Hendon (Mr. Dismore) raises a technically more difficult issue. I understand exactly what he and his Committee are trying to do, but my preference is that the stricture should not be written into the Bill. The code that will apply will meet his intention. I should like more time to consider the matter. The explanation that I gave the Committee was that the code refers to criminal convictions. There was a debate about that definition. The code and the practice will make that clear.

We have agreed with the Standards Board that during this year we and the board will monitor and review the introduction and working of the new code, and we intend to review it afterwards. I argued in Committee that we need to clarify the legislation in order to comply with the judge's ruling, but it is the code that enforces the ethical regime. My hon. Friend's intention is met by the new code. He shakes his head. We have a disagreement. I undertake to look at the point. He is probably right to say that it will come up in the other place.

As I have failed to satisfy my hon. Friend, let me try to satisfy the hon. Member for Hazel Grove on the point that he consistently makes about planning. The code of conduct does not prevent a member from having a predisposition towards a particular outcome for a planning proposal. However, where, for example, a councillor is strongly identified in favour of or against a particular planning proposal, that might amount to predetermination, were that member to participate in the decision on that application. As I have said, it is planning case law, not the code, that deals with predetermination. Where predetermination occurs, members have made up their minds about a matter and are not prepared to listen to the arguments raised at the council meeting.

It is important for natural justice that people should get a fair hearing when a planning application is made. As I indicated in Committee, we have been considering the issue of predetermination so that concern to guard against predetermination does not fetter a councillor's capacity to speak up for the local electorate. We have discussed the matter with the Standards Board, and I can tell the House that at its meeting last week, the board agreed to issue, after consultation, a commentary on predetermination to help members and monitoring officers to understand the situation.

In other words, we believe that it is the application of case law in much too restrictive a manner by monitoring officers that has led to a culture in which

councillors have been unable to speak out. It is that case law, not the code of conduct, that is fettering elected councillors. Again, I agree with the intention. It is clearly right that local councillors should be able to speak up for their constituents, but it is also right that people before a planning committee should have a fair hearing. I believe that we can square that circle.

Philip Davies: I am delighted that the Minister has acknowledged some of the problems and respects our genuine difference of opinion. None the less, I shall press new clause 64 to a vote.

It being Nine o'clock, MR. DEPUTY SPEAKER, *put forthwith the Question already proposed from the Chair, pursuant to Order [17 May].*

The House divided: Ayes 175, Noes 257.

Division No. 126] **[9 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baron, Mr. John
Bellin, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Boswell, Mr. Tim
Bottomley, Peter
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Cash, Mr. William
Clark, Greg
Clegg, Mr. Nick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorries, Mrs. Nadine
Duddridge, James
Duncan Smith, rh Mr. Iain
Evans, Mr. Nigel
Fabricant, Michael
Farron, Tim
Featherstone, Lynne.
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Hague, rh Mr. William
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Herbert, Nick
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Howarth, Mr. Gerald
Hughes, Simon
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
May, rh Mrs. Theresa
McIntosh, Miss Anne
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Robinson, rh Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Teather, Sarah
Vaizey, Mr. Edward
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Mr. David Evennett and Mr. Mark Lancaster

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Berry, Roger
Betts, Mr. Clive
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clwyd, rh Ann
Coffey, Ann
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit

Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Goggins, Paul
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hopkins, Kelvin
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Lucas, Ian
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Seabeck, Alison
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony

Tellers for the Noes:
Tony Cunningham and Liz Blackman

Question accordingly negatived.

MR. DEPUTY SPEAKER *then proceeded to put forthwith the Questions necessary for the disposal of the business to be concluded at that hour.*

Clause 31

ELIGIBLE COUNCILS

Amendment made: No. 196, page 17, line 36, leave out clause 31.—*[Mr. Michael Foster.]*

Clause 32

CHANGING SCHEME FOR ORDINARY ELECTIONS

Amendment made: No. 197, page 18, line 4, leave out clause 32.—*[Mr. Michael Foster.]*

Clause 33

SCHEME FOR WHOLE-COUNCIL ELECTIONS

Amendments made: No. 198, page 18, line 31, leave out subsection (1) and insert—

'(1) On passing a resolution for whole-council elections, a council becomes subject to the following electoral scheme.'.

No. 199, page 19, line 4, leave out '2008' and insert '2010'.

No. 200, page 19, line 9, leave out 'the purposes of section 32' and insert 'whole-council elections'.

No. 201, page 19, leave out lines 10 to 13.

No. 202, page 19, line 14, leave out 'the purposes of section 32' and insert 'whole-council elections'.—*[Mr. Michael Foster.]*

Clause 34

PUBLICISING CHANGE OF SCHEME FOR ORDINARY ELECTIONS

Amendments made: No. 203, page 19, line 20, leave out 'the purposes of section 32' and insert 'whole-council elections'.

No. 204, page 19, line 29, at end insert 'under section 33'.

No. 205, page 19, line 30, leave out 'for whole-council elections'.

No. 206, page 19, line 37, leave out 'scheme for whole-council elections' and insert 'new electoral scheme'.—*[Mr. Michael Foster.]*

Clause 35

NOTICE TO ELECTORAL COMMISSION

Amendment made: No. 207, page 19, line 40, leave out 'the purposes of section 32' and insert 'whole-council elections'.—*[Mr. Michael Foster.]*

Clause 36

AMENDMENT OF EXISTING PROVISIONS ABOUT SCHEMES FOR ORDINARY ELECTIONS

Amendments made: No. 208, page 20, line 5, leave out paragraph (b).

No. 209, page 20, line 12, leave out 'subsection (2)(c)' and insert 'subsections (2) and (3)'.

No. 258, page 20, line 13, leave out subsection (3).

No. 211, page 20, line 23, leave out '85(2)' and insert '85'.

No. 212, page 20, line 25, leave out paragraph (c).

No. 89, page 20, line 29, at end insert—

'(5) If—

(a) a local authority makes a request under section 7(4) of the Local Government Act 1972, and

(b) immediately before subsection (1)(a) above comes into force in relation to that authority, the request has not yet been dealt with,

the repeal of section 7(4) to (6) of the 1972 Act does not apply to the request unless, and until, it is dealt with.

(6) For the purposes of subsection (5) a request under section 7(4) of the 1972 Act is "dealt with" in either of these cases—

(a) if the Secretary of State notifies the local authority that he has decided not to make an order under section 7(6) of the 1972 Act in response to the request;

(b) if the Secretary of State makes an order under section 7(6) in response to the request.

(7) The repeal of section 7(6) or 8(2) of the Local Government Act 1972 or of section 86(1) of the Local Government Act 2000 (so far as it relates to England) does not affect any order made under that provision before its repeal.'.—*[Mr. Michael Foster.]*

Clause 42

CHANGING GOVERNANCE ARRANGEMENTS

Amendments made: No. 12, page 27, line 40, leave out 'members or'.

No. 213, page 28, line 35, leave out '2007' and insert '2008'.

No. 214, page 30, leave out lines 15 to 28.

No. 215, page 30, line 35, leave out '2008' and insert '2009'.

No. 216, page 31, line 31, column 2, leave out '2007' and insert '2009'.

No. 217, page 31, line 32, column 2, leave out '2011' and insert '2013'.—*[Mr. Michael Foster.]*

Clause 44

ELECTED MAYORS

Amendments made: No. 13, page 32, line 32, after 'authority' insert 'in England'.

No. 14, page 32, line 35, after 'mayor' insert 'of a local authority'.—*[Mr. Michael Foster.]*

Clause 45

ELECTED EXECUTIVES

Amendment made: No. 15, page 33, leave out lines 29 and 30 and insert—

'(4) The number of persons included in a proposed executive must comply with the requirements in the second column of the following table that apply to the local authority.

The requirements that apply to the local authority are those in the row that sets out the kind of executive arrangements operated by the local authority.

Kind of executive arrangements	Requirements
The local authority's executive arrangements include provision under paragraph 2A(2) of Schedule 1 (specified membership of executive).	The number of persons included in a proposed executive must be the same as the specified membership.
The local authority's executive arrangements include provision under paragraph 2A(2D) of Schedule 1 (specified minimum and maximum membership of executive).	The number of persons included in a proposed executive— (a) must be the same as, or greater than, the specified minimum membership, but (b) must not be greater than the specified maximum membership.
The local authority's executive arrangements do not include provision under paragraph 2A(2) or (2D) of Schedule 1.	The number of persons included in a proposed executive— (a) must be 3 or more, but (b) must not be greater than the maximum number of members of the elected executive (as determined under section 11(8) or regulations under section 11(9)).'.

Clause 48

TIME OF ELECTIONS ETC

Amendments made: No. 16, page 34, leave out lines 32 and 33 and insert—

'(1) Section 41 of the Local Government Act 2000 (regulations about time of elections etc) is amended as follows.

(2) The provision of section 41 becomes subsection (1) of that section.

(3) In subsection (1)—'.

No. 17, page 34, line 39, at end insert—

'(4) After subsection (1) insert—

"(2) Regulations under this section may not provide for an elected executive by-election to be held if the number of remaining members of the executive is the same as, or greater than, the minimum effective membership.

(3) But subsection (2) does not prevent the regulations from providing that, in those circumstances, an elected executive by-election may be held at the direction of the elected leader of the executive.

(4) In this section—

"elected executive by-election" means—

(a) an election to fill a vacancy in the membership of an elected executive, or

(b) an election of a new elected executive because of vacancies in the membership of the current executive;

but it does not include any election to be held because of a vacancy in the office of elected leader;

"minimum effective membership" means, in relation to a local authority—

(a) 3 members of the authority's executive, or

(b) if the authority's executive arrangements include provision under paragraph 2A(2B) or (2G) of Schedule 1, the number of members of the authority's executive specified in that provision.'.—*[Mr. Michael Foster.]*

Clause 52

INTERPRETATION

Amendments made: No. 18, page 38, line 25, leave out 'members or'.

No. 218, page 38, line 34, column 2, leave out '2008' and insert '2010'.—*[Mr. Michael Foster.]*

Clause 56

APPOINTED COUNCILLORS

Amendment made: No. 90, page 43, line 25, leave out subsection (4) and insert—

'(4) In exercising a function under or by virtue of this section a parish council must have regard to any guidance issued by the Secretary of State about the exercise of that function.'.—*[Mr. Michael Foster.]*

Clause 59

COMMUNITY GOVERNANCE REVIEWS

Amendments made: No. 228, page 44, line 24, leave out subsections (1) and (2).

No. 229, page 45, line 1, after 'review', insert '(including any modification of those terms)'.—*[Mr. Michael Foster.]*

Clause 60

COMMUNITY GOVERNANCE PETITIONS

Amendments made: No. 230, page 45, line 20, leave out 'proposed recommendations' and insert 'recommendations which the petitioners wish a community governance review to consider making'.

No. 231, page 45, line 27, leave out subsection (7).

No. 232, page 45, line 43, leave out subsection (10).—*[Mr. Michael Foster.]*

Clause 61

TERMS OF REFERENCE OF REVIEW

Amendment made: No. 233, page 46, line 7, leave out clause 61.—*[Mr. Michael Foster.]*

Clause 62

REORGANISATION OF COMMUNITY GOVERNANCE

Amendments made: No. 91, page 46, line 22, leave out 'authority' and insert 'council'.

No. 234, page 46, line 32, at end insert—

'(aa) Part 1 of this Act,'.

No. 235, page 46, line 33, leave out 'or 26'.—*[Mr. Michael Foster.]*

Clause 66

COUNCIL RETAINED: CONSEQUENTIAL RECOMMENDATIONS

Amendment made: No. 236, page 48, line 15, after 'recommendations', insert 'as'.—*[Mr. Michael Foster.]*

Clause 68

COUNTY, DISTRICT OR LONDON BOROUGH: CONSEQUENTIAL RECOMMENDATIONS

Amendments made: No. 237, page 48, line 32, at end insert—

'(2A) The Electoral Commission may by order give effect to recommendations made under subsection (2).

(2B) The Electoral Commission must notify each relevant principal council of whether or not the Commission have given effect to recommendations made under subsection (2).

(2C) If the Electoral Commission have given effect to the recommendations, they must also send each relevant principal council two copies of the order under this section.'.

No. 238, page 48, line 38, at end insert—

'"relevant principal council", in relation to recommendations under subsection (2), means—

(e) the principal council that made the recommendations, and

(f) if the recommendations are made by a district council for an area for which there is a county council, the county council.'.—*[Mr. Michael Foster.]*

Clause 69

DUTIES WHEN UNDERTAKING A REVIEW

Amendments made: No. 239, page 49, line 16, leave out 'arrangements (other than' and insert 'other arrangements (apart from'.

No. 240, page 49, line 25, leave out from 'with' to end of line 30 and insert

'the day on which the council begins the review.'—*[Mr. Michael Foster.]*

Clause 72

PUBLICISING OUTCOME

Amendment made: No. 241, page 51, line 8, at end insert—

'(2A) The steps taken under subsection (2) must include publication of a notice setting out the matters referred to in subsection (2)(a) and (b).'.—*[Mr. Michael Foster.]*

Clause 74

ORDERS AND REGULATIONS UNDER THIS CHAPTER

Amendment made: No. 242, page 52, line 24, at end insert—

'(7) An order under section 68 may include such incidental, consequential, transitional or supplementary provision as may appear to the Electoral Commission to be necessary or proper for the purposes of, or in consequence of, or for giving full effect to, the order.'.—*[Mr. Michael Foster.]*

Clause 75

AGREEMENTS ABOUT INCIDENTAL MATTERS

Amendment made: No. 19, page 53, line 8, leave out 'Chapter 1 of Part 1 (see section 23)' and insert 'section 16'.—*[Mr. Michael Foster.]*

Clause 76

GUIDANCE

Amendment made: No. 243, page 53, line 21, leave out 'local authority' and insert 'council'.—*[Mr. Michael Foster.]*

Clause 78

INTERPRETATION

Amendments made: No. 244, page 53, leave out line 26 and insert—

'(1) This section applies for the purposes of this Chapter.

(2) The following expressions have the meanings given—'.

No. 245, page 54, line 4, at end insert—

'"petition area" means the area to which a community governance petition relates;'.

No. 246, page 54, line 10, at end insert—

"relevant two-year period", in relation to receipt of a community governance petition, means the period of two years ending with the day on which the petition is received by the principal council;

"specified recommendations", in relation to a community governance petition, means the recommendations—

(g) specified in the petition, or

(h) treated by section 61 as included in the recommendations specified in the petition;'.

No. 247, page 54, line 11, at end insert—

'(3) A principal council "begins" a community governance review when the council publishes the terms of reference of the review.

(4) A principal council "concludes" a community governance review when the council publishes the notice required by 72(2A).

(5) A principal council is "in the course of undertaking" a community governance review in the period between—

(a) beginning the review, and

(b) concluding the review.

(6) The terms of reference of a community governance review "allow for a community governance petition to be considered" if the terms of reference of the review are such that—

(a) the area under review includes the whole of the petition area; and

(b) the recommendations to be considered by the review include all of the petition's specified recommendations.'.—*[Mr. Michael Foster.]*

Clause 143

ASSESSMENT OF ALLEGATIONS

Amendments made: No. 61, page 99, line 36, leave out 'section 57B' and insert 'sections 57B and 57BA'.

No. 62, page 100, line 18, at end insert—

'57BA Information to be given to subject of allegation

(1) Subsections (2) to (4) apply where a person makes an allegation under section 57A to a standards committee.

(2) The standards committee must take reasonable steps to give a written summary of the allegation to the person who is the subject of the allegation ("P"); but this is subject to regulations under subsection (7).

(3) If the standards committee makes a decision under section 57A(2) that no action should be taken in respect of the allegation, it must take reasonable steps to give notice in writing to P of the decision and the reasons for the decision.

(4) If the standards committee receives a request under section 57B in relation to the allegation, it must take reasonable steps to give notice in writing to P of the request.

(5) The reference in subsection (3) to a decision under section 57A(2) includes a decision under section 57A(2) as applied by section 57B(4) or 58(3).

(6) Subsections (2) to (4) are subject to any direction under section 57C.

(7) The Secretary of State may by regulations—

(a) provide that in circumstances prescribed by the regulations the duty in subsection (2) does not arise at the time the standards committee receives the allegation, and

(b) make provision, in relation to cases where that duty has been prevented by the regulations from arising at that time, as to when it does arise.'.

No. 63, page 100, line 23, leave out 'and 57B(4)' and insert ', 57B(4) and 57BA(2) to (4)'.

No. 64, page 100, line 35, leave out 'that date' and insert 'then'.

No. 65, page 100, line 41, leave out 'that date' and insert 'then'.

No. 66, page 101, line 39, leave out ', to the person who made the allegation,'.

No. 67, page 101, line 40, at end insert 'to—

(a) the person who made the allegation, and

(b) the person who was the subject of the allegation.'.—*[Mr. Michael Foster.]*

Clause 152

MATTERS REFERRED TO MONITORING OFFICERS

Amendments made: No. 68, page 107, line 24, after '57A' insert 'or 57BA'.

No. 69, page 107, line 29, leave out '"section"' and insert '"64(2)"'.

No. 70, page 107, line 31, leave out '57A,".' and insert

'57A, 60(2) or (3) or 64(2) or (4),".'.

No. 71, page 107, line 32, leave out '(1)'.

No. 72, page 107, line 32, at end insert

'in each of subsections (1) and (7),'.—*[Mr. Michael Foster.]*

Clause 161

POLITICALLY RESTRICTED POSTS: CONSEQUENTIAL AMENDMENTS

Amendment made: No. 73, page 115, line 18, at end insert—

'(1A) In Schedule 7 to the Environment Act 1995 (c. 25) (national park authorities), in paragraph 7(4) for "3" substitute "3A".'.—*[Mr. Michael Foster.]*

Clause 167

CONSEQUENTIAL AMENDMENTS

Amendments made: No. 111, page 119, line 10, at end insert—

'( ) In Part 3 of the Local Government Act 1974 (c. 7) (Commission for Local Administration in England)—

(a) in section 25(1) (authorities subject to investigation), after paragraph (cc) insert—

"(cd) an authority established for an area in England by an order under section 165 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);";

(b) in section 26C(6) (referral of complaints by authorities) (inserted by section (Complaints and matters coming to Commissioners' attention)), at the end insert—

"(d) in relation to an authority established by an order under section 165 of the Local Government and Public Involvement in Health Act 2007, a person who may be a member of the authority in accordance with section 166 of that Act.".

No. 112, page 119, line 10, at end insert—

'( ) In Schedule 2 to the Audit Commission Act 1998 (c. 18) (accounts subject to audit), in paragraph 1, after paragraph (m) insert—

"(ma) an authority established for an area in England by an order under section 165 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".'.

No. 113, page 119, line 20, at end insert—

'( ) In section 23(1) of the Local Government Act 2003 (c. 26) (definition of local authority), after paragraph (n) insert—

"(na) an authority established for an area in England by an order under section 165 of the Local Government and Public Involvement in Health Act 2007 (joint waste authorities);".'.—*[Mr. Michael Foster.]*

Clause 189

ORDERS, REGULATION AND GUIDANCE

Amendments made: No. 219, page 135, line 20, at end insert—

'(1A) Any order made by the Electoral Commission under this Act must be made by statutory instrument'.

No. 114, page 135, line 21, after '168' insert

', (Entities controlled etc by local authorities), (Definitions of certain terms for purposes of other enactments: Wales)'.

No. 115, page 135, line 23, leave out 'under section 168,' and insert

'made by the Welsh Ministers under section 168, (Entities controlled etc by local authorities) or (Definitions of certain terms for purposes of other enactments: Wales),'.—*[Mr. Michael Foster.]*

Clause 189

ORDERS, REGULATION AND GUIDANCE

Amendments made: No. 220, page 135, line 30, leave out 'or 32' and insert

', (Resolution for whole-council elections: requirements), (Resolution for elections by halves: requirements) or (Resolution for elections by thirds: requirements)'.

No. 221, page 135, line 40, after 'only', insert—

'(a) an order made by the Electoral Commission, or'.

No. 116, page 136, line 14, leave out from 'under' to 'may' in line 15 and insert 'this Act'.—*[Mr. Michael Foster.]*

Clause 191

FINANCIAL PROVISIONS

Amendment made: No. 55, page 136, line 23, at end insert—

'( ) The Secretary of State may pay to the Arts Council of England and the Museums, Libraries and Archives Council such sums as he may determine in respect of their expenses under or by virtue of this Act.'.—*[Mr. Michael Foster.]*

Clause 193

EXTENT

Amendments made: No. 117, page 136, line 39 leave out 'and (3)' and insert 'to (4)'.

No. 118, page 137, line 2, leave out 'or 167' and insert ', 167 or 188'.

No. 119, page 137, line 2, after 'Schedule 1,' insert '(Elections: consequential amendments),'.

No. 120, page 137, line 2, after second '14' insert ', 15'.

No. 121, page 137, line 3, at end insert—

'(4) The repeal made by paragraph 1(2)(b) of Schedule (Consequential amendments relating to entities controlled etc by local authorities) and the entry in Part 13A of Schedule 15 relating to the Prevention of Corruption Act 1916 (c. 64) extends to England and Wales and to Scotland.'.—*[Mr. Michael Foster.]*

Clause 194

COMMENCEMENT

Amendments made: No. 222, page 137, line 5, leave out subsection (1) and insert—

'(1) This section and sections 189, 191, 193 and 195 come into force on the day on which this Act is passed.'.

No. 223, page 137, line 17, leave out 'so far as not brought into force by subsection (1)'.

No. 224, page 137, line 18, leave out 'so far as not brought into force by subsection (1)'.

No. 56, page 137, line 19, leave out 'except section 91' and insert

'(except section 91), Part 4A of Schedule 15 and section 190 so far as relating to that Part of that Schedule'.

No. 122, page 137, line 22, at end insert—

'sections (Entities controlled etc by local authorities) to (Definition of certain terms for purposes of other enactments: Wales) and (consequential amendments)(3) and (4);'.

No. 225, page 137, line 37, leave out subsection (6).—*[Mr. Michael Foster.]*

New Schedule 1

'ELECTIONS: CONSEQUENTIAL AMENDMENTS

Local Government and Housing Act 1989 (c. 42)

1 (1) Section 9 of the Local Government and Housing Act 1989 (assistants for political groups) is amended as follows.

(2) In subsection (11), in paragraph (a) of the definition of "appropriate year", for "one in relation to which provision for whole council elections has been made by virtue of section 7(4)(a) or 26(2)(a) of the Local Government Act 1972" substitute "subject to whole council elections by virtue of Part 2 of the Local Government and Public Involvement in Health Act 2007".'.— *[Mr. Michael Foster.]*

Brought up, read the First and Second time, and added to the Bill.

New Schedule 2

'THE COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

PART 3 OF LOCAL GOVERNMENT ACT 1974

1 Part 3 of the Local Government Act 1974 (c. 7) (Commission for Local Administration in England) is amended in accordance with this Part of this Schedule.

2 In section 23(12) (three-yearly reviews by the Commission), for "complaints" substitute "matters".

3 (1) Section 26 (matters subject to investigation) is amended as follows.

(2) In subsection (6), for "person aggrieved" (in each place) substitute "person affected".

(3) In subsection (6A), for "any action taken in connection with the discharge by an authority" substitute "any action taken by or on behalf of an authority in the exercise".

(4) In subsection (7), in paragraphs (aa), (a) (in both places) and (ba), for "complaint" substitute "matter".

(5) Omit subsection (10) (Local Commissioners' discretion to investigate matters etc).

(6) In subsection (11)—

(a) in paragraph (a), for "person aggrieved" substitute "person affected";

(b) omit paragraph (b).

(7) Omit subsections (12) and (13) (restrictions on investigating matters arising before specified dates).

4 (1) Section 28 (payments to complainants and persons assisting with investigations) is amended as follows.

(2) In subsection (1)—

(a) for "conduct an investigation pursuant to a complaint" substitute "investigate a matter under this Part of this Act";

(b) after "who is alleged in the complaint" insert "(if any), or who otherwise appears to the Local Commissioner,";

(c) for "the action complained of" substitute "the action which would be the subject of the investigation";

(d) for "any allegations contained in the complaint" substitute "the matter".

(3) In subsection (2), for "such investigation" substitute "investigation under this Part of this Act".

(4) In subsection (3)—

(a) after "the complaint" insert "(if any)";

(b) omit the words following paragraph (b).

(5) In subsection (4)—

(a) after "the authority concerned" insert "or any other person";

(b) for "that authority" substitute "the authority concerned or any other person".

5 (1) Section 29 (further provisions about investigations) is amended as follows.

(2) In subsection (6), omit "with the approval of the Minister for the Civil Service".

(3) In subsection (8), for "or any officer of the Commission assisting in the performance" substitute "or any person discharging or assisting in the discharge".

6 (1) Section 31A (consideration of adverse reports) is amended as follows.

(2) For subsections (1) to (2A) substitute—

"(1A) Where a further report of a Local Commissioner under section 31(2A) is considered by a person other than the appropriate listed authority and it is proposed that—

(a) no action should be taken on the report, or

(b) the action recommended in the report should not be taken,

consideration of the report shall be referred to that authority.

(1B) For the purposes of subsection (1A)—

(a) "listed authority" means an authority mentioned in section 25(1) or specified in an order under subsection 25(2) (but does not include a person mentioned in section 25(4) to (5)), and

(b) a listed authority is the appropriate listed authority in relation to a further report if the report relates to the authority (or to any person with which the authority is connected for the purposes of this Part of this Act by virtue of section 25(4) to (5)).

(1C) Subsection (1A) has effect subject to subsection (3)."

(3) In subsection (3)—

(a) for "subsections (1) and (2)" substitute "subsection (1A)";

(b) in paragraph (a), for "the said section 101, or" substitute "section 101 of the Local Government Act 1972,";

(c) for paragraph (b) substitute—

"(b) a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966, or

(c) an admission appeal panel or exclusion appeal panel mentioned in section 25(5)(c) or (e),

and the report is considered by that committee or panel."

(4) In subsection (5), for the words from the beginning to "shall vote" substitute "No individual shall decide or vote".

(5) Omit subsections (5A) and (6).

(6) In subsection (7)—

(a) omit "Where the authority concerned is the Greater London Authority,";

(b) for "the Authority" substitute "the Greater London Authority";

(c) for "the authority concerned (other than references to a member of the authority concerned)" substitute "an authority".

7 (1) Section 32 (law of defamation and disclosure of information) is amended as follows.

(2) In subsection (1)(a), for "any officer of the Commission" substitute "any person discharging or assisting in the discharge of a function of a Local Commissioner".

(3) In subsection (1)(b)—

(a) for "any officer of the Commission" substitute "any person discharging or assisting in the discharge of a function of a Local Commissioner";

(b) after "a complainant" insert ", or with the person affected in relation to a matter,".

(4) In subsection (1)(d), for "section 24" substitute "section 23A".

(5) After subsection (1)(e) insert—

"(f) the publication of any matter by inclusion in a report, statement or summary published or supplied under section 31B."

(6) In subsection (2)—

(a) for "any officer of the Commission" substitute "any person discharging or assisting in the discharge of a function of a Local Commissioner";

(b) in paragraph (a), for "report to be made under section 30 or 31" insert "report, statement or summary under section 30, 31 or 31B";

(c) in paragraph (b), for "an officer of the Commission" substitute "a person discharging or assisting in the discharge of a function of Local Commissioner";

(d) in the words following paragraph (c), for "the officers of the Commission" substitute "persons discharging or assisting in the discharge of a function of a Local Commissioner".

(7) In subsection (3)—

(a) for "any of the authorities mentioned in section 25(1) above" substitute "any of the authorities to which this Part of this Act applies";

(b) for "any member of the staff of the Commission who is allocated to assist him" substitute "any person discharging or assisting in the discharge of a function of a Local Commissioner".

(8) After subsection (3A) (inserted by section 138) insert—

"(3B) Section 25(4), (4A) and (5) do not apply for the purpose of subsection (3)."

8 (1) Section 33 (consultation with other Commissioners etc) is amended as follows.

(2) In subsection (1)—

(a) for "the complaint relates partly to" substitute "the matters which are the subject of the investigation include";

(b) for "about the complaint and" substitute "about the matter and, where a complaint was made about the matter, he shall".

(3) In subsection (2)—

(a) for "a complaint under this Part of this Act" substitute "a matter under investigation under this Part of this Act";

(b) for "any matter relating to the complaint" substitute "anything relating to the matter";

(c) in paragraph (a), for "complaint" substitute "matter".

9 In section 34(1) (interpretation of Part)—

(a) in the definition of "member", omit paragraphs (b) and (c);

(b) for the definition of "person aggrieved" substitute—

""person affected"—

(c) in relation to a matter which is the subject of a complaint made or to be made under this Part of this Act, means the member of the public who claims or is alleged to have sustained injustice in consequence of the matter, and

(d) in relation to a matter coming to the attention of a Local Commissioner to which section 26D applies, means the member of the public who the Local Commissioner considers has, or may have, sustained injustice in consequence of the matter;".

10 (1) Schedule 4 (the Commission) is amended as follows.

(2) In paragraph 3 (remuneration etc of Commissioners and their officers)—

(a) in sub-paragraph (1) omit ", with the approval of the Minister for the Civil Service,";

(b) in sub-paragraph (2) omit ", with the consent of the Minister for the Civil Service,".

(3) In paragraph 4—

(a) in sub-paragraph (2), for "complaints" substitute "matters";

(b) omit sub-paragraph (5).

11 In Schedule 5 (matters not subject to investigation), in paragraphs 2, 6, 7 and 8, after "taken by" insert "or on behalf of".

Part 2

Other minor and consequential amendments

Local Government and Housing Act 1989 (c. 42)

12 (1) The Local Government and Housing Act 1989 is amended as follows.

(2) In section 5 (reports of monitoring officer), in subsection (2)(b), for "injustice" substitute "failure".

(3) In section 5A (reports of monitoring officer - local authorities operating executive arrangements), in subsection (3)(b), for "injustice" substitute "failure".

Greater London Authority Act 1999 (c. 29)

13 In section 73(6) of the Greater London Authority Act 1999 (monitoring officer), for "injustice" substitute "failure".

Local Government Act 2000 (c. 22)

14 (1) The Local Government Act 2000 is amended as follows.

(2) In section 62 (further provisions about investigations by ethical standards officers), in subsection (7)(b) for "by any members or officers of the Commission for Local Administration in England" substitute "obtained in connection with investigations under Part 3 of that Act (Commission for Local Administration in England)".

(3) In section 67(2) (consultation by Local Commissioners with ethical standards officers)—

(a) for "the complaint relates" substitute "the matters which are the subject of the investigation relate";

(b) after "about the investigation and" insert ", where a complaint was made about the matter, he may".

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

15 In section 114 of the Health and Social Care (Community Health and Standards) Act 2003 (complaints about social services), in subsection (5)(a) for "(and to be treated as if it had been duly made under section 26 of that Act)" substitute "(and for the complaint to be treated as satisfying sections 26A and 26B of that Act)".'.—*[Mr. Michael Foster.]*

Brought up, read the First and Second time, and added to the Bill.

New Schedule 3

'Consequential amendments relating to entities controlled etc by local authorities

Prevention of Corruption Act 1916 (c. 64)

1 (1) Section 4 of the Prevention of Corruption Act 1916 (interpretation etc) is amended as follows.

(2) In subsection (2)—

(a) after "United Kingdom)" insert "and any entity which is under the control of a local authority or jointly controlled by bodies that include a local authority";

(b) omit the words from "and companies" to "local authorities".

(3) After subsection (3) insert—

"(4) For the purposes of subsection (2)—

"an entity under the control of a local authority", and

"an entity jointly controlled by bodies that include a local authority",

have the meanings given for the purposes of that subsection by order under section (Definition of certain terms for purposes of other enactments: England) of the Local Government and Public Involvement in Health Act 2007."

Local Government Act 1972 (c. 70)

2 (1) Section 80 of the Local Government Act 1972 (disqualifications for election and holding office as member of local authority) is amended as follows.

(2) In subsection (1), for paragraph (aa) substitute—

"(aa) holds any employment in an entity which is under the control of the local authority; or".

(3) After subsection (3) insert—

"(3A) In subsection (1)(aa) as it applies in relation to a local authority in England, the reference to an entity under the control of the local authority has the meaning given by order under section (Definition of certain terms for purposes of other enactments: England) of the Local Government and Public Involvement in Health Act 2007.

(3B) In subsection (1)(aa) as it applies in relation to a local authority in Wales, that reference has the meaning given by order under section (Definition of certain terms for purposes of other enactments: Wales) of that Act."

Local Government, Planning and Land Act 1980 (c. 65)

3 (1) The Local Government, Planning and Land Act 1980 is amended as follows.

(2) In section 98 (disposal of land at direction of Secretary of State)—

(a) in subsection (8)(d)—

(i) for "bodies" substitute "authorities";

(ii) for the words from "a company" to the end substitute "an entity which is under the control of that body, subject to its influence or jointly controlled by it and one or more other bodies";

(b) in subsection (8A) for "bodies" substitute "authorities".

(3) In section 100 (interpretation etc of Part 10)—

(a) in subsection (1)(a), for the words from "a company" to "interests)" substitute "an entity which is under the control of that body, subject to its influence or jointly controlled by it and one or more other bodies";

(b) after subsection (1) insert—

"(1ZA) In relation to a body in England to whom this Part of this Act applies, references in this Part to—

(a) an entity under the control of the body,

(b) an entity subject to the influence of the body, and

(c) an entity jointly controlled by the body and one or more other bodies,

have the meanings given by order under section (Definition of certain terms for purposes of other enactments: England) of the Local Government and Public Involvement in Health Act 2007.

(1ZB) In relation to a body in Wales to whom this Part of this Act applies, those references have the meanings given by order under section (Definition of certain terms for purposes of other enactments: Wales) of that Act."

Environment Act 1995 (c. 25)

4 (1) Paragraph 7 of Schedule 7 to the Environment Act 1995 (National Park authorities) is amended as follows.

(2) In sub-paragraph (2) for the words from "a company" to the end substitute "an entity which is under the control of that authority".

(3) After sub-paragraph (4) insert—

"(4A) In sub-paragraph (2) as it applies in relation to a National Park authority in England, the reference to an entity under the control of the authority has the meaning given by order under section (Definition of certain terms for purposes of other enactments: England) of the Local Government and Public Involvement in Health Act 2007.

(4B) In sub-paragraph (2) as it applies in relation to a National Park authority in Wales, that reference has the meaning given by order under section (Definition of certain terms for purposes of other enactments: Wales) of that Act."

Local Government Act 2003 (c. 26)

5 (1) The Local Government Act 2003 is amended as follows.

(2) In section 18 (local authority companies etc)—

(a) in subsection (2), at the end of paragraph (a) insert "and", and for paragraphs (b) and (c) substitute—

"(b) an entity which is, or the trustees of a trust which is—

(i) under the control of a local authority or Passenger Transport Executive,

(ii) subject to the influence of such an authority or Executive, or

(iii) jointly controlled by bodies that include such an authority or Executive."

(b) after subsection (2) insert—

"(2A) The references in subsection (2)(b) to—

(a) "an entity under the control of" and "a trust under the control of" a local authority or Passenger Transport Executive,

(b) "an entity subject to the influence of" and "a trust subject to the influence of" such an authority or Executive, and

(c) "an entity jointly controlled by bodies that include" and "a trust jointly controlled by bodies that include" such an authority or Executive,

have the meanings given by order under section (Definition of certain terms for purposes of other enactments: England) of the Local Government and Public Involvement in Health Act 2007."

(3) The provision in section 24 of that Act (Wales) is renumbered subsection (1) of that section, and after that provision there is inserted—

"(2) In its application to Wales, section 18 has effect as if—

(a) any reference to a Passenger Transport Executive were omitted, and

(b) for the reference in subsection (2A) to section (Definition of certain terms for purposes of other enactments: England) of the Local Government and Public Involvement in Health Act 2007 there were substituted a reference to section (Definition of certain terms for purposes of other enactments: Wales) of that Act."

(4) In section 95 (power to trade in function-related activities through a company)—

(a) in subsection (4) omit the words from "within" to the end;

(b) for subsections (5) and (6) substitute—

"(5) An order under section (Entities controlled etc by local authorities) of the Local Government and Public Involvement in Health Act 2007 (regulation of entities controlled etc by local authorities) may include provision applying any of the provisions of that order, with or without modifications—

(a) to a company through which a relevant authority which is not a local authority for the purposes of that section exercises or proposes to exercise powers conferred by order under this section; or

(b) to such a relevant authority, or members or officers of such a relevant authority, in relation to such a company.

(6) Any requirement or prohibition imposed on or in relation to a company by virtue of subsection (5) must relate to the doing for a commercial purpose of the thing to which the order under this section relates.";

(c) in subsection (7), before the definition of "ordinary functions" insert—

""company" means—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969,".

(5) In subsection 96(5) (definition of "company") for the words from "Part 5" to the end substitute "section 95".

(6) In section 100(2)(a) (exercise of powers by reference to authorities' performance categories), for the words from "section 70" to the end substitute "section (Entities controlled etc by local authorities) of the Local Government and Public Involvement in Health Act 2007".

Public Audit (Wales) Act 2004 (c. 23)

6 (1) Section 48 of the Public Audit (Wales) Act 2004 (permitted methods of publishing information) is amended as follows.

(2) In subsection (3)(a) for "a local authority company" substitute "an entity under the control of a local authority".

(3) For subsections (5) and (6) substitute—

"(5) In subsection (3) "an entity under the control of a local authority" has the meaning given for the purposes of that subsection by order under section (Definition of certain terms for purposes of other enactments: Wales) of the Local Government and Public Involvement in Health Act 2007.

(6) But the Welsh Ministers may direct that an entity, or entities of a particular description, are to be treated as not being under the control of a local authority for the purposes of subsection (3).

(7) A direction under subsection (6) may be given so as to apply—

(a) for a period specified in the direction; or

(b) subject to conditions so specified.

(8) A direction under subsection (6) may be varied or revoked by a subsequent direction under that subsection.

(9) In subsection (6) "entity" means any entity, whether or not a legal person."'.—*[Mr. Michael Foster.]*

Brought up, read the First and Second time, and added to the Bill.

Schedule 3

NEW ARRANGEMENTS FOR EXECUTIVES: FURTHER AMENDMENTS

Amendment made: No. 57, page 145, leave out lines 22 to 24 and insert—

'(2) The executive arrangements may include provision specifying the number of members (including the elected leader) who are to be elected to the executive in accordance with section 11(3A) (the "specified membership").

(2A) The specified membership—

(a) must be 3 or more, but

(b) must not be greater than the maximum number of members of the elected executive (as determined under section 11(8) or regulations under section 11(9)).

(2B) If the specified membership is 4 or more, the executive arrangements may also include provision specifying the number of members of the executive that is to be the minimum effective membership for the purposes of section 41(2).

(2C) The minimum effective membership that is specified—

(a) must be the same as, or smaller than, the specified membership, but

(b) must not be smaller than 3.

(2D) The executive arrangements may include provision specifying—

(a) the minimum number of members (including the elected leader) who are to be elected to the executive in accordance with section 11(3A) (the "specified minimum membership"), and

(b) the maximum number of members (including the elected leader) who are to be elected to the executive in accordance with section 11(3A) (the "specified maximum membership").

(2E) The specified minimum membership must be 3 or more.

(2F) The specified maximum membership must not be more than the maximum number of members of the elected executive (as determined under section 11(8) or regulations under section 11(9)).

(2G) If the specified minimum membership is 4 or more, the executive arrangements may also include provision specifying the number of members of the executive that is to be the minimum effective membership for the purposes of section 41(2).

(2H) The minimum effective membership that is specified—

(a) must be the same as, or smaller than, the specified minimum membership, but

(b) must not be smaller than 3.

(2I) The executive arrangements may not include provision under sub-paragraph (2) and provision under sub-paragraph (2D).'.—*[Mr. Michael Foster.]*

Schedule 4

NEW ARRANGEMENTS FOR EXECUTIVES: TRANSITIONAL PROVISION

Amendment made: No. 226, page 146, line 34 column 2, leave out '2007' and insert '2009'.—*[Mr. Michael Foster.]*

Schedule 8

BEST VALUE: MINOR AND CONSEQUENTIAL AMENDMENTS

Amendment made: No. 74, page 160, line 40, at end insert—

'Railways and Transport Safety Act 2003 (c. 20)

23A In section 54 of the Railways and Transport Safety Act 2003 (performance directions), for subsection (1) substitute—

"(1) The Secretary of State may give a direction to the Authority—

(a) specifying factors ("performance indicators") by reference to which the Authority's performance in exercising functions can be measured;

(b) specifying standards ("performance standards") to be met by the Authority in relation to performance indicators specified under paragraph (a).

(1A) In specifying performance indicators and performance standards, and in deciding whether to do so, the Secretary of State shall aim to promote improvement of the way in which the functions of the Authority are exercised, having regard to a combination of economy, efficiency and effectiveness.

(1B) A direction under subsection (1) may specify different performance indicators or performance standards—

(a) for different functions;

(b) to apply at different times.

(1C) The Secretary of State may give a direction to the Authority requiring the Authority to—

(a) specify performance indicators in relation to functions;

(b) set targets for the performance of functions ("performance targets") by reference to performance indicators specified under paragraph (a) or subsection (1)(a);

(c) set a plan of action to be taken for the purposes of meeting a performance target.".'—*[Mr. Michael Foster.]*

Schedule 15

REPEALS

Amendments made: No. 227, page 183, line 38, column 2, leave out '8(2)(c)' and insert '8(2) and (3)'.

No. 58, page 184, line 8, at end insert—

'PART 4A

COMMUNITY STRATEGIES

Short title and chapter	Extent of repeal
Local Government Act 2000 (c.22)	Section 6(5) and (6). Section 7(2) and (6).'.

No. 124, page 184, line 13, at end insert—

'National Health Service (Consequential Provisions) Act 2006 (c. 43)	In Schedule 1, paragraph 206.'.

No. 59, page 188, line 31, in column 2, at end insert—

'In section 40(1), the words "(other than registered social landlords in Wales)".

Section 41A(1A).'.

No. 60, page 189, line 6, in column 2, leave out 'paragraph 31(a)' and insert 'paragraphs 27(2)(b), 29(2) and 31'.

No. 125, page 189, line 31, in column 2, at end insert—

'In section 25—

(a) in subsection (4A), paragraphs (b) and (c);

(b) subsection (4B).

In section 26—

(a) subsections (2) to (4);

(b) subsection (10);

(c) subsection (11)(b) (together with the "and" immediately preceding it);

(d) subsections (12) and (13).

Section 27(2).

In section 28(3), the words following paragraph (b).

In section 29(6), the words "with the approval of the Minister for the Civil Service".

In section 31A—

(a) subsection (5A);

(b) subsection (6);

(c) in subsection (7), the words "Where the authority concerned is the Greater London Authority,".

In section 34(1), in the definition of "member", paragraphs (b) and (c).'.

No. 126, page 189, line 32 in column 2, after 'Schedule 4' insert—

'(a) in paragraph 1(1)(b), the words "or is a member (by co-option) of a committee of any of those authorities";

(b) in paragraph 3(1), the words ", with the approval of the Minister for the Civil Service,";

(c) in sub-paragraph 3(2), the words ", with the consent of the Minister for the Civil Service,";

(d) '.

No. 127, page 189, line 32, at end insert—

'Local Government Act 1988 (c. 9)	In Schedule 3, paragraph 5(2), (3), (6) and (7).'

No. 128, page 189, line 34, at end insert—

'Environment Act 1995 (c. 25)	In Schedule 7, paragraph 18(3).
Greater London Authority Act 1999 (c. 29)	In Schedule 18, paragraph 16(3).'

No. 129, page 189, line 38, in column 2, at end insert—

'( ) paragraph 13(2), (3) and (4);'.

No. 130, page 190, line 24, at end insert—

'PART 13A

ENTITIES CONTROLLED ETC BY LOCAL AUTHORITIES

Short title and chapter	Extent of repeal
Prevention of Corruption Act 1916 (c. 64)	In section 4(2), the words from "and companies" to "local authorities".
Local Government and Housing Act 1989 (c. 42)	Part 5.
Local Government Act 2003 (c. 26)	In section 95(4), the words from "within" to the end.'.

—[Mr. Michael Foster.]

Order for Third Reading read.

9.14 pm

Mr. Woolas: I beg to move, That the Bill be now read the Third time.

I start by reassuring the House that the significant number of Government amendments that have just been passed came about not as a result of sloppy workmanship on our part, but because of the desirability of accommodating many points made on both sides in Committee. Secondly, I would like to thank Members for their contribution to the scrutiny and improvement of the Bill both in Committee and on the Floor of the House.

It is worth reminding the House that this was the first Bill to pass through the evidence-taking process and I should like to put on record—I am sure that I speak on behalf of the whole Committee—our thanks to the witnesses who provided both written and oral evidence. It turned out to be very helpful in informing the Committee's deliberations and was often referred to in debate. As I said, changes to the Bill have largely been the result of the good work done in Committee. I hope that we can move forward in that spirit.

[Mr. Woolas]

I should also like to thank the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Basildon (Angela E. Smith), for her work on the Bill and for her support, which has been invaluable. I have learned a lot about Essex, particularly about women from Essex—but I shall go no further on that point. Suffice it to say that champagne moments have a different meaning in different parts of the country—*[Interruption.]* I thank the hon. Member for Bromley and Chislehurst (Robert Neill): at least someone is keeping up and has a good sense of humour. Perhaps he and I have a peculiar sense of humour, but I shall move on swiftly.

As my right hon. Friend the Secretary of State said on Second Reading:

> "The Bill implements the majority of the proposals set out in 'Strong and prosperous communities', the local government White Paper, which was published in October."—*[Official Report,* 22 January 2007; Vol. 455, c. 1144.]

That White Paper was the result of exhaustive consultation, which was started by my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) and his team back in 2004, and then taken forward in informing the report of Sir Michael Lyons as well as our debates on the Bill.

We believe that the Bill is radical and devolutionary, setting out a new statutory framework for local councils and a new relationship between central and local government—not just between my Department and councils, but between Whitehall and councils. It sets out a new relationship between local government and its partner organisations at the local level, many of which are local agents of Government Departments.

Crucially, the Bill sets out a new relationship between local government and its partners and the people who live in the relevant local area. It allows local authorities and their partners to work together in delivering the full range of local services in an area. As such, it represents a new, modern take on public service reform. It joins up government at the local level, which is where the citizen requires it to be joined up. It takes forward key themes of joining up local services and giving local authorities greater freedom to develop their own solutions. I believe that this is the most devolutionary local government reform Bill for many years.

Also crucially, the Bill is not just about local government reform. It places two new measures on the statute book. The first is the duty on local government agencies and public sector organisations to co-operate in reaching local area agreement targets with the council. The second, achieved through clause 108, is an insistence on devolution—or what has been described as double devolution—in respect of the duty to inform, to involve and to consult. In my view, those two statutory measures change the structure and, even more importantly, the climate of local government, which has been welcomed. I also believe that that is why the Bill has, on the whole, commanded support across the political parties in the Local Government Association.

The Bill says to local councils, "Don't ask Whitehall's permission to get on and do things. Get on and do it, unless Parliament and the Government say otherwise." That will require a culture change in the leadership and management of local authorities, as well as structural and financial changes. I could point to a number of devolutionary measures in the Bill that we have debated. Of course, these measures need to be considered in the context of the debate on the Sustainable Communities Bill that is taking place in time provided for private Members' Bills, and in the context of the planning White Paper that my right hon. Friend the Secretary of State for Communities and Local Government announced yesterday.

This Local Government and Public Involvement in Health Bill introduces reforms on the scrutiny of policy and the delivery of health services. Crucially, it is a Bill about the involvement of local government in health. It reverses the trend of 50 to 60 years of health services and local government moving away from each other, and brings them closer together. That is what the patient, the resident, the citizen—call them what you will—requires. The public do not distinguish between structures and organisations; they want services that deliver. There is strong evidence that the Bill is radical, devolutionary and pro-local government, and that it puts trust in local government and requires central Government to change their attitude. It is important to emphasise that the new performance regime for local authorities that will replace the comprehensive performance assessment will involve a regime of targets that are set locally. Different targets will be applied in different areas to reflect the realities of the differences in geography, economics and culture in those areas.

I look forward to the deliberations on the Bill in the other place, and to taking forward these measures and the other proposals in the White Paper to change the balance of power in this country from the centre to local areas in a way that I believe is irreversible.

9.22 pm

Alistair Burt: I should like to begin by thanking the Minister for the way in which he and his colleagues have taken the Bill through. It was a good Committee, in which we had the opportunity to debate the issues that mattered and to see some changes, while still leaving room for improvement, which enables the Opposition to do their job of chasing the Government a bit harder on things that we believe could be done better. It would be right to acknowledge the spirit in which the Bill has been carried forward, perhaps starting with the witness sessions, which gave us all an opportunity to handle the material in a different way. That was good for Parliament. Some consideration needs to be given to the procedure in that regard; perhaps more time needs to be allowed to get witnesses in place, for example. We were a bit rushed, between the publication of the White Paper and the Bill, but those are minor issues compared with the other matters that we have dealt with.

I should also like to thank my colleagues who have played such a stalwart role, especially my hon. Friend the Member for Poole (Mr. Syms), who shouldered so much of the burden. Our colleagues on the Back Benches, my hon. Friends the Members for Ludlow (Mr. Dunne), for Enfield, Southgate (Mr. Burrowes) and for Bromley and Chislehurst (Robert Neill), contributed a great deal to the proceedings. Although he is not here at the moment, I must also acknowledge the extraordinary

presence of my hon. Friend the Member for Lichfield (Michael Fabricant), who is a champagne moment all on his own. He contributed not only to the able whipping of the business—with the help of his colleague, the hon. Member for Chatham and Aylesford (Jonathan Shaw), whose contribution to making the wheels turn smoothly we also acknowledge—but to some of the key debates. In particular, we will remember the Lichfield crown jewels for some considerable time. We appreciated his contribution.

Is the Bill devolutionary or not? Yes, it is, but the question is whether it is devolutionary enough in the context of the relationship between central and local government. That relationship has changed, and we suspect that there is a demand out there for much more change. The Bill is a move in the right direction, but we think that it does not move far enough in certain respects. It is on that basis that we have divided the House in the past, and it is on that basis that we have made our anxieties felt this evening.

It is true that the Bill will need to be considered in the light of the Sustainable Communities Bill, which we believe provides an even more radical model for devolution. We shall be interested to see how far the Government allow it to proceed before pulling the plug, as they inevitably will. In any event, its progress presents a contrast to the way in which this Bill has proceeded, and the ultimate outcome will say much about where local government is going.

There have been some welcome developments. On what may not have been the best day for the Minister and his colleagues in terms of U-turns, this is a slightly happier occasion on which to celebrate one or two more U-turns. We are pleased that the directions on restructuring were introduced after we had asked for a degree of limitation on what appeared to be very extensive powers. It took a while, but they finally appeared. It was a shame that the sheer pressure of work and the guillotine meant that we could not deal with them last week, but we appreciated the important concessions that were made—for instance, the concession over the additional partners to be involved in local area agreements, particularly health bodies. We also welcome the enhanced role for local councillors, and the work that has been done on parishes. I think that most members of the Committee could agree on those measures.

If I am true to myself and the Opposition, however, I must identify the respects in which we think the Bill fails the devolutionary test. We were never given a chance to debate the big issue of moving powers away from unelected regional bodies to local authorities, which I think remains a blot on the horizon of local government. At some stage that must be faced by the Government, or it will be faced by a different Government.

Some issues remain in relation to the restructuring of local government that was attempted by means of the Minister's cunningly worded invitations to local authorities up and down the country. Some of those invitations were accepted by certain of our colleagues, but we did not see the total meltdown of Conservative authorities that might have been anticipated, and we are grateful to those colleagues who worked hard to prevent it. However, we still feel strongly about the fact that we did not have an opportunity last week to debate whether there should be a referendum in local areas to give the public a say.

As we have pointed out before, although the Bill refers to a broad measure of support—or words to that effect—we are not told exactly what that means. I must tell the Minister that I see trouble ahead. When it is a question of how decisions have been made and how a broad measure of support is defined, he will be presented with alternative broad measures of support by competing parties, and contradictory broad measures of support at that. My hon. Friend the Member for Ludlow presented a strong case on the referendums held by district councils in Shropshire, and contrasted that with the decision that had been made here. As I say, I see trouble ahead, because the issue of support has not been properly dealt with.

That is, of course, a subject for the judicial review which is still in progress. I noted that the Secretary of State clung to that judicial review a few hours ago, when she was sitting where the Minister is sitting now. Perhaps there is still time for the Government to cling to it again, and to make amendments clarifying how the public commitment will be judged in relation to the restructuring. We shall have to wait and see what happens.

We had an extensive discussion in Committee about the executive arrangements. It was repeated tonight, so I will not return to it now. However, I maintain that it might have been better to give local authorities a chance to choose their leadership models rather than having to accept the Minister's restrictive models, and we still believe that local area agreements could do with a limitation on the number of targets. We listened carefully to the Minister's argument about flexibility, but local authorities continue to feel edgy about the lack of an upper limit. We would have liked to table an amendment to bring together the police and local government aspects of the community call for action, but I believe it will be raised in the other place, and I hope that the Minister will consider it further.

Perhaps the worst part of the Bill is the tagging on of the public health aspects. We will all recall the strength of feeling of witnesses on the abolition of patients forums. The Minister has provided the best defence that he could this evening and in previous discussions. However, it was noticeable that he said a few moments ago that what patients require is the bringing together of local government and health. Well, it was not what they asked for, and it is not what they want. They want a distinctive patient voice, and they think that they have lost that. I still think that the Government have not effectively heard that voice, and this matter will be raised in the Lords.

There was criticism: concerns were raised that the local involvement networks will not work. That rings bells: the Government have been warned before that changes might not work—and sometimes those warnings turn out to be accurate. I hope that those LINks are looked at again in another place, and that account is taken of the strength of feeling of patients that they are losing a distinctive voice, because the LINks are too big and they might be dominated by health professionals. The Minister might be gaining from the relationship between local government and

[Alistair Burt]

health, but patients are losing. There might be another way to address these matters, and if there is I urge the Minister to adopt it.

Robert Neill: Does my hon. Friend agree that this is not an either/or situation? It would be perfectly possible to strengthen links between local government and health in the way that we discussed in Committee without abolishing the patients forums. In fact, it would in many respects have made good sense and have strengthened the entire arrangement if the patients forums had been able to continue with their work while at the same time scrutiny and overview were improved and the role of the ward councillor in local health service provision were enhanced and strengthened. It need not be an either/or situation.

Alistair Burt: There we are: right at the death, my hon. Friend provides yet another useful contribution, as he has consistently done. It is perfectly sensible to suggest that this might not be an either/or situation. He is right to argue for the keeping of the patient voice. The matter should be looked at again. The Minister must acknowledge that there is some disquiet on Labour Benches. The Bill would be markedly strengthened if changes were made.

Finally, let me mention the extraordinary story of the amendment signed by 51 Labour Members asking for greater local control over energy efficiency in new developments in their areas which, mysteriously, was not moved—and then not voted on—by any of those 51 Labour Members, some of whom then voted against their own amendment just last week. People have noted that, and it was particularly ironic as only the previous day the Minister for Housing and Planning had made much of the Government's commitment to energy efficiency as the reason for continuing with the home improvement packs. She said how outraged she was that the Opposition were urging caution on HIPs, and that energy was an important issue. However, when there was an opportunity for the Government to vote on an amendment to make sure that energy efficiency was recognised at local level and that standards were driven still higher, they did not take it.

Having said that, and having pointed out where measures are deficient, I acknowledge that there has been genuine progress. The Local Government Association and councillors agree. We hope that we have made the Bill better through our deliberations and our work. We are sure that the other place will continue to do the same, and when amendments return to the House we hope that the Bill will be further strengthened in the manners that I have suggested.

9.33 pm

Sir Peter Soulsby: Listening to the hon. Member for North-East Bedfordshire (Alistair Burt), it is hard to recall now how much scepticism the Opposition expressed about the Bill when it first came before the House. I recall Opposition Members failing to find anything of merit in it. It is interesting and encouraging to hear the difference in tone of the hon. Gentleman's contribution this evening.

As the Bill progressed, particularly in Committee, many of the sceptics about the Bill—Opposition Members who were sceptical perhaps expressed their scepticism more clearly than the Labour sceptics—were converted to its considerable merits. As the Minister has said, it is undoubtedly devolutionary in its intent. It was indeed very encouraging to hear the support that was given to many of the proposals in the Bill from those who gave evidence to the Committee, and I join others in saying how useful those sittings were. Such evidence sessions are an important innovation.

For those of us who have been involved in local government over many years, the Bill does not yet go far enough. Of course, the major issue of restoring to local government the power that comes with greater control over raising its own revenue is yet to come, but—to use the mantra that the Minister has used on several occasions—such reform is a marathon, not a sprint. We look forward to some of the later stages in progress towards that goal of a continued increase in the powers and responsibilities of local government and the local democratic institutions of which it is a part.

I welcome the elements in the Bill that strengthen the scrutiny role of front-line councillors, as we now call those who used to be back benchers. The Bill will do much to give them a genuine role of scrutiny and enable them not only to look at the work that their local authority is doing, but to have a wider scrutiny role over what is happening across the whole of their community and all the bodies that affect the lives of those who elected them. I also welcome the elements of the Bill that seek to empower local government to provide wider community leadership beyond just the services that it provides, and I welcome the lifting and rationalisation of the heavy burdens of targets and inspections that local government of all political persuasion has suffered in recent years.

The Bill has to be seen in the context of the work that the Government are doing to seek to provide incentives for and remove barriers to serving on local councils. If the Bill is to achieve its full effect it needs councillors from all parties of sufficient calibre to enable them to serve their local communities and take full advantage of what is being given to them as part of this Bill. I also wish to set in a wider context the work that the Government are doing with local authorities to develop multi-area agreements, especially the work—of vital importance for cities such as mine, which have very constrained boundaries—to enable them to work across boundaries to develop city development companies. Such companies will be able to help solve the problems of tightly constrained urban areas in a wider context.

The Bill, as hon. Members on both sides of the House will acknowledge, is an important step forward. It is only one step forward, but it is especially welcome that it has been brought forward with such a high level of engagement with local government itself in the shaping of the legislation. I look forward to more steps being taken in the marathon that lies ahead.

9.38 pm

Andrew Stunell: I start by offering my thanks to the ministerial team, who were as obliging as they could be

within the constraints they set themselves. They have at all times been as helpful and courteous as they could be.

We all found the evidence session interesting and stimulating. There are lessons to be learned about the organisation of such sessions, but that point leads me to offer thanks to a part of the organisation that is often not mentioned—the Government Whip for the Committee. From that point onwards, he did his best to be helpful and allow the Opposition the chances we needed to test the Government and set out our case, in Committee and on Report. My colleagues who supported me on the Bill also did stout work, and I thank them.

The broader context of the Bill is that it was preceded by a White Paper and a lot of talk by Secretaries of State about direction and speed of travel that has now been mostly forgotten. We believe that the Bill that was published was a wasted opportunity. It was not well timed, it being out of sync with the Lyons report. As a result, it does not deal with some very fundamental questions of finance and structure.

It has been claimed that the tone of Opposition criticism has moderated during the Bill's passage through the House, but any Bill that is 192 pages long will contain at least one bit that is acceptable to us, and so it has proved. I have never denied that it has some good bits, but it does not provide the fundamental devolution of power, financial resources or freedom to organise that we consider essential. On the contrary, the Bill seems to offer a narrower frame in those respects than what we had previously.

We have gained some important new jargon, of course. We no longer talk about back-bench councillors, but about front-line councillors. They are the ones who get sent over the top and shot first, and many of them think that life might be a bit cosier on the back benches. The phrase "place shaping" suggests a degree of proactivity on the part of councils, even though—despite what Ministers have said at various stages—the capacity to place-shape will still be dramatically confined, controlled and limited.

In some areas, such as the executive arrangements, the Bill represents an increase in centralised grasp. The Minister heard Opposition Members go on about that frequently in Committee, and he knows that he has taken away one of the available models. I accept that he might argue that it was non-functional, but he has put in place another model that looks likely to be demonstrably non-functional and that only Stockton appears to want. It will not give local authorities the freedom to organise themselves as they think best and as would suit them best.

The same point can be made about the changes to the monitoring of health. I suppose that I should declare a long lapsed interest, as some 20 years ago I was a member of a community health council. I know that many Labour Members regret the loss of community health councils; the establishment of patients forums was very much a second-best alternative. They were introduced only because of the pressure that the Government experienced in their struggle to get community health councils out of the way. Now, patients forums are being taken away too, and we have taken a step further backwards. There are clear signs of centralisation lurking behind the face of devolution about which the Minister has spoken.

The Bill does have some good bits, however, and we have made favourable comments about some of them. The reform of the Standards Board, the enhanced role for local members and the greater freedom to make electoral arrangements that suit a local community are all to be welcomed. If the local area partnerships and the multi-area agreements can develop, they could represent two very useful steps forward.

However, there is still plenty more to be done. I said earlier on Report that we had got the Minister out of the front door on his journey, but we still have not got him far enough down the path and along the street in the direction that we believe he should take. As a result, we shall not support the Bill on Third Reading.

9.44 pm

Andrew Gwynne: As the Minister knows, I come from a local government background and am proud to have served 11 years on Tameside council, where we can really make a difference locally every day in a way that MPs can only dream about. The sad thing is that people do not recognise what local government does and how its functions directly affect their lives on a day-to-day basis.

The Bill is a good one, and we have made it better. We have answered the now infamous Tameside question—the people of Dukinfield and Audenshaw will sleep tonight—and we have won the battle for thirds, too. The Bill is devolutionary in nature and the changes that we made in Committee and on Report show that Ministers listened, and I congratulate my hon. Friends on the Front Bench on their listening role.

I hope that the changes we have made will improve the operation of our councils, bring about more accountability and better co-ordination with our partners through local area agreements and strategic partnerships, and improve the scrutiny functions. There will be a real role for councillors to hold to account the NHS, the partners, local trusts, such as Stockport Sports Trust, as well as council departments. The most important part of councillors' new role, and a point that we have skated over, is that they will hold to account their cabinet colleagues.

I hope, too, that the changes will increase people's recognition of the hard work of all councillors, whether executive or front-line members, and of the work of local authorities more generally. As a consequence, I hope there will be increased participation at local elections.

I am ever the optimist—I live in hope—and I wish the Bill a safe passage to the other place.

9.46 pm

Robert Key (Salisbury) (Con): Many of us did not serve on the Committee but nevertheless retain a strong interest in the Bill's passage. We have had all the debates and all the votes—except one. There were not as many debates or votes as we wanted; in fact, because of the guillotine—sorry, programme motion—I was deprived of making on Report the only speech I wanted to make about the Bill.

Many of us know that the Bill represents a substantial shift. For local government veterans in Parliament such as me, who served as a local government finance Minister in the days when I had to propose that shocking thing,

[Robert Key]

compulsory competitive tendering, things have moved a lot. We are nowhere near the continental model of local government—giving people carte blanche at local level—nevertheless we are going in the right direction, although I wholly agree with my hon. Friend the Member for North-East Bedfordshire (Alistair Burt) and his team that the localisation agenda is still only an agenda and will have to be made a reality by a future Conservative Government.

The only reason I shall vote against the Bill is that I find one aspect of it completely contradictory. With an agenda for turning government around, towards more power to local government, there is none the less a power that will deprive my constituents of their rights and their local democratic representation. No Member of the House should be indifferent to local government. I pay tribute to councillors of all parties who give up hours of their time and effort for local government. What an irony that in my constituency of Salisbury in the county of Wiltshire the county is making a bid for unitary status, to take democracy away from local people and move it way up-county to somewhere completely remote. Decisions on local issues will be made by councillors 50 miles away who know nothing about them. That is good enough reason for me to vote against the Bill. Yes, it contains some good things, but many of us think that there will be a lot of work to be done by an incoming Conservative Government.

9.48 pm

Tom Levitt: I am grateful to be called to speak on Third Reading. I agree with many of the other speakers that we have passed a thoroughly enjoyable four months—indeed, four months today—since Second Reading. The Committee proceedings were stimulating and certainly fun; we cannot always say that of the some of the Bills that go through this place. I look forward to cashing in some of the champagne moments that have been only theoretical so far—Ministers and Opposition spokesmen will be held to account if those moments do not become reality within a reasonable period.

My colleagues on the Labour Benches who have already spoken on Third Reading have rightly concentrated on the local government aspect of the Bill—it is after all a local government Bill and many of my colleagues are well versed and experienced in local government. But I want for a moment to think about what the Bill does from the point of view of the governed and the communities that we and our local government colleagues serve. Those communities have the potential to take great steps forward—in terms of participative democracy in particular—as a result of the Bill.

In many parts of the Bill, there is an implicit recognition of the role of the voluntary sector and the community sector in representing communities. That is not the same role as councillors have; it is a complementary one. I do not want to get into an argument about Wiltshire, but perhaps the answer to the concerns of the hon. Member for Salisbury (Robert Key) is the strengthening of local area agreements. Making sure that different service providers work together towards common aims and goals, and share the necessary practical and administrative facilities, has great potential. Services do not have to be delivered identically in every community. They have to recognise the needs of those communities at a local level. In years to come, we will look back at the partnerships that are inherent in the Bill and say that the Bill was good because of the changes that were made.

Another reason the Bill enhances local democracy is that it extends public scrutiny. We have seen the scrutiny system in local government mature over recent years. It has become a force to reckon with and has shown itself capable of holding local authorities to account. The provision of social care is one of the roles of local authorities, but over recent years we have seen a blurring of the border between health and social care. It is therefore essential that we produce a vehicle that can extend the scrutiny over the grey border between health and social care. The way to do that is through the mature scrutiny functions of local authorities and the experience of patients. I am thinking of the sheer commitment that many patients have shown through their involvement with community health councils and forums. I am sure that, in a few years' time, we will see that in the local involvement networks as well. As I said in Committee, abolition is a dirty word, but actually it is just part of a process that will bring together health and social care with the support of the scrutiny that local authorities can give. But, essentially, it will be a voluntary organisation—more than likely—that will co-ordinate LINks and make sure that patients are properly represented.

We are also seeing greater powers and responsibilities for councillors. It is not just their scrutiny role that is enhanced; there is also their role as facilitators and champions of their community—people who work with their community organisations rather than against them, as some councillors do. I am talking about being part of the same process, and working through the community call for action and some of the other facilities in the Bill to make sure that people who draw attention to the issues that are important in different streets and communities get their voices heard. In a limited way, there are even powers to choose whether there are thirds elections or all-out elections. That has been a minor success, but a success none the less, showing that scrutiny in this place works too.

The Bill is about making things happen in communities. It is about trusting local people, involving local people and serving local people—not just through councillors and local government, but through the other organisations that hold our communities together and provide the glue and the fabric that make society work. In that sense, it is no exaggeration to say that we will look back on this Bill in a few years' time and say, "That was when it was recognised that communities, voluntary groups and others could come together with local authorities and councillors as partners, working with other public sector providers to make sure that there is a coherent, sensitive provision of local services that complement each other and make life in communities better."

Question put, That the Bill be now read the Third time:—

The House divided: Ayes 260, Noes 180.

Division No. 127] **[9.54 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Begg, Miss Anne
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, Andy
Butler, Ms Dawn
Byrne, Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Coffey, Ann
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Davidson, Mr. Ian
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Francis, Dr. Hywel
Gardiner, Barry
George, rh Mr. Bruce
Gibson, Dr. Ian
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jimmy
Hopkins, Kelvin
Hughes, rh Beverley
Humble, Mrs. Joan
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Iranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, Mr. Sadiq
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Lanton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McFadden, Mr. Pat
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Norris, Dan
O'Brien, Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Pope, Mr. Greg
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Seabeck, Alison
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony

Tellers for the Ayes:
Steve McCabe and Jonathan Shaw

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Baron, Mr. John

Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Boswell, Mr. Tim
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Cash, Mr. William
Clark, Greg
Clegg, Mr. Nick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Donaldson, rh Mr. Jeffrey M.
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Evans, Mr. Nigel
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Herbert, Nick
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Main, Anne
May, rh Mrs. Theresa
McCrea, Dr. William
McIntosh, Miss Anne
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penrose, John
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Mr. Laurence
Robinson, rh Mr. Peter
Rogerson, Mr. Dan
Rosindell, Andrew
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Taylor, Matthew
Teather, Sarah
Vara, Mr. Shailesh
Viggers, Peter
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Mark
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Noes:
Mr. Mark Lancaster and Mr. David Evennett

Question accordingly agreed to.

Bill read the Third time, and passed.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees),

HUMAN FERTILISATION AND EMBRYOLOGY

That the draft Human Fertilisation and Embryology (Quality and Safety) Regulations 2007, which were laid before this House on 25th April, be approved.—*[Mr. Alan Campbell.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Delegated Legislation Committees),

HUMAN TISSUE

That the draft Human Tissue (Quality and Safety for Human Application) Regulations 2007, which were laid before this House on 25th April, be approved.—*[Mr. Alan Campbell.]*

Question agreed to.

PETITION

Hospice (North-West Leicestershire)

10.9 pm

David Taylor (North-West Leicestershire) (Lab/Co-op): I have been privileged today to welcome a party of constituents to the Palace of Westminster. Their mission has been to promote the case for an adult hospice in North-West Leicestershire. The first part of the day was to discuss the topic with my hon. Friend the Member for Leeds, North-East (Mr. Hamilton), chairman of the all-party hospice and palliative care group. The second was to lobby the Under-Secretary of State for Health, my hon. Friend the Member for Bury, South (Mr. Lewis). I am grateful to my colleagues for the time that they gave. The third and final part is for me to present this petition.

The signatories include Dorothy Lacey MBE, Carol Smith, Kate Last, Loraine Liddell, Tony Hodkinson and Stewart Shepherd of the Hospice Hope support group, who are working extremely hard to advance the campaign and who were at the House today, as well as me as the local Member of Parliament.

The petition states:

To the House of Commons

The Petition of 3,121 residents of North West Leicestershire and surrounding areas

Declares that...

The hospice movement deserves the wide-spread admiration, endorsement and devoted support it receives for its work with people who face the end of their lives and for meeting the needs of their families and friends, ensuring that those in their care are accorded respect, privacy and dignity and are valued and responded to with empathy.

Further declares that...

Following the closure in 2002 of the Sue Ryder Hospice at Staunton Harold, the local area has waited too long for a successor facility to provide day, respite and terminal care and that patients in North West Leicestershire with a palliative illness are being denied choices because of the lack of access to their own hospice and associated support centre.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Health to ensure that the NHS through the Leicestershire County and Rutland Primary Care Trust and the East Midlands Strategic Health Authority respond and act to meet the growing and pressing needs of many patients and their loved ones for a hospice in our area...

And the Petitioners remain, etc.,

To lie upon the Table.

Burton's Foods Plant (Moreton)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

10.11 pm

Angela Eagle (Wallasey) (Lab): On the morning of Friday 11 May, just as I was about to attend a turf-cutting ceremony for a brand new primary care centre at the Victoria central hospital in Liscard—a £14-million public investment—I received phone calls from distressed workers at the Burton's Foods plant in Moreton. They had been gathered together in the canteen and told that the production of biscuits at the plant would cease, making 660 of them redundant. Following that bombshell, staff were not allowed to ask their managers questions, nor were their trade union representatives allowed on site to meet them. Instead, the employees were escorted off company premises by the additional security guards who had been hired specially for the day.

Despite a history of considerable public sector investment and financial support for the plant, the company chose not to give any prior notice of its decision to the local authority, the trade unions or me. I had visited the plant on several occasions in the past few months and was acutely aware that the review was being conducted. I had received personal assurances that I would be kept in touch with progress, but I was not. In 2003, as the local MP, I had played a part in putting together a package that had involved £4 million of public money. In response, the work force had agreed a painful £12 million cost reduction plan. As part of it, they had endured a three-year pay freeze and changes to working practices designed to safeguard their future. The company's legal obligations under that package ran out in March this year.

To say that there is shock and anger in the communities of Moreton and Leasowe as they contemplate Burton's actions is an understatement. I feel that I must express that shock and anger to the House on their behalf tonight. There is despair and worry about the future, as well as a sense that the company has taken the considerable sacrifice that local workers have made over the past few years and thrown it back in their faces. I must say that I can see that point of view.

Five days after the shock of the announcement of 11 May, I convened a meeting in Parliament. It was attended by the chief executive of Burton's Foods, Paul Kitchener, representatives of the Northwest Development Agency, Wirral metropolitan borough council chief executive Steve Maddox, and the general secretary of the Transport and General Workers Union, Tony Woodley. I am grateful to all concerned for their swift response to my request and for the seriousness with which all parties approached that meeting. After a long and intense meeting, the company agreed to share its figures and plans with us in much greater detail. We will now work together to see whether any alternative approach can be taken that might enable us to preserve at least some manufacturing capacity on the Moreton site.

Burton's Foods has been an important local employer on the Wirral for many years and we wish to do everything that we can to keep it that way. The initial meeting taking that work forward will be in

[Angela Eagle]

Wallasey town hall tomorrow. The Burton's plant in Moreton is the largest private sector employer in my constituency, with more than 1,000 people on the payroll. Seasonal work can boost that number still further. The announcement ending the manufacture of biscuits on site is a terrible blow for local employment prospects. Generations of my constituents have worked at the plant. Often entire families and succeeding generations of the same families have had access to the employment opportunities that were there. Since the second world war, the biscuit factory has been one of the mainstays of economic activity in the area. Its threatened loss creates a very serious situation which, in my view, deserves urgent Government attention.

I have asked for this Adjournment debate to make two requests of the Minister. First, I wish to secure my right hon. Friend's unequivocal support in the battle to save a manufacturing capacity at the Moreton plant, if that is at all possible. That is clearly my preferred outcome, despite the bleak prospects currently facing us. Secondly, if the company goes ahead with its plans unchanged, it will be vacating about half of a 29 hectare site currently designated for industrial use and crucial to any prospect of regenerating local employment opportunities. I wish to use this debate to emphasise to my right hon. Friend how important it will be to have Government support and engagement via the Northwest Development Agency to buy the site in order to develop new business and employment opportunities for local people in their own neighbourhood.

The site hosts two other sizable local employers, Manor Bakeries and Typhoo Tea. Burton's has said that it is maintaining the chocolate refinery and packing work on site, which will retain 100 full-time jobs and 200 seasonal jobs. However, if biscuit manufacturing were to go, I would be concerned to ensure that the viability of the site is safeguarded as an industrial base for the area. The local authority has assured me that it would actively oppose any attempt at changing the land use, so there will be no quick or easy profit to be made from selling the land for housing development. I strongly support that approach. We cannot have new houses and new communities with no local job opportunities. However, in circumstances where Burton's does indeed shed these jobs, we would have to rely on Government grant to invest in new industrial units and create the infrastructure required to attract new employment opportunities to our town.

Wirral has historically had a very low job density rate. Residents have traditionally travelled across the Mersey to Liverpool or down the peninsular to Chester for work. Prior to the Burton's announcement, the job density in Wirral was 62. That means that there were only 62 jobs per 100 people of working age available on the peninsular itself. To put that figure into perspective, the average job density for the country is 83. The loss of jobs at Burton's will make the already low figure of 62 worse still. It is therefore vital for our future economic prospects that Wirral is assisted in developing new investment opportunities to create local jobs that my constituents can get to even if they do not own a car.

Can my right hon. Friend tell me what her Dept can do to help us in the current circumstances? Will she ensure that the Northwest Development Agency pays urgent and serious attention to the issue and develops flexible and active responses to enable us to fight for the 660 threatened jobs, as well as to plan for the redevelopment of at least a part of this massive site, with the focus on creating new local employment opportunities?

Prior to the threatened loss of 660 local jobs, Wirral had worked hard with the private sector and achieved an employment rate of 71 per cent. Clearly, this will be badly impacted should the threatened job losses go ahead. The Government rightly have an aspiration to achieve an 80 per cent. employment rate throughout the country by 2012. The events of the past two weeks have made that target much harder to achieve on the Wirral.

Whatever we may be able to salvage from an extremely difficult situation, it seems clear that there could be substantial job losses to be absorbed by the communities of Moreton and Leasowe, in the short term at least. I am due to meet my hon. Friend the Minister for Employment and Welfare Reform soon to discuss the help that his Department could bring to bear should the threatened job cuts materialise. I wish to make a case publicly for a significant package of Government assistance, including financial support for retraining and enhanced support for those who could find themselves searching for alternative employment. Will my right hon. Friend explain what her Department can do to help in those circumstances?

Finally, my constituents who work in the Moreton factory have felt vulnerable ever since the business was involved in a succession of private equity buy-outs. The latest of those was completed only in January this year, when Duke Street Capital acquired the assets from Hicks, Muse, Tate and Furst. As Burton's Foods was so recently acquired, it has to be assumed that the information that led to the closure decision was being shared with the new owners at the time of the sale. However, it was not being shared with the work force, who had delivered in good faith the £12 million cost reduction package, or with the public sector partners, who have done so much to support the business in the past. That cannot be an acceptable state of affairs, and I ask my right hon. Friend to think about what might be done to ensure that appropriate disclosure of such information is required of companies in such circumstances in the future.

We will leave no stone unturned and no alternative unexplored in our attempt to save biscuit manufacturing at the Moreton site. If we are to stand a chance of success, we will need the Government's engagement and support. I hope that my right hon. Friend can promise me that in her reply tonight.

10.21 pm

The Minister for Industry and the Regions (Margaret Hodge): May I start by congratulating my hon. Friend the Member for Wallasey (Angela Eagle) on securing this debate so promptly? I completely understand the enormous worry and distress that has been caused to her constituents by the announcement, made some 10 days ago, that Burton's wants to reduce production

at its Moreton site. It is devastating to be told that one will not have a job in any circumstances, but given the particular challenges that my hon. Friend faces in her constituency, the announcement is especially difficult.

I understand and recognise the need to ensure that my hon. Friend's constituents enjoy the same job opportunities as others elsewhere in the country. That will enable them to move from a dependency on benefits, which so many of her constituents have, to independence in work. My hon. Friend represents a community in which 75 per cent. of her constituents in the local authority area live in the 10 per cent. most deprived areas in the country under the super output area definition. She is right to point out that the job density—I have a figure of 63 jobs per 100 adults; she quoted a figure of 62 jobs per 100 adults—is among the lowest within local authority districts in the north-west region, which itself faces particular problems. She is also right to point out that many people who live in Wirral work outside the borough. I hope that she agrees that one of our tasks is to ensure access to jobs within the wider geographic area, which is an important ambition.

At the end of the day, the company will have to take its own decision in its own interests. The Government cannot intervene in that decision-making process. With changing markets, particularly in that area, and increasing globalisation, companies such as Burton's are facing tough competitive pressures. However, we can do a number of things. We can manage the economy in a way that ensures that we provide the best conditions in which business can prosper and grow, and our record on that in the past 10 years has been second to none. We have provided consistent macro-economic stability and growth in every quarter in the past 58 quarters.

Manufacturing is often talked down. We hear a lot of stories about manufacturing jobs going, but manufacturing remains a key point of our economy, accounting for 14 per cent. of GDP, 50 per cent. of exports, three quarters of the research and development carried out by the private sector and almost 3 million good-quality jobs. We work very hard both within the Department of Trade and Industry and elsewhere in government to ensure that manufacturing is not only surviving, but thriving.

There are many success stories. In the automotive industry, we are now producing almost as many vehicles as we were at the height of the automotive sector in the 1970s. The aerospace industry has a turnover of £29 billion and the pharmaceutical industry, which is important in my hon. Friend's region, has invested £3.2 billion in research and development and produces 18 per cent. of the world's top 100 prescription medicines.

The Government are investing in my hon. Friend's area. She has the benefit of the investment in the Mersey waterfront regional park, which is a key project in the region. Wallasey forms of part of that plan to create an international waterfront regional park from approximately 135 km of Merseyside sub-regional coastline. The Government are also giving support to businesses in Wallasey. Let me give some examples. We are helping Insulation Product Services Ltd to relocate and invest in plant and machinery. We are helping Organica (UK) Ltd to expand its production facility. We have provided support for R L Plastics Ltd in its expansion. We gave Northern Case Supplies Ltd help towards the purchase of new machinery. We are already investing in my hon. Friend's region and constituency to try to help the manufacturing sector to flourish. Despite the positive national context and that investment locally, I completely understand the very real problems faced by the 660 workers at Burton's Foods when they heard that announcement 10 days ago.

I congratulate my hon. Friend on the swift action that she took to convene the partners here within five days of the announcement. As she knows, tomorrow there is a meeting between Wirral borough council, the Northwest Regional Development Agency and Burton's Foods, and I hope that there will be a positive discussion. Certainly, we have put in our commitment to look at alternatives to these job losses. The regional development agency will look to lead on exploring the business opportunities, considering scenario planning and examining all the options with the company. It will also co-ordinate actions that emerge from any of tomorrow's discussions.

If I am honest, I am relieved that, following representations that I received from my hon. Friend, we included the site of the Burton's Food factory in the amended assisted area status map. That means that it will be covered as regards investment and assistance that can be given by Government.

Angela Eagle: That is the nub of the issue that faces us if we have to look to develop new infrastructure and local job opportunities on that very large site. Now that the Moreton site has assisted area status, what kind of assistance could we expect if the worst were to happen and we were unable to save biscuit manufacture there?

Margaret Hodge: I do not want to be too prescriptive because I do not want to close down options. However, the advice that I have received, which is high-level advice at this point and would need to be specific to the circumstances, is that we could consider a so-called rescue aid package under section 7 of the Industrial Development Act 1982. However, that is an exceptional form of assistance, and I do not want unduly to raise my hon. Friend's expectations or those of her constituents. Certain conditions have to be satisfied. Aid must consist of loan guarantees or loans bearing normal commercial interest rates. The amount must be restricted to the amount needed to keep the firm in business. It must be temporary assistance that is repaid within six months—the maximum time available for a recovery plan. It must be justified on the grounds of social difficulties and must have no adverse effects on the industrial situation in other member states. The package is probably quite restricted in relation to Burton's. If the worst happens and Burton's decides to go ahead with the closure of its facility, there might well be greater opportunities, interestingly enough, in seeking how to use assisted area status to help further.

As well as tomorrow's meeting, there is a meeting on Friday this week, which will be attended by Jobcentre Plus, the Learning and Skills Council, Wirral council and the regional development agency. That is a preliminary meeting to determine what funding is available to help affected employees if an adverse decision is taken and no solution can be found at the

[Margaret Hodge]

Wednesday meeting. As my hon. Friend knows, both the local authority and the NWRDA intend to preserve the site of Burton's Foods for business use only. As discussions are only at an early stage, there are no concrete plans for that site as yet.

My hon. Friend asked a number of questions and sought a number of assurances. I can assure her that we will, through the RDA, work to do whatever we can to save the manufacturing capacity at Moreton. If we fail in the first instance with Burton's, we will explore all avenues to ensure that the whole of the 29 hectares site is maintained for industry and that local employment opportunities are open to my hon. Friend's constituents. We will work across Government, as my hon. Friend asked, to support any individuals affected by the reduction in production capacity. I am pleased that she is meeting the Minister for Employment and Welfare Reform, who will take her through the details of the cross-Government plans that we put in place in circumstances such as these.

I hear my hon. Friend's concerns about the transparency and accountability of private equity-backed firms. I know that the private equity sector itself is very conscious of these concerns, and I am pleased to tell her that Sir David Walker is heading an independent working party at the moment, which is seeking to develop a voluntary code of practice to enhance both accountability and transparency. The conclusions of the working party will be published in the autumn, and we already have in the Companies Act 2006 a good model for Sir David Walker to follow. The reporting conditions in the Act will, I hope, provide an appropriate model that will find favour with the private equity-backed firms.

Finally, I can assure my hon. Friend that she will have the Government engagement and support that she wants and needs to work in the very best interests of her constituents in these difficult circumstances. Once again, I congratulate her on her commitment and her effective efforts on their behalf.

Question put and agreed to.

Adjourned accordingly at twenty-seven minutes to Eleven o'clock.

House of Commons

Wednesday 23 May 2007

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Provisional IRA Army Council

1. **Dr. William McCrea** (South Antrim) (DUP): What progress has been made with the dismantling of the command structure of the IRA, with particular reference to the Provisional IRA army council. [137955]

The Secretary of State for Northern Ireland (Mr. Peter Hain): If I may, I should like to congratulate the right hon. Members for Belfast, East (Mr. Robinson) and for Lagan Valley (Mr. Donaldson) on being nominated to be Privy Councillors; those nominations are well deserved.

Successive Independent Monitoring Commission reports have demonstrated that the Provisional IRA is committed to a political path. The IMC's latest report reiterates that the organisation has eschewed violence and disbanded its paramilitary structures.

Dr. McCrea: Having announced membership of the Provisional IRA army council in the past, can the Secretary of State tell the House who is in membership of that terrorist body now? Does he understand that the Unionist community will have no confidence in the words of Adams and McGuinness while the so-called army terrorist council of the IRA remains in existence as a threat to the stability of Northern Ireland? There can be no riding of two horses, and all terrorist structures must therefore be dismantled now.

Mr. Hain: I agree that there can be no riding of two horses. I am encouraged by the fact that successive reports by the IMC have confirmed that the engineering, intelligence gathering and other paramilitary apparatus of the IRA has been disbanded. That is not me speaking as Secretary of State; it is the IMC. That is the big picture, and the complete transformation that we have seen in Northern Ireland in recent weeks underpins the commitment that the IMC has reported.

Mr. Eddie McGrady (South Down) (SDLP): Does the Secretary of State agree that none of the paramilitary organisations—republican dissident or loyalist—now has a mandate or authority in Northern Ireland? Will he ensure, however, that they cease activities such as exercising control over communities under the guise of community groups or restorative justice groups? Will he give direction and guidance to ensure that such activities do not go on, and that no Government funding is paid to groups that contain erstwhile paramilitaries?

Mr. Hain: I agree completely that there is no role for paramilitary activity in Northern Ireland, if there ever was. There is certainly no justification for any of the trappings of paramilitary activity, let alone the activity itself. We continue to work as a Government to ensure that loyalist groups, in particular, come out of their past of violence, paramilitary activity and criminality—which is even more of a problem and has been for many years—and move towards accepting the rule of law without any qualification.

Mr. Gregory Campbell (East Londonderry) (DUP): The Secretary of State has alluded to the progress being made towards normality, and that is indeed welcome. A number of issues remain outstanding, however, the most glaring of which is the existence of the IRA army council. What pressure is he applying to the hon. Members for Belfast, West (Mr. Adams) and for Mid-Ulster (Mr. McGuinness) to dismantle and get rid of that anachronism in Northern Ireland in 2007?

Mr. Hain: I say to the hon. Gentleman, as I said to the hon. Member for South Antrim (Dr. McCrea), that the important thing is that the IRA has now turned its back irrevocably on its past. The apparatus that once existed for terror and paramilitary violence has all disappeared, not least due to the pressure that the hon. Gentleman and his colleagues have maintained so steadfastly over these past few years. That is the important thing.

Sir Patrick Cormack (South Staffordshire) (Con): Obviously, I agree with the right hon. Gentleman's last comment, but I should like to refer to the earlier comment by the hon. Member for south Armagh—*[Interruption.]* I am so sorry, I meant the hon. Member for South Down (Mr. McGrady). The Secretary of State will be aware that the Select Committee on Northern Ireland Affairs produced a report on community restorative justice that drew attention to the very points that the hon. Gentleman raised. It is crucial that there should be no back door into these schemes for people who have not utterly and totally repudiated their paramilitary past.

Mr. Hain: As the hon. Gentleman will know, the Justice and Security (Northern Ireland) Bill, which has just gone through Parliament, has quite properly strengthened the oversight of community restorative justice schemes. His own Select Committee commented on that, and we have taken careful note of those comments and implemented the points that were made. It is now absolutely clear that anyone involved in community restorative justice has to obey the rule of law—there is no qualification on that—and has to work with the police; there is no qualification on that either.

Mr. David Lidington (Aylesbury) (Con): Like the Secretary of State, I welcome the profound change that has taken place in the republican movement during recent years. Does he agree, however, that that very process of change means that the existence of something calling itself an army council—and that council's continuing assertion of a claim to legitimate authority within the island of Ireland—is at odds with the transformation that the Sinn Fein leadership says that it has brought about, and with the pledge of office that Sinn Fein Ministers have taken? Surely the best way for Sinn Fein to demonstrate to the most sceptical Unionists that its commitment to democracy is really serious would be to get rid of that anachronistic institution.

Mr. Hain: I share the hon. Gentleman's objective. Obviously we all look forward to a time when—as the situation continues to stabilise and the transformation deepens—there are no remnants of, and no legacy from, any of the paramilitary past that has bedevilled the people of Northern Ireland and, indeed, the whole island of Ireland, and that goes for every paramilitary organisation.

Mr. Lidington: Members on both sides of the House hope to see conditions make the devolution of criminal justice and policing possible, in perhaps as little as 12 months from now. Does the Secretary of State believe that for such devolution to take place we need first to reach a stage at which the British and Irish Governments feel that the Provisional IRA is no longer a terrorist threat and that, as a consequence, proscription should cease?

Mr. Hain: Let us take one step at a time. The Assembly has a duty, under legislation that the hon. Gentleman supported, to report to the Secretary of State by 27 March next year on the prospects for devolution of policing and justice being completed by May next year, as the Government intend and as was set out on the Anglo-Irish agreement. We shall have to see what assessment is made and how matters progress, but as I said earlier, the IMC has stated repeatedly—I know the hon. Gentleman accepts this, and he is nodding—that the Provisional IRA poses no terrorist threat, and indeed is not capable of doing so.

Loyalist Paramilitary Organisations

2. **Mr. Andrew Mackay** (Bracknell) (Con): What recent discussions he has had with the representatives of loyalist paramilitary organisations in Northern Ireland on the decommissioning of their weapons. [137956]

The Parliamentary Under-Secretary of State for Northern Ireland (Paul Goggins): Ministers continue their engagement with the Ulster Political Research Group and the Progressive Unionist party in support of their efforts to encourage loyalist paramilitaries to leave conflict behind and adhere to democratic principles.

Mr. Mackay: While I welcome the news that the Ulster Volunteer Force and the Red Hand Commandos are saying that they will now decommission their arms, is it not still of great concern that the Ulster Defence Association has not done the same? All three organisations are involved in criminality, drug dealing, extortion and loan sharking. Will the Minister give an undertaking that action will continue to be taken against them when they have committed crimes?

Paul Goggins: The UVF's announcement was a welcome step forward. Of course we want to see full and verifiable decommissioning, and last week's discussions with General de Chastelain and representatives of the UVF were another welcome step. However, the right hon. Gentleman is right to say that we cannot tolerate either paramilitary activity or criminality by either of those organisations, and I assure him, and the House, that law enforcement in Northern Ireland will continue to bear down on them.

Mr. Peter Robinson (Belfast, East) (DUP): I join the Minister in welcoming the UVF's statement of the first steps towards a complete winding down of its organisation. However, he and the House will recognise that it fell short in decommissioning terms by only putting weapons "beyond reach"—beyond whose reach is not clear. Can the Minister inject some urgency into the issue, and indeed into the issue of the disbanding of the army council of the IRA? It is essential that all paramilitary organisations go completely out of business, and are seen to be doing so.

Paul Goggins: I agree with the right hon. Gentleman that there must be a sense of urgency in relation to any organisation or individual still involved in paramilitary activity. I hope that those on either the dissident republican or the loyalist side who are still engaged in paramilitary activity will recognise what a fruitless waste the violence and conflict of the past 40 years has been, will see the hope that democracy is bringing to Northern Ireland, and will desist from their activities and join the peace process in a meaningful way.

Mr. Laurence Robertson (Tewkesbury) (Con): May I echo my right hon. Friend the Member for Bracknell (Mr. Mackay), and say how important it is for all loyalist paramilitary organisations to decommission? Indeed, as was said by the right hon. Member for Belfast, East (Mr. Robinson), the weapons must be destroyed and verification must take place. The Minister slightly pre-empted my question by referring to de Chastelain, but could he give a little more detail about the engagement that has taken place between the so-called loyalist paramilitary forces and the general?

Paul Goggins: The hon. Gentleman will understand that Ministers are not privy to the detailed discussions that take place with the Independent International Commission on Decommissioning, which is headed by General de Chastelain. The general has had that meeting, however, and I hope that it will lead to a new phase in which the UVF engages meaningfully with the IICD, decommissioning becomes verifiable, and we have not only the promise that weapons are beyond use but confirmation that they are.

Wildlife Protection

3. **Peter Bottomley** (Worthing, West) (Con): What recent discussions he has had at a European level on the protection of winter quarters of whooper swans potentially affected by road proposals. [137957]

The Parliamentary Under-Secretary of State for Northern Ireland (Maria Eagle): Following the restoration of devolution on 8 May, I can now tell the hon. Gentleman that roads are now devolved, and whooper swans are devolved too. The hon. Gentleman asks about recent discussions at European level; as a Liverpool MP, the only discussions that I am really interested in having at European level today are about Liver birds rather than whooper swans—and specifically about how well the Reds will do in Athens tonight.

Peter Bottomley: I am grateful to the Minister for her answer, and also for a written answer from one of her colleagues on 20 March revealing that in the Seamus Heaney area of special protection, where a large proportion of the 4,000 over-wintering whooper swans are to be found, by Lough Beg, there is a proposal for a dual carriageway from Toome to Castledawson.

Am I right in saying that both national and international laws require the Roads Service to make a far better assessment of the risk to whooper swans—and may I invite the Minister to come with me next winter to see them and to make sure that they are protected?

Maria Eagle: I can confirm that whooper swans are protected. They are listed in annexe 2 to the birds directive and schedule 1 to the Wildlife (Northern Ireland) Order 1985. However, such matters are the concern of the devolved Administration. The Minister in the Northern Ireland Administration with responsibility for them is Arlene Foster MLA. I am aware of the hon. Gentleman's previous correspondence, and he might wish to write further to her on this matter.

Prisoners (Drugs Rehabilitation)

4. **Lady Hermon** (North Down) (UUP): If he will make a statement on the drugs rehabilitation strategy for prisoners in Northern Ireland. [137958]

The Parliamentary Under-Secretary of State for Northern Ireland (Paul Goggins): The Northern Ireland Prison Service recently concluded a wide-ranging consultation on its substance misuse policy. Voluntary organisations currently provide counselling and rehabilitation courses in each of its establishments. A full-time addiction services manager takes up post on 1 June.

Lady Hermon: I am grateful to the Minister for that reply. However, will he kindly explain what is so exceptional about the drugs rehabilitation of prisoners that responsibility for it alone was not transferred properly and on time in April to the Health, Social Services and Public Safety Department?

Paul Goggins: Discussions continue between the Department and the Prison Service about the detail of the new arrangements. It is important that the health service in prisons is run by health experts; I am committed to that. The hon. Lady points to the fact that three voluntary organisations provide community addiction services in the three prisons in Northern Ireland. They do so effectively, and I know that she has a particular interest in the Northlands project, which provides an excellent service. I am looking at possible ways to expand such services, to the benefit of prisoners who as a result can come out of prison free of their addiction.

Mr. Jeffrey M. Donaldson (Lagan Valley) (DUP): I thank the Secretary of State for his earlier words of congratulation. Many prisoners who enter prisons in Northern Ireland—some 10 per cent.—have amphetamine-based addictions, so rehabilitation work is clearly necessary, and we should enhance that. However, is it not the case that many drug prevention groups that work outside prisons trying to prevent young people from becoming addicted to drugs in the first place are operating on a shoestring budget? Ascert, in my constituency, is doing good work, but it cannot get funding. Do we not need to address the root cause of this problem by supporting groups that are trying to prevent it from happening in the first place?

Paul Goggins: I strongly agree with the right hon. Gentleman that prevention is always better than cure. A range of organisations throughout Northern Ireland are trying to prevent people from becoming addicted to drugs and alcohol in the first place. It is essential that when prisoners leave prison and go back into the community they receive the effective support that such groups offer.

Dissident Republican Organisations

5. **Andrew Rosindell** (Romford) (Con): What his assessment is of the terrorist threat posed by dissident Irish republican organisations. [137959]

The Parliamentary Under-Secretary of State for Northern Ireland (Paul Goggins): While dissident republicans remain determined to cause harm and destruction, excellent policing continues to thwart them. Dissidents will not deter us, or the new Executive, from achieving a stable and prosperous future for Northern Ireland.

Andrew Rosindell: I thank the Minister for that reply. Although we are glad that power sharing has returned to Northern Ireland—and many of the terrorist organisations are now disarming—there are still dissident forces, such as Continuity IRA. What measures are the Government taking to prevent, dissuade and capture those vile and murderous criminals?

Paul Goggins: The Police Service of Northern Ireland takes the lead in detecting and preventing terrorist activities by organisations such as the one that the hon. Gentleman mentioned. So far this calendar year there have been 31 incidents involving dissident republican organisations. As recently as April, a serious incident was prevented in Lurgan by the PSNI, by a timely interception of what would have been a serious mortar attack. We should all compliment the PSNI on the work that it is doing and make it clear to those involved in dissident republican organisations, and loyalist paramilitary groups, that law enforcement will continue to hunt them and bear down on them.

David Simpson (Upper Bann) (DUP): The Secretary of State will be aware of a number of recent arrests in the Province—those of Brian Arthurs and two of his comrades, and of Roisin McAliskey, commonly known

throughout the Province as members of the Provisional IRA. Can the Minister give us some background to the situation and assure us that if a request is made by the German authorities for the extradition of Roisin McAliskey, it will be accommodated?

Paul Goggins: The last question is entirely a matter for the German authorities under the European arrest warrant system. There will be arrests from time to time. The whole thrust of my argument is that the PSNI will continue to bear down on those involved in criminality or paramilitary activity. We should all be encouraged by the fact that Sinn Fein has made it clear that people should co-operate with the police whenever such arrests take place.

Security Situation

6. **Mr. Henry Bellingham** (North-West Norfolk) (Con): What recent assessment he has made of the security situation in Northern Ireland; and if he will make a statement. [137961]

The Secretary of State for Northern Ireland (Mr. Peter Hain): The security situation continues to improve beyond recognition, as last month's report from the Independent Monitoring Commission made clear. But the report also shows that more is still needed from loyalist paramilitary groups to demonstrate their commitment to peace, and that dissident republicans continue to present a security threat.

Mr. Bellingham: Further to the question asked by the hon. Member for South Antrim (Dr. McCrea), does the Minister agree that with the Provisional IRA army council in place, the IRA has a ready-made infrastructure to rebuild a terrorist capability rapidly at any time? Now that Sinn Fein is in government, surely the time has come for it finally to sever any links with its sister organisation the IRA? Otherwise, how can the Ulster public have real confidence in Sinn Fein Ministers?

Mr. Hain: I have dealt with those matters in detail before.

Lembit Öpik (Montgomeryshire) (LD): With the normalisation of the security situation—and, we hope, the eventual delegation of full powers to the Welsh Assembly—is it not time to think about merging the Northern Ireland Office into an office for the nations and regions, providing a logical structure for administering the nations of the United Kingdom and the regions of England?

Mr. Hain: The House will note the hon. Gentleman's representations, but there has been all sorts of speculation about that and I do not intend to pursue it.

Loyalist Paramilitary Organisations

7. **Dr. Alasdair McDonnell** (Belfast, South) (SDLP): What progress has been made on loyalist decommissioning in Northern Ireland; and if he will make a statement. [137962]

The Parliamentary Under-Secretary of State for Northern Ireland (Paul Goggins): The recent meeting between the Ulster Volunteer Force and the Independent International Commission on Decommissioning is a step in the right direction. It is vital that all loyalist paramilitary groups make a complete transition to peace and engage in full decommissioning.

Dr. McDonnell: Is the Minister aware that people want an end to all paramilitary activity—all the guns, intimidation, drug dealing, protection rackets and other threats to emerging normality—and is he also aware that while some elements within loyalism are making progress, people feel that he is only playing footsie with some hardliners who have no intention of ending their grip of fear on their local communities?

Paul Goggins: Of course my hon. Friend is right to say that we must continue to bear down on criminality and paramilitary activity. As I said in answer to an earlier question, my hope is that those involved in dissident republican groups and loyalist paramilitary organisations will see the wastefulness of the death and destruction of the last 40 years, and the positive hope that comes with democracy. Of course there will still be some hardliners, and they need to hear the message that we will not give up pursuing them and ensuring that if they do commit criminal acts, they are dealt with by the justice system.

Political Situation

9. **Mr. Nigel Dodds** (Belfast, North) (DUP): What recent assessment he has made of the political situation in Northern Ireland. [137964]

The Secretary of State for Northern Ireland (Mr. Peter Hain): We are all very encouraged by the positive start to devolution, and I pay tribute to the hon. Gentleman, his party colleagues and the other parties for the strong leadership that everyone has shown.

Mr. Dodds: I thank the Secretary of State for his comments. However, does he accept that to bed in political progress and stability in Northern Ireland, it is absolutely essential that the right economic and financial package, which was promised to the people of Northern Ireland, is put in place?

I welcome the presence of the Chancellor during these questions and his input into the work of progressing the economic package. I also welcome the fact that Sir David Varney is starting work on the corporation tax review this week. Can the Secretary of State assure us that progress will be made towards ensuring that a step change in the Northern Ireland economy can be made, moving forward, so that we can make real political and economic progress for Northern Ireland?

Mr. Hain: Yes, I can—*[Interruption.]*

Mr. Speaker: Order. The House needs to come to order. This noise is unfair to those who want to hear Northern Ireland questions.

Mr. Hain: The Chancellor has been equally concerned to make sure that the incoming Executive, of which the hon. Gentleman is a member, have the best possible start and the best possible financial platform to succeed. That will be the case; any final details will be settled, and I am sure that the hon. Gentleman will be satisfied.

Historic Inquiries

10. **Sammy Wilson** (East Antrim) (DUP): How much has been allocated to the Police Service of Northern Ireland in 2007-08 for historical inquiries. [137965]

The Parliamentary Under-Secretary of State for Northern Ireland (Paul Goggins): The historic inquiries team project has been allocated £34 million to re-examine all the unresolved deaths in Northern Ireland that were related to the security situation during the period from 1968 until the signing of the Belfast agreement.

Sammy Wilson: Is the Minister aware that up to 40 per cent. of police resources available for investigating serious crime can be diverted into historic inquiries, many of which originate from the Office of the Police Ombudsman for Northern Ireland, which many believe is engaged in a witch hunt against former members of the Royal Ulster Constabulary? Does the Minister agree with the Superintendents Association of Northern Ireland, which says that perhaps now is the time to draw a line under the past and concentrate police resources on current policing needs, rather than on those politically motivated inquiries?

Paul Goggins: It is very important that the historic inquiries team should be able to fulfil the purpose for which it was first established: to look back at records and see whether explanations for unresolved deaths can be offered to families. However, I strongly agree with the hon. Gentleman that we need to find other ways of drawing a line under the past—not to pretend that the past did not happen or that the hurt is not still there, but to focus our resources on the present and the future so that, going forward, Northern Ireland can enjoy peace and prosperity.

Organised Crime

11. **Sir Nicholas Winterton** (Macclesfield) (Con): What plans he has to improve the effectiveness of policies to deal with organised crime in Northern Ireland. [137966]

The Parliamentary Under-Secretary of State for Northern Ireland (Paul Goggins): The multi-agency Organised Crime Task Force enables Government, law enforcement agencies and business to tackle organised crime in a co-ordinated, effective and strategic way. Next month, I shall publish the latest OCTF annual report and threat assessment.

Sir Nicholas Winterton: I am grateful to the Minister for that considered and rational reply, but is there not a danger that acts of terrorism, which have dominated Northern Ireland in recent decades, could well be replaced by crimes committed by organisations? That would undermine the peace and stability that have recently come to Northern Ireland.

Paul Goggins: The hon. Gentleman is right; we know of the connection between organised criminality and those who in the past may have been involved in paramilitary activity. However, I assure the hon. Gentleman that the Organised Crime Task Force brings all those agencies together to defeat those involved in organised crime. Indeed, yesterday I chaired a meeting of the Organised Crime Task Force stakeholder group, which brings business and law enforcement groups together. We will deal with organised crime, in order to eradicate it from Northern Ireland.

Provisional IRA Army Council

12. **Mr. Gregory Campbell** (East Londonderry) (DUP): What further progress is being made in the dismantling of paramilitary structures in Northern Ireland, with particular reference to the Provisional IRA army council. [137967]

The Secretary of State for Northern Ireland (Mr. Peter Hain): I refer the hon. Gentleman to the answer I gave earlier to the hon. Member for South Antrim (Mr. McCrea)—and to him, too, I think.

Mr. Campbell: I thank the Secretary of State for the improving security situation, to which he has now referred twice. Can he ensure not only that the improvement continues, but that we systematically try to purge Northern Ireland society of all aspects of paramilitary activity?

Mr. Hain: Yes, indeed. I can certainly give the hon. Gentleman that assurance. We are determined that all remnants of paramilitary activity, especially by dissident republicans and loyalists, must be put aside and that everybody must turn their back on that activity, so that Northern Ireland can move forward to a confident, peaceful and democratic future under a devolved Government.

PRIME MINISTER

The Prime Minister was asked—

Millennium Development Goals

Q1. [138661] **Andrew George** (St. Ives) (LD): What progress he will report to the forthcoming EU and G8 summits in respect of commitments to the millennium development goals.

The Prime Minister (Mr. Tony Blair): We are making progress on the commitments to the millennium development goals, particularly in respect of the commitment to halve the world's population living in poverty, on which we are making significant progress. In respect of HIV/AIDS, we believe that we will have near universal access by 2010. In respect of primary education, there is a big increase in the numbers going into it in Africa, but we need to do much more. The G8 summit in a couple of weeks will be immensely

important. Both in Washington last week and in Germany a couple of weeks ago, I urged the American and German Governments to do more in respect of Africa and poverty, and I hope very much that those efforts will come to fruition at the G8 conference.

Andrew George: We are halfway through the 15 years set by the rich world to deliver the millennium promise of making poverty history in the poorest countries around the globe, yet despite the fanfare at Gleneagles two years ago, there are stalled trade talks, the obstacle of an increasingly polarised and dangerous world and a failure to deliver the promised aid. As campaigners say, the world cannot wait, so does the Prime Minister believe that G8 leaders will ever live up to the hopes of their people and, if so, what does he believe is now necessary to deliver—*[Interruption.]*

Mr. Speaker: Order.

The Prime Minister: First, I think that it is important that the G8 leaders live up to the commitments given at Gleneagles, and the next couple of weeks will be absolutely vital in that regard. As a result of Gleneagles, we have wiped out billions of dollars-worth of debt for some of the poorest countries and radically increased the number of children going into primary education—often precisely because of that debt relief. This country should be proud of the fact that it has trebled its aid to Africa and doubled its overall aid budget. As a result of what we are able to do now on HIV/AIDS, a real difference is being made: hundreds of thousands of lives are being saved in Africa. We have to do more and we will do more—the next couple of weeks will be vital in that—but we should be particularly proud of what this country has achieved in relation to the millennium development goals.

Early Intervention

Q2. [138662] **Mr. Graham Allen** (Nottingham, North) (Lab): What research he has evaluated on early intervention measures to tackle the causes of inequality, deprivation and under-attainment.

The Prime Minister: Helping every child to reach their full potential and closing the attainment gap between disadvantaged young people and their peers is a priority for our education policy. In that respect, the roll-out of children's centres across the country—there will be 3,500 by 2010—the additional support for families with children, particularly the poorest, and early years intervention, when children are at both pre-nursery and nursery stage, are making a real difference, but I agree that much more needs to be done.

Mr. Allen: The Prime Minister will be aware that for every pound spent on intensive health visiting for the under-twos, £6 is saved on the costs of criminality, disrupted classes, antisocial behaviour and a lifetime on welfare benefits, so will he welcome the initiative being taken not only by Departments but by partners in Nottingham, to bring forward a package of early intervention measures so that we not only break the inter-generational cycle of deprivation, but save the taxpayer billions of pounds?

The Prime Minister: I totally agree with my hon. Friend. I pay tribute to his work and the work that has been done by the city of Nottingham particularly in respect of early intervention for families who are disadvantaged or in difficulty. He is right to say that the more we invest in the early stage, the better the return for the whole country later in life. As a result of the new measures we introduced and announced a couple of weeks ago, we will have the ability, especially through the focused work of health visitors and others, to make sure that children who really need help early in life, and the families who need help, receive it. As a result, as my hon. Friend rightly says, when we are also encouraging families to get off benefit and into work, we will make a real difference to child poverty in this country.

Mr. Simon Burns (West Chelmsford) (Con): Will the Prime Minister consider commissioning reports and investigations into early interventions and the potential link between suffering from dyslexia and criminality later in life? Is he aware that there is a unique pilot scheme in Chelmsford prison that has identified that more than 50 per cent. of prisoners suffer from dyslexia? Help is being provided in the prison to allow them to overcome or minimise their problems, but there is no help once they leave prison, which could lead to ongoing problems and a return to criminality.

The Prime Minister: The point that the hon. Gentleman makes is good and valid. The Government are now looking at the links with some learning disabilities—dyslexia is an obvious one. He is absolutely right to say that many of those people in the prison population have not had the educational opportunities—often because they are dyslexic, have not been diagnosed properly and have not got the extra help that they need. We are looking specifically at how the early intervention programmes help those people. He is absolutely right in what he says, and when we have the results of the investigation that we are carrying out at the moment we will of course share them with the House.

Engagements

Q3. [138664] **Mr. John Grogan** (Selby) (Lab): If he will list his official engagements for Wednesday 23 May.

The Prime Minister: Before listing my engagements, I am sure that the whole House will once again wish to join me in sending our profound sympathy and condolences to the family and friends of Corporal Jeremy Brookes of 4th Battalion the Rifles, who was killed in Iraq this week by a terrorist bomb. He and others before him died working towards a safer, more secure world and we pay tribute to him.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

Mr. Grogan: I am sure that the whole House wants to be associated with the Prime Minister's remarks.

Does the Prime Minister agree with me, and indeed with the Parliamentary Commissioner for Standards, that lobbying firms such as Bell Pottinger and DLA Piper that do not sign up to the industry's voluntary

ethical code of standards, which requires transparency in regard to all clients, should seriously consider doing so?

The Prime Minister: As I understand it, this is an area that the Public Administration Committee is going to look at. We will of course pay careful attention to the study that it undertakes and to the conclusions that it comes to.

Mr. David Cameron (Witney) (Con): I join the Prime Minister in paying tribute to Corporal Jeremy Brookes and I also pay tribute to Lance Corporal George Davey, who died after a tragic accident at a British base in Afghanistan.

With more than 40 maternity units under threat in the NHS, including five in Greater Manchester, would the Prime Minister advise the next Prime Minister to stop the closure programme and think again?

The Prime Minister: I certainly would not advise stopping a change programme that is absolutely necessary in order to provide the best care for patients. Part of that will of course involve more specialist services, whereby those who need specialist help get it and those who do not need it get a more routine service. That is entirely sensible. It is being clinically driven. We are actually putting more money into maternity services in Manchester and elsewhere.

Let me just point out to the right hon. Gentleman two reports that came out within the last week. First, the Healthcare Commission reported that 90 per cent. of patients said that the health care that they received inside the NHS was "excellent" or "good". Secondly, there is the international survey that ranks the UK's NHS top, ahead of Australia, Canada, Germany, New Zealand and the United States of America. One of the reasons for that is the investment that we put in, which he opposed, and the other reason is the necessary changes, which he is now also opposing.

Mr. Cameron: So let us be absolutely clear: the closure programme is continuing—that is what we have learned—even though deputy leadership candidates are appearing on picket lines and objecting and even though the former chairman of the British Medical Association says that morale in the NHS is at a 30-year low. Across the country, accident and emergency departments are under threat, including five in London. Will the Prime Minister advise the next Prime Minister to stop that closure programme?

The Prime Minister: I will give exactly the same response that I gave to the last question, because we are being advised—with the greatest respect, by those who know better than the right hon. Gentleman how to deliver health care in this country—that these changes are necessary. Let us be absolutely clear. At the same time that these changes are happening, waiting lists and times are falling and cancer and cardiac treatments are improving, as is the standard of care in the NHS. It was extraordinary that he made a speech earlier this week in which he said that if the Conservatives were returned to power, he would abolish all NHS targets. Let us be quite clear: that would mean that there would be no minimum waiting times, no fall in the waiting lists, no ability for people to see cancer specialists within two weeks and no maximum waits in accident and emergency. That might get him a round of applause from certain parts of the medical profession, but it is not in the interest of patients.

Mr. Cameron: The Prime Minister asks who he should listen to. I will tell him who he should listen to: the general secretary of the Royal College of Nursing, who says:

"I have never seen so much money wasted...It must be a personal tragedy for Tony Blair. In the recesses of his mind, he must be saying: 'What the hell has gone wrong?'"

Hospitals are closing, 27,000 jobs were lost in the last year, thousands of junior doctors are being lost by the NHS and public confidence in Labour is at an all-time low, so would the Prime Minister advise his successor—he can ask him now; it is a bit like proximity talks today—to keep the Health Secretary in post?

The Prime Minister: These are decisions for my right hon. Friend. However, let me point out that, while the right hon. Gentleman says that we have lost thousands of jobs in the NHS, there are now 250,000 more people employed by the NHS. He says that hospitals are closing, but the biggest hospital building programme is now under way. When we came to power, more than half the NHS stock had been built before the NHS came into existence, but the figure is now less than 25 per cent. We have more doctors, lower waiting times and smaller waiting lists. All that the right hon. Gentleman is doing is simply supporting groups that are opposed to change, which I understand. However, the changes are delivering better outcomes for patients. When we get, as we will, at the end of next year to a maximum in-patient and out-patient wait of 18 weeks, including diagnostics—when we effectively abolish waiting in the national health service—it will be because of the decisions taken by this Government and in spite of the positions taken by him.

Mr. Cameron: Everyone in the NHS and the country will have noticed that the Prime Minister has hanged his Health Secretary out to dry. Does he not realise the damage that it does to have a lame duck Health Secretary in post for another month?

Let us look at another Minister who is not up to the job. Last week, the Minister for Housing and Planning told us that the court case against home information packs was "completely groundless" and had no impact on policy. Yesterday, the Secretary of State for Communities and Local Government told us that the court case was the very reason why they had to be all but abandoned. Will the Prime Minister advise the next Prime Minister to keep the Housing Minister in post?

The Prime Minister: I most certainly will not advise—*[Interruption.]* I will not advise abandoning the programme or the home information packs at all. It is extraordinary that the Conservative party is opposing energy performance certificates—*[Interruption.]* Yes, it is absolutely typical. The right hon. Gentleman says that he cares about the environment, but when there is a specific measure to help the environment, he opposes it. He opposed the climate change levy and he

now opposes energy performance certificates. He cannot say where he stands on nuclear power or any of the issues in today's White Paper. The fact of the matter, as ever, is that when it comes to serious politics, we take the decisions, he makes the gestures.

Mr. Cameron: Everybody knows that energy performance certificates could be introduced anyway—that fig leaf is not even green. Last Wednesday in the House of Commons, the Housing Minister—*[Interruption.]* The Prime Minister should listen—[HON. MEMBERS: "Ooh!"] Well, he is not going to be here much longer.

The Prime Minister's Housing Minister led us to believe that there were 1,100 registered home inspectors ready to go. Yesterday, it was admitted that there were fewer than half that number. Never mind what the next Prime Minister is going to do; what on earth is the Minister still doing in her job?

The Prime Minister: First, let me say that more than 3,000 people have passed their exams and can now get accreditation. Now that the court case has been dealt with, those people can come forward and be accredited. I thought that it was amazing that the right hon. Gentleman said that he supported the energy performance certificate. As he supports its introduction, is it not sensible to make the introduction at the point of sale of a house so that buyers can see what measures they can take to protect the environment? After all, as all the environmental groups point out, 25 per cent. of carbon dioxide emissions come from households. Why is the right hon. Gentleman opposed to this measure if he supports the energy performance certificate?

Mr. Cameron: I know the walls of the bunker are pretty thick, but has the Prime Minister not noticed that this policy has completely collapsed? He told us that he had so much to do in his dying weeks, yet home information packs are in chaos, he set up a Ministry of Justice without even telling his Lord Chancellor, and he is doing nothing to stop the cuts, the closures and the plummeting morale in the health service. The chairman of the British Medical Association resigned on Sunday and he will leave office on Friday. Is not that an example that the Prime Minister should follow?

The Prime Minister: I think that it is instructive to look at what both parties have been doing this week. Today, we have the energy White Paper—a major task to ensure that we have energy security for the future. Yesterday, we had the draft Local Transport Bill, which allows us to reregulate the buses and introduce local road pricing. On Monday, we had the planning proposals, which are supported by industry and, incidentally, opposed by the Conservative party. And we have digital X-ray imaging for the national health service. That is what we have been doing. What has the right hon. Gentleman been doing?—trying to persuade his party that grammar schools are not the answer to education. I happen to agree with him, but frankly that is an argument from the stone age. Therefore while the Labour party has been getting on with the serious business of politics, he cannot even take his party with him on that issue.

Andrew Mackinlay (Thurrock) (Lab): Will the Prime Minister invite the Chancellor of the Exchequer to accompany him to the European Union summit? Does he realise that not to do so would appear churlish and discourteous and that the British people require that the Prime Minister-elect be there, accompanying him and sharing in decisions that cannot be reversed?

The Prime Minister: I assure my hon. Friend that the position that is taken in the European summit will be the position of the Government. We have already set out that position: we do not want a constitutional treaty; we want a simplifying amending treaty, and I am sure that we will manage to get it.

Sir Menzies Campbell (North-East Fife) (LD): I join the Prime Minister, once again, in his expressions of sympathy and condolence.

Can the Prime Minister explain why, in his manifestos of 1997, 2001 and 2005, he did not seek a mandate for renewed generation by nuclear power stations? Why is he so hellbent on nuclear power now? *[Interruption.]*

The Prime Minister: Sorry, I missed that one. *[Interruption.]* No, I do not think that that is reasonable.

As my right hon. Friend the Secretary of State for Trade and Industry will explain today, we are 80 to 90 per cent. self-sufficient in oil and gas at the moment, but that will decline—completely in relation to gas and largely in relation to oil. In addition, a lot of our fleet of power stations will become obsolete and our nuclear power stations will become obsolete. If we want to have secure energy supplies and reduce CO_2 emissions, we have to put nuclear power on the agenda. If people are not prepared to do that, I would like them to explain how we will manage to reduce the dramatic decline in our self-sufficiency that I have described, and how we will be able, through wind power or renewables, to make up the huge deficit that nuclear power will leave. If we are about serious policy making, we have to confront and take decisions on those issues.

Sir Menzies Campbell: It came out very clearly in the Cabinet Office review of 2003. Why is the Prime Minister so committed to nuclear power, in a way that suggests that he disregards the issues of risk, cost and toxic waste? Where is the investment in wave, wind and tidal power and clean-coal technology, which would give us a secure, non-nuclear future?

The Prime Minister: First, we are boosting renewable energy significantly, but let us be absolutely clear: we will not be able to make up through wind farms all of the deficit from nuclear power—we just will not be able to do it. In addition, we have had nuclear power in this country for more than half a century without the problems to which the right hon. and learned Gentleman draws attention. I also urge him to look round the world. He will see that at the present time—I think that I am right in saying this—there are something like 70 to 80 new proposals for nuclear power stations, and that is for a perfectly sensible reason. Every country round the world is looking at two problems: securing energy supply with sufficient

diversity, and reducing CO_2 emissions. The reason why we should look at nuclear power as an option is that if we do not, we are—in my view, for reasons of ideology—simply putting it to one side when plainly many others around the world are coming to the opposite conclusion.

Mr. Bill Olner (Nuneaton) (Lab): I am sure that the whole House will wish to extend its sympathies to my constituents, Bill and Julia Hawker, whose 22-year-old daughter Lindsay was murdered in Japan some two months ago. Although the police over there have been doing their best to apprehend the killer, they have not been successful, and I know that my right hon. Friend the Foreign Secretary raised the issue yesterday in a visit to Japan. May I ask my right hon. Friend the Prime Minister to talk to the Prime Minister of Japan, to put his authority behind the effort to ensure that the killer is caught, and to ensure that the Japanese state police are involved? Finally, I ask him to get the Prime Minister of Japan to invite someone from the UK police on to the case as an observer, so that they can provide a good link back to Mr. and Mrs. Hawker, who need some essential support.

The Prime Minister: First, may I join with my hon. Friend in extending my sympathy and condolences to the Hawker family? As he knows, the Foreign Office has been closely in touch with the family throughout, and it is important that we continue to provide all possible assistance. I also understand that the Japanese authorities are treating it as a major case; there are something like 100 police officers or more working on it. However, I will reflect carefully on what my hon. Friend is saying, both in relation to the Japanese Prime Minister and in respect of any help that the British police can give, and I will come back to him on those points. In the mean time, I assure him that we will keep in the closest possible contact with the family.

Q4. [138665] **Mr. Richard Spring** (West Suffolk) (Con): Considering the massive health deficits and high council taxes in the east of England, may I tell the Prime Minister how interested my constituents would be to know that in Scotland public spending per head is higher by 40 per cent.? In retrospect, does the Prime Minister consider that to have been a worthwhile investment?

The Prime Minister: I do support the Barnett formula, as a matter of fact. It is there for very specific reasons, and it has been there for almost 30 years. Let us be absolutely clear: as well as the extra investment that has gone into Scotland, with the Barnett formula applying there, there has been extra investment in education and health, not least in the hon. Gentleman's constituency. He need only look around to see the massive amount of investment in, for example, new health care facilities in his constituency, schools in his constituency, and programmes such as Sure Start and the new deal. Of course, the Barnett formula will no doubt continue to be an issue of dispute, for the Conservative party at least, but I think that we have put a major amount of investment into our public services, and that investment is paying off.

Q5. [138666] **Mr. Gordon Prentice** (Pendle) (Lab): Our mutual friend the Chancellor has spoken about rebuilding trust in public life. Does my friend agree with me that the best way forward would be to transfer responsibility for the appointment, terms of reference and terms of office of constitutional watchdogs such as the Committee on Standards in Public Life from No. 10, where prerogative powers are used, to Parliament, where they can be set up by statute?

The Prime Minister: I am sure that that will be an interesting debate for the future, but for the present I can say that I have no plans to change the situation.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): May I ask the Prime Minister to intervene personally in the debate, or rather the litigation, between the National Association of Colliery Overmen, Deputies and Shotfirers—the miners' union—and the Government relating to knee injuries suffered by ex-miners? Will he please request Ministers from the Department of Trade and Industry to engage constructively, so that we can try to avoid long drawn-out litigation? If he were so to intervene, I would be the first to congratulate him on his term of office, and to wish him a long and happy retirement.

The Prime Minister: In respect of that particular court case, I would have to see what it would be proper for me to do by way of intervention. I think that I am right in saying that over £3 billion has now been put in as compensation for people, particularly miners, over the past few years. We are aware of the NACODS dispute, and we are aware of the sensitivity of it. I will see what it is possible for me properly to do, but he cannot take it as a firm commitment until I have looked at the degree to which I am able to help.

Q6. [138667] **Kitty Ussher** (Burnley) (Lab): In the 1980s, my predecessor brought Minister after Minister to view Burnley's derelict housing problems, but it took the election of a Labour Government before we finally got the housing market renewal programme that was so desperately needed. However, the Liberal Democrat-Tory administration on Burnley council is moving too slowly in administering that scheme. Last year, it did not even spend the money that we allocated it under that programme. Before my right hon. Friend leaves office, will he stick a rocket under the local authority and local agencies so that my constituents get the regenerated communities that they need and deserve?

The Prime Minister: I obviously agree entirely with my hon. Friend that the regeneration money that has been put into our inner cities, particularly the housing programmes and pathfinder project, has produced tremendous benefits. Some 35,000 homes around the country, including 1,800 in east Lancashire, have benefited. Of course, that is absolutely typical of the way in which the Lib Dems and the Tories get together, as they do not have the proper facility to make sure that those things count, or that the money is properly used and invested in some of the poorest communities in the country, which is one very good reason, without reverting to the previous question, why Lib Dems and Tories do not make a very good coalition.

Q7. [138668] **Robert Neill** (Bromley and Chislehurst) (Con): Is the Prime Minister aware that as the NHS in south-east London struggles with a £65 million-plus accumulated deficit, largely as the result of flawed private finance initiative projects, the one hospital earmarked for closure—St. Mary's, which serves the Chislehurst part of my constituency—does not have a PFI contract? Will he assure my constituents that they will not lose their local hospital and A and E to bail out the Chancellor of the Exchequer's pet botch-up?

The Prime Minister: First, in respect of Queen Mary's, I understand that no decisions on its future or, indeed, of any hospital in the area have been made, so the hon. Gentleman is somewhat premature in his condemnation. Secondly, in respect of his attack on PFI, there have been 26 PFI and hospital schemes in his strategic health authority, with a value of £1.7 billion. Twenty-eight LIFT schemes have opened and 13 are under construction in his strategic health authority. I do not know whether he speaks for his party on this issue, but if he is signalling Conservative opposition to PFI, he should know that we would never have achieved the renewal of our hospital stock without it. It is absolutely essential, as it ties companies down to delivering budgets on time and on cost. The reason for the budget deficit is the same in many parts of the country: hospitals and NHS trusts must live within their means, and it is right that a system of financial accountability should be introduced. If he is trying to say that PFI has not delivered for his constituency, I suggest that he take a look around it.

Q8. [138669] **Dr. Tony Wright** (Cannock Chase) (Lab): Has my right hon. Friend noticed that the former head of his delivery unit, Sir Michael Barber, has said that the power of a Prime Minister is too weak, rather than too strong? He said that it needs to be strengthened and that there should be a Prime Minister's Department. Does my right hon. Friend agree with that, and would he recommend it to his successor?

The Prime Minister: I always thought that Michael Barber was a very sound man, and I think that that is an even sounder suggestion. However, it will be for my right hon. Friend the Member for Kirkcaldy and Cowdenbeath (Mr. Brown) to decide.

Q9. [138671] **Annette Brooke** (Mid-Dorset and North Poole) (LD): Given that next year is the national year of reading, will the Prime Minister give his support to the campaign by the right to read alliance to improve access to text for visually impaired children? In particular, does he support a pilot project that is being discussed with his officials?

The Prime Minister: We do support the aims of the right to read campaign—[Hon. Members: "Reading!"] —and the Royal National Institute of the Blind is quite right in saying that it is a very important issue. I understand that a feasibility project is being conducted by the Department of Trade and Industry and the RNIB. We are obviously not in a position to publish the conclusions yet, but I know that when we can do so we will want to do everything we can to encourage the project. The question is obviously one of cost and working out how that can be properly done. However, we support the general aims, and the feasibility project will be concluded shortly.

Mrs. Madeleine Moon (Bridgend) (Lab): At 10.42 on Sunday morning, my office answerphone picked up a message from the congregation of Gilgal Baptist church during their morning service. They asked me to bring a message to the Prime Minister and the Chancellor that they should continue to force through the standards and changes in the millennium development goals. What answer can I take to them?

The Prime Minister: One of complete support.

Warships

Q10. [138673] **Dr. Julian Lewis** (New Forest, East) (Con): For what reason the numbers of frigates and destroyers to be deployed by the Royal Navy have been reduced from the total set out in the 1998 strategic defence review.

The Prime Minister: As we said in the White Paper that we published in July 2004, we judged at that time that we needed fewer destroyers and frigates because of the reduced conventional threat and because of the improved technology of the new warships that are now coming into service. We are therefore putting more resources into programmes such as the future aircraft carriers and the Bay class landing ships, which will be vastly more capable and versatile than the ships that they are replacing.

Dr. Lewis: That is indeed what was said in 2004, but what was said in 1998 was that we needed 32 frigates and destroyers. The warships then were just as technologically advanced as the ones referred to several years later. When it comes to believing the Prime Minister or believing successive First Sea Lords who have said, in and out of office, that we need 30 frigates and destroyers, I know which I would believe. The Prime Minister has cut them from 35 to 25. Will he now guarantee that he is not going to cut them further by mothballing another six frigates and destroyers?

The Prime Minister: The hon. Gentleman asks why the situation is different as between July 2004 and 1998. It is true that in 1998 we said that there should be 32 such frigates and destroyers, and in 2004 we reduced that number to 25, but we then increased the number or the capability of the alternative vessels.

Dr. Lewis *indicated dissent.*

The Prime Minister: The hon. Gentleman should wait for the answer before he shakes his head; he may shake it afterwards. As a matter of fact, we are the party that has increased defence spending, whereas his party cut it by 30 per cent. The amount of money that we are putting into the new warship programme, which is huge and amounts to £14 billion over the next few years, is exactly the same as was predicated back in 1998, but we are spending it differently. That is change, and very sensible too.

Energy White Paper

12.33 pm

The Secretary of State for Trade and Industry (Mr. Alistair Darling): With permission, Mr. Deputy Speaker, I should like to make a statement on the energy White Paper and the consultation on the future of nuclear power, which I am publishing today. Copies of these, together with several accompanying papers, are in the Vote Office.

As I said last year, we face two big challenges: first, the need, with other countries, to tackle climate change by cutting greenhouse gas emissions; and secondly, the need to ensure that we have secure and affordable energy supplies. Both are vital for our future prosperity; both are global issues calling for action internationally as well as action here at home.

The evidence supporting the need for urgent action on climate change continues to mount. Sir Nicholas Stern's report last autumn underlined the importance of acting now, and together with other countries. If not tackled, climate change poses catastrophic humanitarian consequences and economic costs.

Meanwhile, world energy demand continues to grow. It is expected to be 50 per cent. higher by 2030 than it is today, and it is likely to be met largely by fossil fuels for some time to come. That means rising greenhouse gas emissions and greater competition for energy resources, which has massive implications for both climate change and security of supply.

Here in the UK, our reserves of oil and gas are declining. Although significant amounts remain in the North sea, production has hit its peak and is now falling. As we made clear, we will make the most of our reserves, but as our economy grows we will become increasingly dependent on imports in a world where supplies are concentrated often in less stable regions. We need to take action to manage those risks.

In the next few years, energy companies will also need to replace ageing power stations and other infrastructure, so we need to create the right conditions for that investment to get timely and increasingly low-carbon energy supplies. The White Paper sets out a long-term framework for action to tackle those challenges at home and abroad.

The White Paper sets out our international strategy, which acknowledges that we need to tackle climate change and energy security together. Influenced by the UK, the European Council has agreed to a new strategy, including commitments to competitive markets, cuts in greenhouse gas emissions, more renewable energy and a central role for the European Union emissions trading scheme as a potential basis for a global carbon market. We also need to influence the wider international community, notably in getting a consensus on the post-2012 Kyoto framework for reducing greenhouse gas emissions. It also sets out the measures that we are taking here at home. We have already published a draft Climate Change Bill—which, for the first time, would impose a legally binding duty on Government to reduce the amount of carbon that is produced—as we work towards our target of achieving at least a 60 per cent. reduction in carbon emissions by 2050. We are the first country in the world to do that.

Faced with such challenges, more is needed. The first priority must be to save energy. The White Paper sets out a range of measures to help us to become more energy efficient and cut energy use. Consumers need better information about how they can save energy. Next year and the year after, any householder who asks for them can get free, visual real-time displays that show the amount of electricity that they use. In parallel, we will work with the industry to ensure that consumers have visual displays, together with smart meters, in 10 years. In addition, better and clearer energy bills will help.

It is estimated that leaving electric appliances on stand-by uses about 7 per cent. of all electricity in UK homes. That is equivalent to the electricity generated from two 600 MW gas-fired power stations or from more than 1,500 2 MW wind turbines. We will work with industry and others to improve the efficiency of domestic appliances to phase out inefficient goods and limit the amount of stand-by energy wasted.

If we are to make a genuine difference to reducing energy demand, we need a stronger obligation on energy companies to provide their residential customers with energy-saving measures. The White Paper therefore proposes that from next year they double their current effort, and from 2012 we aim to transform the way in which they see their relationship with their customers, shifting the focus to the provision of energy services, increasing energy efficiency and saving carbon in the home, rather than simply selling them gas and electricity.

We will also require big organisations such as supermarkets, banks or hotel chains and large public sector organisations to limit their emissions and set tougher standards for the homes that we build and the products that we buy. We need more low-carbon generation of electricity and heat. We want to encourage the enthusiasm of individuals and communities to generate their energy locally, for example in homes or schools, through solar panels and wind turbines. We are therefore introducing a range of measures to support that approach. As part of that, we will remove the barriers and simplify the licensing regime so that more communities can the follow the example of Woking, including by developing combined heat and power schemes.

However, we still need large-scale energy investment. In the next 20 to 30 years, we need new generating capacity equivalent to approximately one third of our existing capacity. Our aim must be to ensure that companies have a wide range of options available so that we can retain a diverse energy mix, which is good both for our security of supply and will help us to move to an increasingly low-carbon economy.

Renewables are crucial. We are strengthening support for renewable electricity. The reform of the renewables obligation is essential, and means that by 2015 we expect that around 15 per cent. of our electricity supplies will come from renewables—that is triple the current amount in only eight years. In transport, the road transport fuel obligation will save a million tonnes of carbon a year. We want to double it only if we can be satisfied that it is sustainable to do so.

New technologies will also help. We want British-based business to be at the forefront of new green technology. That is why we set up the Energy Technologies Institute, which brings public and private

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investment together, now with a minimum budget of £600 million. We will launch a competition for the demonstration of carbon capture and storage, which has the potential to reduce carbon dioxide emissions from fossil fuel power stations by as much as 90 per cent.; which is important as we will rely on gas and coal power, including coal mined in the UK, for some time to come. Details are set out in the White Paper.

We want to save energy, and we want low-carbon sources of energy. That is why we will do everything that we can to encourage renewables such as wind, wave and tidal power. But that alone will not be enough if we are to minimise our costs and risks. Alongside the White Paper, we are publishing a consultation document on nuclear power, so that we can take a decision on whether companies should have that option when making their investment decisions. We have reached the preliminary view that it would be in the public interest to allow energy companies to invest in nuclear power. Before making our decision, however, we are consulting further. The White Paper makes clear the complexities of the challenges that we face in terms of climate change and energy security. There is no single answer to those challenges. As wide a choice of low-carbon options as possible is needed, so that we do not become over-reliant on any one form of electricity generation.

Nuclear is an important part of our current energy mix. We get about 18 per cent. of our electricity from nuclear power stations, which are a low-carbon form of generating electricity. That provides a regular and steady supply of electricity, whereas electricity generated from most renewables is, by its very nature, intermittent. Every year, a modern nuclear reactor saves about 2.5 million tonnes of carbon dioxide being pumped into the atmosphere, compared with an equivalent gas-fired station.

Most nuclear power stations are set to close over the next 10 to 20 years at a time when we know that demand for electricity is going up because of economic growth. Quite simply, in the public interest we need to make a decision this year on whether we continue to get some of our electricity from nuclear, because new stations take a long time to build. If nuclear is excluded, there is every chance that its place will be taken by gas or coal generation, which emits carbon. Yes, carbon capture and storage, if it can be developed, would help, but at this stage we cannot be certain—there is no commercial-scale operation of carbon capture and storage on power generation anywhere in the world.

Although we want more renewable energy as part of the mix, it, too, is controversial. There are more than 170 applications in the planning process at the moment. It will be for the private sector to initiate, fund, construct and operate new nuclear plants and cover the cost of decommissioning and its full share of long-term waste management costs. There are important issues to consider, including waste, and those will be examined in the consultation, which will run until October.

Our measures, including those in the White Paper, put us on track to make savings of carbon emissions of between 23 and 33 million tonnes by 2020. If we meet the upper end of that range, it would be the equivalent of removing all the emissions from every car, van and lorry on Britain's roads today. By saving energy, encouraging new timely investment in gas import and storage infrastructure and maximising recovery of UK reserves of oil, gas and coal, our measures will also help security of supply.

We cannot become a low-carbon economy in a single step. Further measures will be needed if we are to achieve our long-term goals in the light of further international agreements in Europe and more widely. The White Paper sets out a framework for action to enable us to make real progress now towards tackling climate change and ensuring secure and affordable energy supplies. I commend this statement to the House.

Alan Duncan (Rutland and Melton) (Con): I thank the Secretary of State for advance sight of the statement. At its heart, however, there is confusion. The Government say that certain things must be done, but their policy, at best, says that they might be done. The current Prime Minister says that the replacement of nuclear power stations is back on the agenda with a vengeance. The future Prime Minister says that a new generation of nuclear power stations will be built across the country. The most that the Secretary of State says, however, is that nuclear plant could be part of the future energy mix, and that it is for the private sector to take decisions over new nuclear power stations.

Whatever the rhetoric, nothing in the White Paper will guarantee that a single nuclear power station will ever be built. Where has the vengeance for nuclear power gone? Are the Government saying that nuclear new build will definitely happen, or not? How many new nuclear power stations will definitely be built as a result of the White Paper? How can the Secretary of State deliver a UK-wide energy policy if Scotland rejects nuclear power? If the Scottish National party has rejected both nuclear in principle and wind in practice, is the SNP's policy anything other than utter lunacy?

Business will invest in nuclear power only if it knows its costs. It needs certainty about carbon, decommissioning and waste. There is no greater clarity on those issues today, so what will happen if no one comes forward to invest? Over a year ago the Prime Minister said of new nuclear build that

"if we don't take these long-term decisions now, we will be committing a serious dereliction of duty".

Today in *The Times* he says merely that we must consider it, so what decisions have been taken to address that dereliction?

Last July we set out our objectives. We called for a cap and trade scheme for CO_2 based on auctioned rights, for site and type licensing, and for reform of the renewables obligation and the climate change levy. In addition, we said that there must be long-term certainty for investors. As we keep on saying, if this could lead to broad agreement between us and the Government, that would be good for Britain.

In today's announcement, there are detailed proposals for banding the renewables obligation, but these will not overcome its central flaws. On what basis,

therefore, has the Secretary of State assessed and then chosen to reject the considered alternative put forward by Ofgem?

Hidden in the statement is bad news about carbon capture. Will the Secretary of State confirm that his failure already to agree a pilot project for it means that any prospect of it happening has been seriously delayed? Is it not the truth that far from being on the edge of happening, carbon capture is about to be deferred and endangered? How on earth will carbon capture ever happen if it is still clobbered by the climate change levy? When will the Government remove the perversity of keeping a dirty tax on a clean process?

On strategic infrastructure projects, we welcome site and type licensing and the streamlining of the planning process. However, we have grave concerns about entrusting that to an accountable quango.

Our policy statement last July called for the greater use of carbon trading. A broad and rational regime for carbon trading is crucial to incentivise low carbon technologies. We therefore welcome the Government's announcement that they will broaden the scope of carbon trading to cover a greater number of businesses. We think permits should be auctioned. Will the Secretary of State tell us how and when they will be?

Climate change is the greatest threat that we face. That is why we supported the Government in signing up to tough EU targets on emissions and renewables in March, but at present we get just 2 per cent. of our total energy from renewables. Raising that to 20 per cent. was always going to be challenging, to put it mildly, but is it not true that today's plans will, at best, get us only about halfway to that target? Is it not the case that despite the clear wish expressed in the White Paper to encourage local and decentralised energy, there is almost nothing that amounts to a robust policy that will make it happen? Again and again, the White Paper wills the ends, but does not provide the means.

In households, smart metering could greatly increase energy efficiency and help customers to export electricity back into the grid, but the Government are supporting the limited clip-on visual electricity displays. Does this intervention not pull the rug from under the real smart meter market? Why are the Government going for the most basic option, when real smart meters would help to stimulate the microgeneration industry?

Today's announcement has already been twice delayed. It is Labour's third White Paper, following dozens of consultations, and it is the product of their third energy review under their ninth Energy Minister. It offers nothing definite on nuclear or anything else. It heralds the potential collapse of carbon capture. It continues an irrational regime for carbon penalties and incentives. It provides little or no prospect of hitting renewables targets. It does not offer the security that we need. Ten months after the energy review, it is still content-free, not carbon-free.

Mr. Darling: Although the hon. Gentleman undoubtedly received my statement, I am sorry that, yet again, he did not have an opportunity to read it before he responded to me. Let me start with nuclear. As I understand his position now—I may have got it wrong, because it seems rather different from his position 12 months ago—he is berating the Government for not having said today, "Look, we're definitely going ahead with nuclear." That comes from the hon. Gentleman, who at the beginning of last year said:

> "From about the age of 12, I have had an instinctive hostility to nuclear power."—[*Official Report*, 17 January 2006; Vol. 441, c. 779.]

This is the man now urging us not to consult or do anything other than press on with it. His policy, as I understand it, is that nuclear should be deployed only as a last resort. In other words, only when it became clear that we cannot meet our obligations through renewable or other means would the hon. Gentleman say, "Okay, let's consider nuclear." That seems to me to be absolute nonsense.

The hon. Gentleman asked me about the renewables obligation. I know that it is Tory policy to get rid of the renewables obligation, yet it has meant that we have doubled the amount of wind farm energy over the past two and a half years and that we are on track to reach the target of 15 per cent. by 2015—triple the current amount, as clearly set out in the White Paper. The Tory policy is to get rid of it. On top of that, Tory councils up and down the country are objecting to wind farms. *[Interruption.]* Let us take the London Array—one of the largest offshore wind farms in Europe to which my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs and I consented. Who is objecting to it? Tory—*[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The shadow Secretary of State has asked some questions, so I think that the Opposition Front Benchers should allow the Secretary of State to answer them.

Mr. Darling: The point is that in respect of both nuclear and renewables, the position of the shadow Secretary of State is muddled, confused and full of contradictions.

The hon. Gentleman asked about the European emissions trading scheme. We wholeheartedly support it and believe that it should be tougher. It has an auctionary element to it. I am sorry, of course, that from the hon. Gentleman's point of view, it is in Europe, but there we are. That is just one of the things we have to deal with.

In relation to carbon capture and storage, we have taken a step forward that no other Government have taken. We are in discussion with about half a dozen large institutions that are interested in seeing it developed. Yes, it does take time. Nowhere in the world is a commercially operating CCS system in place, but we are determined to ensure that Britain is in the forefront of this technology, which is why I have been able to announce further details in the White Paper.

I am glad that the hon. Gentleman supports our proposals on planning—although that was not immediately obvious on Monday afternoon when the hon. Member for Meriden (Mrs. Spelman), who speaks for the Tories, rather gave the opposite impression. As to decentralised energy, which is important, measures are proposed to remove some of the barriers that stand

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in the way of decentralised energy. We want to encourage that—for individuals and for schools, for example.

The hon. Gentleman criticised us for not having a commitment to the installation of smart meters. I therefore invite him again to read my statement and the White Paper, which both make it abundantly clear that we want smart meters introduced for business and companies. Yes, it takes time, because it does not make economic sense to go into everybody's house tomorrow morning, rip out existing meters and install others just like that. On top of that, as I said earlier, from 2008-09 any householder wanting a free visual display to see how much electricity is used will be able to get it. The hon. Gentleman, rather like me, has been in his post for about a year. We are now two years into this Parliament and it is quite clear to me that the Conservatives still do not have an energy policy.

Mr. Jamie Reed (Copeland) (Lab): I thank my right hon. Friend for putting forward such a thorough and courageous White Paper, which really provides what we need. I am particularly pleased that he has exposed the gesture politics that passes for energy policy on the Opposition Benches. Will he tell us how soon it will be before the methodology for the siting process for the new nuclear stations is brought forward?

Mr. Darling: First, we have to consult on the principle of ensuring that nuclear remains an option that can be considered by generators in the future. We want to consult on that. In parallel, we are also publishing documents relating to licensing and siting. My hon. Friend is quite right to say that nuclear is a controversial and difficult issue, but I am quite clear in my mind that it is important to have a mix of energy supply so that we do not become over-dependent on one particular source. It really is important that we do not become over-dependent on imported gas, which is bad for the environment and very worrying for the security of energy supplies in the future.

Susan Kramer (Richmond Park) (LD): On our analysis, by 2050 we can reduce emissions from the power-generating sector by 94 per cent. entirely without nuclear power. Bringing in nuclear has the effect only of displacing renewables rather than gas, so nuclear brings no advantages on climate change and no advantages in security of supply in the long term. All it does is leave us farther away from a completely renewable system.

Does the Secretary of State agree that carbon capture and storage will provide a better interim technology than nuclear to keep emissions low and plug any gaps in the supply system while wind, wave and tide technologies are brought on-stream? Has he not read—on the basis of his statement, I do wonder—the words of Scottish and Southern Energy on carbon capture last week to the effect that all the technology is proven at the desired scale, so we are demonstrating the ability to integrate technologies? Did not the Government sign up to a binding EU commitment on CCS by 2020? Will the Secretary of State acknowledge that CCS is more compatible with a rapid increase in renewable forms of energy and with microgeneration, because it can accommodate variations in load—the intermittent energy that the Secretary of State mentioned—while nuclear does not do so efficiently?

Will the Secretary of State confirm that the Government have accepted a binding commitment for 20 per cent. of all energy, not just electricity, to come from renewable sources by 2020? In his White Paper, he targets 15 per cent. of electricity by 2015, so could he please somehow integrate those two statements? Does his document on the future of nuclear power continue to assert below-market price financing for nuclear power, as he did in earlier documents and appears to continue to do today? Given his strong statements in favour of nuclear in the media today, does he think that his consultation will be seen as genuine?

Will the Secretary of State also confirm that by 2050, the effect of nuclear would be to reduce the percentage of electricity generated using gas from something like 19 per cent. to something like 15 per cent., and that that negates completely any argument that nuclear would significantly increase security of supply?

Finally, I welcome the right hon. Gentleman's adoption of our proposals for a cap and trade scheme on energy efficiency and for smart metering, but why has he missed the chance offered by the White Paper to take firm action on social tariffs for vulnerable consumers? There are so many areas where the Government have made or could make U-turns, so why have they chosen to make a U-turn on the one policy that they got right the first time round?

Mr. Darling: I agree with the hon. Lady in what she says about renewable energy. I want to see far more of it, particularly wind or wave power, as and when the technology allows it, but I am sure she would agree that, although there are some interesting developments on wave power, it is still very much in its infancy. On wind power, she will not be surprised to hear me say that her words would carry a great deal more credence if Liberal Democrat councillors up and down the country were not objecting to just about every wind farm that ever comes up for consideration. They also object to any power line that would carry the energy from the wind farms to where it is needed. It is a problem that all politicians must face: we can be in favour of something in principle and in favour of a good idea like renewables, but we then have to back the means to make it possible. As I said in my statement, more than 170 applications for wind farms are now blocked in the planning system—many of them by Liberal Democrat councillors, so the hon. Lady should have a word with them about that.

Let me deal with some of the hon. Lady's further points. The 20 per cent. commitment on renewables and energy was entered into by the Heads of Government at the European Council. It is a European target. We discuss it in the White Paper and refer to the fact that we need to take account of it. We support what Europe is trying to do, and the allocation of the 20 per cent. target among the 27 member states will, I suspect, be a matter of some debate—not necessarily in this country, but certainly in some others—particularly in respect of what exactly constitutes a renewable and how it will be allocated. It is important for Europe to

act in a number of ways. It is also committed to liberalising the energy market in Europe, which is very important.

On the cap and trade proposals for business, I am glad that the hon. Lady welcomes them. It is important for supermarkets, banks and large-scale public sector organisations to be brought into the scheme. They are not in it now, so it is important to help us meet our objectives.

In relation to the whole question of nuclear, yes I have changed my mind. I used to be sceptical about nuclear power, but two facts have changed my mind. First, it is now clear that the rate of damage being done to the climate by carbon emissions is such that we need to do something about it, and nuclear is a low-carbon source of energy. Secondly, I am increasingly concerned by that fact that, as we obtain less and less oil and gas from the North sea, having to import more gas from areas of the world that are sometimes not politically stable could put our security of supply at risk. The Liberal Democrats might be willing to do that, but I am not.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. I need the help of right hon. and hon. Members. I am aware that this is an Opposition day but, equally, this is an important statement. Brevity would therefore be extremely helpful if I am to protect that later business.

Dr. Gavin Strang (Edinburgh, East) (Lab): I agree with my right hon. Friend that renewable energy sources have a vital role to play. He will be aware, however, that there are apprehensions that the production of certain imported biofuels is environmentally damaging and can even have a negative effect on net emissions of greenhouse gases; in other words, it can increase them. What steps are being taken to address that issue?

Mr. Darling: My right hon. Friend makes a perfectly good point. Most of us would like to see more biofuels, and I referred in my statement to our commitment to go to 5 per cent. in relation to petrol and diesel. He is also right, however, to say that their production must be sustainable and that we must not damage the environment elsewhere by growing those products. We are having discussions with my right hon. Friend the Secretary of State for Transport about how that will work, and how we can be satisfied that the production of biofuels does not result in the destruction of forests, for example. My right hon. Friend has made a very good point, and we are alive to the issue.

Peter Luff (Mid-Worcestershire) (Con): Although I am not sure that it was wise of the Secretary of State to pre-empt his statement to the House on the "Today" programme this morning, may I congratulate him on the calm way in which he stood up to the simple rudeness of John Humphrys during the interview? I did not disagree with anything that the right hon. Gentleman said in that interview, subject to my studying the detail of his proposals. Does he understand my concern, however, that the policy framework that he has set out in the White Paper—when I come to read it—will be insufficiently robust to guarantee his own commitment on renewables, never mind the European commitment, or to provide the incentives for private sector investors to invest in the new generation of nuclear power stations that I believe is necessary?

Mr. Darling: I am grateful to the hon. Gentleman for his kind words, and I look forward to hearing his next interview with Mr. Humphrys in the light of what he has just said. He must let me know when he is on.

I am convinced that the renewables obligation has made a real difference. The changes that we are announcing today, which will band the obligation to provide greater incentives towards new technologies such as wave power, will also help. We have had a lot of discussions with the industry about this, and I believe that this proposal will provide them with the certainty that they need to carry on increasing the amount of renewable energy.

The House is well aware of the history of our debates on nuclear power. Earlier this year, the High Court held that we needed to carry out a far more thorough consultation, and I have no problem with doing that. Indeed, when hon. Members have had a chance to read the consultation, they will see that it is very thorough and that it goes into all the matters that I hope the public will want to know about. We need to reach a view at the end of this year. I am encouraged by the fact that a lot of the large generators now acknowledge the economics of change; they know that there is going to be a carbon price. We would like that to be tougher than it is at present, but I think that they can see the general direction of travel, which is important. I hope that the proposals that I have set out today will provide us with a framework that will help us to meet our energy needs over the next 30 to 40 years, while at the same time putting us on a path towards reducing the amount of energy that we consume. To my mind, that is absolutely critical.

Mr. Eric Illsley (Barnsley, Central) (Lab): My right hon. Friend's predecessor stood at the Dispatch Box about 18 months ago and said practically the same things as my right hon. Friend has said today. We seem to have had review after review over the past two or three years before arriving at this situation. May I urge him to get on with making some decisions about our future energy needs? Regardless of the decisions on nuclear power, one of our future energy sources will be coal. We will have to burn coal for some years to come. Will he give further encouragement to advanced clean coal technology, and particularly to the fluidised bed system, a waste-to-energy production method using obliteration on a fluidised bed?

Mr. Darling: I understand perfectly what my hon. Friend is saying. I think that I am right in saying that a good deal of work has been done in his local council area on biomass. A lot has been done in the past 18 months. Apart from anything else, we have almost doubled the amount of energy that we get from wind farms in just over that period, which is important. There have also been developments in the European Union emissions trading scheme. My hon. Friend is quite right to say that we will depend on coal; we do so very substantially at the moment. Two things are

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necessary to get cleaner coal—although that is a comparative term in relation to carbon emissions—and to move to carbon capture and storage. I should have dealt with this point earlier, because it was raised by the hon. Member for Richmond Park (Susan Kramer). It is true to say that the technology to capture, transport and store the carbon exists, but it has not actually been joined up on a commercial basis yet. That is why I am so reluctant to say, "Let's abandon nuclear now." These things might never become available. I have said on many occasions that we should not put all our eggs in one basket. It makes sense to have a sensible mix, and it would make no sense at all to put off these decisions in the hope that they will not come back to bite us one day.

Mr. James Paice (South-East Cambridgeshire) (Con): The Secretary of State talked tantalisingly in his statement about local power generation and decentralised power, but—apart from just now in response to a question—he made no reference to biomass or biogas, both of which are renewables that we can produce from our own resources. One of the obstacles to their production is the fact that the renewables obligation is difficult to access for small-scale generators. Is there anything in the White Paper that will make it easier for those generators to access the renewables obligation, so that our biomass and biogas industries can really get going?

Mr. Darling: On the hon. Gentleman's general point, the banding of the renewables obligation will help biomass production.. We are also publishing further proposals today that I hope will help in that regard. I take his point about small-scale applications, and I hope that we can do something to encourage that industry. I urge him to look at the White Paper and at the separate paper that we have published on biomass. I hope that that will be of help to him, but I would be happy to discuss the matter further.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): I thank my right hon. Friend for his statement. Will he share with the House his thinking on social tariffs for vulnerable consumers? I am sure that he is aware that during the recent debates in the House and in Committee on the Consumers, Estate Agents and Redress Bill, which will introduce the national consumer council, a great deal of concern was expressed about the fact that suppliers are simply not passing on reductions in wholesale energy prices timeously to some of the poorest consumers. It was also felt that Ofgem either does not have teeth or chooses not to act in the face of that disgraceful behaviour, which is clearly undermining the Government's positive policies on fuel poverty and inflation.

Mr. Darling: I very much agree with my right hon. Friend. We have made a commitment to reduce fuel poverty, and the increase in wholesale gas prices, which was reflected in the price that consumers paid over the past 18 months, has set back progress quite substantially. The fact that wholesale prices are now coming down as a result of action that has been taken over that period is encouraging, but there are further things that we need to do. There is a discussion in the White Paper about social tariffs. As my right hon. Friend will know, different power companies have taken different approaches to this issue, but we want them all to take action because they have a real obligation to do so. I want to make it clear that if that does not happen, we might well have to consider legislation to ensure that further action is taken. We are also introducing other measures that will take about 200,000 households out of fuel poverty over the next few years. I urge my right hon. Friend to look at the White Paper, because we are determined to tackle this very real problem.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Given the time that it takes to plan and build a new nuclear power station, and the urgency of this issue, how can the Secretary of State justify 10 years of prevarication through serial reviews and consultations? Will he tell us what was so inadequate about the previous consultations that we now require yet another one? How long will it be before the first electricity from a new nuclear power station flows into the grid?

Mr. Darling: I have some sympathy with what the right hon. Gentleman says, but if he is right about that, leaving nuclear generation as a last resort— which is his party's policy—must be even worse. As for why we are consulting again, I urge him to read the report of the February court judgment, which explains at some length why that was necessary. I readily accepted the need for further consultation, and we are now going into a degree of detail that did not feature in the earlier consultation.

The right hon. Gentleman is right: the process takes time. That is why I think a decision must be made one way or another this year, and why I want to consult. I accept that the issue is controversial and that hearts and minds have still to be won, but I am persuaded by the evidence that nuclear generation needs to be part of the mix. I believe that it needs to be an option. However, as the right hon. Gentleman well knows, that view is not universal, especially in his own party, and it is not shared by his party's Front Bench.

Julie Morgan (Cardiff, North) (Lab): I have reservations about nuclear power. What does my right hon. Friend think about the construction of a Severn barrage, which would have major environmental hurdles to overcome but would make a huge contribution to a reduction in carbon dioxide emissions?

Mr. Darling: That proposal, too, is mentioned in the White Paper, and my hon. Friend will know that the Sustainable Development Commission was asked to examine the implications.

The Government would like to encourage tidal power. There are environmental issues, and one that has not yet been properly addressed is the balance to be struck between the impact on, say, the River Severn and the environmental gain that would result from not putting more and more carbon into the atmosphere. Part of our problem is that the European directive does not attach enough weight to the alternative to encouraging more tidal power.

I have a great deal of sympathy with what my hon. Friend has said. She has raised an issue of which Ministers are well aware, and I urge her to read the White Paper.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): The statement will not end investors' uncertainty. The delay over carbon capture and storage, yet more announcements of a competition that seems to have been announced many times before, and the very fact that the Government seem still to be attracted to nuclear generation cause uncertainty among those who wish to invest in non-nuclear carbon-free generation, because they do not know where the Government's strategy is going. The Government should give non-nuclear carbon-free generation and carbon capture and storage a real chance to develop before diverting investment from that new industry.

Mr. Darling: I do not accept what the hon. Gentleman says. Not a single generator has come to me and said "I am not going to build a wind farm until I know your position on nuclear generation". I think that most generators would say that it is sensible to have a mix, and to ensure that we have renewable energy and more of it. As the hon. Gentleman is close to some Liberal Democrats who are objecting to various Scottish developments, let me add that if they are serious about wind farms, perhaps they should think again about objecting to every application that comes along.

I believe that we should consider nuclear, gas and coal generation. As I said earlier, putting all our eggs in one basket does not make sense. I understand that the Liberal Democrats oppose nuclear generation—although I think the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) takes a rather different position, which is why he is no longer a spokesman on these matters—but I suggest to the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) that if he took a sensible view not just on climate change but on security of supply, he would recognise that it makes sense for us not to become over-dependent on imports from difficult parts of the world.

Anne Moffat (East Lothian) (Lab): What will be the impact of the irresponsible position of the Scottish National party, which wants no new nuclear build in Scotland, on the industry, the skills base and the work force?

Mr. Darling: I think that you would stop me if I attempted to answer for the nationalists, Mr. Deputy Speaker, but I will say this. At present, more than a third of Scotland's electricity comes from nuclear generation, and there are at least 10 to 20 years of life left in one of its two nuclear power stations. One way or another, a substantial amount of Scotland's electricity will be generated by nuclear power, and as far as I know the First Minister will not be switching off his light for a third of the time to try to get himself out of that.

Planning and section 36 consents are a devolved matter and we do not propose to change that. But let me repeat that the Scottish nationalists, who tell us that they want more renewables, object to wind farm applications—perhaps more than anyone else—every time they come along. One Minister in the Scottish Executive Administration opposes installation of the power line that would carry the electricity from the wind farms down to where it is consumed. The nationalists cannot go on saying no to nuclear generation and no to renewables: that is the way to switch off the lights.

Miss Julie Kirkbride (Bromsgrove) (Con): Can we assume from the answer that the Secretary of State gave the hon. Member for East Lothian (Anne Moffat) that if any new nuclear power stations are recommissioned in the United Kingdom, they will definitely be in England rather than Scotland as a result of the devolutionary process?

Mr. Darling: No. All nuclear power stations will be decommissioned at some stage. Scotland has two nuclear power stations, due to be decommissioned in 2011 and, I believe, 2023. Torness was the second last nuclear power station to be built in this country, Sizewell being the last. My point was that the nationalists' position seemed rather contradictory, and I think that the Conservatives north of the border agree.

Mr. Gordon Prentice (Pendle) (Lab): Does the White Paper give any illustrative figures for the true cost of nuclear generation, including the costs of future decommissioning and radioactive waste management? Is it not a complete fantasy that the private sector will build new power stations without assurances that the Government will step in if things go wrong?

Mr. Darling: I can see that my hon. Friend has yet to be persuaded of my argument. The answer is yes: the White Paper goes into the costs at some length, and makes it absolutely clear that the industry will have to take account of the costs of decommissioning and long-term storage.

I have said several times that it is for the generators to come forward and make proposals relating to whatever form of generation they consider appropriate. People ask what has changed. Two or three years ago nuclear generation did not seem attractive, but more and more generators now think that it must be an option because of the economics, the carbon price, climate change and the knowledge that Governments will have to deal with it, and security of supply. As I have said, if we do not do anything we will be in grave danger of becoming over-dependent on gas from areas that can pose great difficulties, because we are subject to the sometimes unpredictable whims of foreign Governments.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): Earlier today the Prime Minister made it plain that the Government favoured a large nuclear generating capacity, and I agree with that. The Secretary of State's statement, however, told us only that the Government would seek to encourage private-sector investment. That is not the same thing. Will the Secretary of State tell us what proportion of generating

[Mr. Douglas Hogg]

capacity he thinks should be nuclear-based, and what steps he will take to encourage the private sector to make that investment?

Mr. Darling: I am sure that the Prime Minister and I are in complete agreement on that, although I was not present at Prime Minister's Question Time.

We have made it clear that if new nuclear plant is built, it will be built in the private sector. Proposals will be presented and planning permission will be sought in the usual way. The consultation document discusses all the issues relating to waste, the economics and so on. But, as I said to my hon. Friend the Member for Pendle (Mr. Prentice), whereas in the past there was not much interest in nuclear generation, there is now a growing interest among generators who want to be sure of a proper mix and diverse energy supplies.

Jeff Ennis (Barnsley, East and Mexborough) (Lab): A couple of years ago I had the privilege of opening a methane extraction plant in my constituency, on the site of the former Hickleton colliery. It is run by a company called Octagon Energy, and it produces enough electricity in my constituency to power 5,000 homes for the next 20 years. Can my right hon. Friend reassure me that plants such as that will be able to qualify for the same tax incentives and assistance as those producing other forms of renewable energy?

Mr. Darling: We want to encourage development of that kind. There are many examples of methane being captured to provide energy for towns or for local businesses.

I urge my hon. Friend to look at the results of the consultation, and at the banding. We want to encourage various forms of energy generation to ensure that there is diversity, and that we can recycle as much as possible. I hope that my hon. Friend will find that helpful.

Mr. Henry Bellingham (North-West Norfolk) (Con): Is the Secretary of State aware that there are now 500 offshore wind turbines either under construction on, or planned for, sites in the Wash or off the Norfolk coast? They are less intermittent than onshore turbines, and they have critical mass and carry huge public support, in stark contrast to the various applications for sporadic onshore sites, which are far less efficient, do huge environmental damage and are universally unpopular. What can we do to get these onshore turbines offshore?

Mr. Darling: The first thing that the hon. Gentleman could do is tell the Conservative members of Swale borough council to withdraw their objection to the cable that links the offshore wind farm on the Thames to the land where the electricity will be used. He could help me in that, as he probably has more influence with them than I do. However, he makes a serious point. Offshore wind farms have a great deal of potential because there might be fewer objections. Of course, the Royal Society for the Protection of Birds and others might have concerns, but we were able to address them in respect of London Array and other offshore wind farms. We have to face up to the fact that offshore wind farms can be as controversial as onshore ones. However, I would like there to be more renewable energy. Our country is not as far advanced as it should be on that; we are seventh in the world, but we should be higher. As every little helps, if the hon. Gentleman could have a word with the good people of Swale, I would be most grateful.

Mr. Denis Murphy (Wansbeck) (Lab): Is my right hon. Friend aware that an application has recently been made to build a clean-coal power station in my constituency? It will be a £2 billion project that will burn in excess of 6 million tonnes of coal per year. Sadly, all that coal will be imported even though the site of that power station sits on top of the great northern coalfield where in excess of 500 million tonnes of coal await exploitation. Does my right hon. Friend not think that we should be burning that coal?

Mr. Darling: I would like our reserves in this country to be recovered and burned. However, the Government cannot tell generators that they must burn UK coal and that they cannot burn imported coal; the generators must reach decisions on that. There is a lot of coal in this country that is still available to be mined. That is a resource and we should consider exploiting it, especially as we are sometimes increasingly concerned about the difficulty in importing coal and gas. I would like British coal to be mined where that is environmentally acceptable and economically viable.

Dr. Vincent Cable (Twickenham) (LD): When the price of carbon and electricity falls to such a level that private nuclear generators can no longer cover their costs, can the private investors expect to be rescued as was the case in respect of British Energy four years ago, or will they become insolvent?

Mr. Darling: No, as with other electricity generation we believe that those are commercial decisions for the generators to take. They have to plan ahead and take many things into account. However, I think that it is more likely that the carbon price will increase.

Sandra Osborne (Ayr, Carrick and Cumnock) (Lab): In a welcome move, the Secretary of State set up the coal forum to inform future policy on the contribution that UK coal could make to a balanced energy policy, but he does not appear to have taken up its suggestion on a statement of need in relation to the role of UK-produced coal in the future. If that is the case, why has he not done so? As he knows, the coal industry is important in my constituency. What comfort can it take that its needs have been recognised in the White Paper?

Mr. Darling: Let me add to what I said in reply to my hon. Friend the Member for Wansbeck (Mr. Murphy). We want to encourage the extraction of UK coal where that is economic and environmentally acceptable. We looked at the question of a statement of need; as my hon. Friend the Member for Ayr, Carrick and Cumnock (Sandra Osborne) knows, we have been discussing that in the coal forum for some time. There are tensions in various parts of the country, especially in relation to open-cast mining between people who want to recover more coal and those who have well

established objections to open cast. We have tried to strike a balance on that. As I have said, I hope that we can continue to extract UK coal because that adds to the general mix and balance. We looked at the statement of need and we thought that it would not help in this regard, but I hope that what is in the White Paper does help.

Mr. Mike Weir (Angus) (SNP): Speaking on behalf of the Scottish National party and Plaid Cymru, I can say that there is much in the energy White Paper that we can support, particularly on renewables and energy efficiency. Indeed, we believe that energy efficiency should be given the highest priority. However, there is a large white elephant in the room in the form of nuclear power. It will come as no surprise to the Secretary of State that the majority of people in Scotland oppose nuclear power, and the Scottish Government will not allow the building of any new nuclear power stations in our country. The Secretary of State has also rightly said that for the foreseeable future we will have to continue to burn a lot of fossil fuels. I note what he said about carbon capture, but by my reckoning this is the sixth time that that has been announced, so why cannot he just press ahead with the Peterhead project, which is up and ready to go? Could he also tell us—

Mr. Deputy Speaker: Order. I cannot allow the hon. Member to make a statement, especially as we have already been addressing this matter for 45 minutes.

Mr. Darling: On the Peterhead plant, I know that the leader of the Scottish National party has a particular interest because it is in his constituency, but the Government cannot simply plump for one project without giving other people who are equally interested, and who also have plans, a chance to put forward their proposals. The nationalists' position on nuclear power is muddled. I noticed yesterday that their energy spokesman could not even say whether the existing nuclear ought to continue. I would have thought that that should be absolutely clear. In relation to the future, I have already said that the Scottish Executive have devolved powers, and we are not proposing to change that. I agree with the hon. Gentleman's point on renewable energy, but he cannot have it both ways. His party has been talking about local referendums for wind farms. It also objects to almost as many applications as are made, and it objects to power lines. It cannot have it both ways. It says no to nuclear, but it also says no to renewables. It must adapt from being in opposition; it is now the Administration in Edinburgh and it should show that it knows how to stand up and take decisions.

Mr. Bob Blizzard (Waveney) (Lab): Britain is the windiest country in Europe. My right hon. Friend's Department has identified many sites around our coasts for offshore wind farms, which can make a major contribution towards achieving the 20 per cent. target in respect of renewable energy, but too many such developments are bogged down in the long and tedious consent process and some are facing real obstacles. What is there in the White Paper that will help those developments to proceed, through streamlining the consent process and removing some of the obstacles?

Mr. Darling: The best place to refer my hon. Friend is the planning White Paper that was published on Monday. Attention has been focused on big infrastructure projects such as airports and nuclear power stations. It takes far too long to get consent for wind farms; far too many different sorts of consents need to be obtained. That is why I hope that all the Members of all parties who say that they want there to be more renewable energy—more wind farms, both onshore and offshore—will back the proposals in the planning White Paper that would make that possible.

Mr. Nigel Dodds (Belfast, North) (DUP): In terms of today's White Paper, I am sure that the Secretary of State will want to confirm the importance that he attaches to inputs from the devolved Administrations and regions of the kingdom. Does he have any particular plans to improve the dialogue and liaison between his Department and the devolved Governments and other areas as we move matters forward in the coming months?

Mr. Darling: First, let me congratulate the hon. Gentleman on his new role. I want there to be close relationships between the devolved Administrations and ourselves. As was the case last week in advance of the announcement on post offices, this week in advance of the announcement on energy I or my ministerial colleagues spoke to Ministers of the devolved Administrations—or offered them the opportunity to speak in one case. It is important on matters such as energy, in which we all have an interest, that we all work together.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. I am afraid that we must move on. There will be other opportunities to pursue this matter.

Point of Order

Clive Efford (Eltham) (Lab): On a point of order, Mr. Deputy Speaker. Earlier today in Prime Minister's Question Time the hon. Member for Bromley and Chislehurst (Robert Neill) referred to St. Mary's hospital. I think that he meant Queen Mary's hospital. He said that it might be closed. However, there are no plans—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. Mr. Speaker has made it clear on several occasions that we must not use points of order for the continuation of debate. If the hon. Member feels that the record needs to be corrected, there are other ways in which he can attempt to do that.

BILL PRESENTED

Constitutional Reform

Mr. Graham Allen presented a Bill to provide for the drawing up of a written constitution for the United Kingdom; for its consideration by the people and Parliament of the United Kingdom; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on 19 October, and to be printed [Bill 114].

Media (Transparency and Disclosure)

1.29 pm

Mr. Gary Streeter (South-West Devon) (Con): I beg to move,

That leave be given to bring in a Bill to require media organisations to disclose certain information about any payments made by them to individuals for the contribution of those individuals to articles or broadcasts in which they are involved; and for connected purposes.

It is important that Britain retains a robust and free press. It is one of the safeguards of our constitutional freedoms and part of the mature framework of checks and balances that keeps us safe from tyranny. Many of the countries to which I travel in my work for the Westminster Foundation for Democracy would give their right arm to have an independent and rigorous press like ours. Yet there are occasions when the great British media overstep the mark and throw around their unprecedented power to influence and shape events and their ability to make or break careers and lives, without exercising proper responsibility or accountability. Too often, media stories are fabricated, exaggerated or sensationalised; too often, there are hidden agendas; and too often, we do not know enough about the integrity or motivation of the primary source of a story. In particular, we do not know whether anybody was paid for that story.

It would be a big job—possibly beyond the scope of any party, Government or Act of Parliament—to put the media back in their box without damaging their essential freedom and the modest measure I bring forward today does not attempt to do any such thing. My Bill is designed to deal only with the fact that the reader or listener or viewer is rarely told whether a source of information for a story was paid, and if so, how much. Why is that relevant? Imagine the situation in a courtroom where a judge or jury is trying to assess the evidence in a complex set of facts. Imagine the sudden revelation in court that a crucial eye witness has been paid for his evidence by the defence. That evidence would be immediately discounted: nobody would believe a word that witness said, even if they had been telling the truth—because concern over a possible mercenary motivation would rightly undermine confidence in the reliability of the testimony.

Why is it different in the media? In a story about an alleged neighbour from hell, a bullying boss or an unfaithful wife, I want to know if the neighbour, the employee or the husband—the persons making the colourful allegations—have been paid for their stories. Why? Because it will help me to decide what weight to give to their evidence. It will help me to make a better informed decision about motivation and veracity and whether the subject of the allegations should rightly be the object of my distrust and scorn. Ah, people argue, but this is not a court of law, this is simply a story on the TV or in the press. It is just harmless entertainment. But it is not entertainment for the hapless target of that story—countless dozens of them everyday, both celebrities and ordinary people alike, the victims of cheque-book journalism. What about the law of defamation, surely that can be used to protect people? It is an expensive exercise and beyond the means of all but the very rich to sue a mighty media organisation for libel, with no legal aid being available. Even stories that

are horribly distorted and lampoon people unfairly can contain a modicum of truth, sufficient to enable the media's sharp-suited lawyers to bat away all but the most determined of litigants.

Sadly, the Press Complaints Commission is of little use. More often than not, it reveals itself to be a toothless tiger and a self-congratulatory organisation that persistently fails those who seek its assistance. That means that the print press in particular is effectively free of regulation, despite the enormous power it wields over the perceptions we hold of the events and individuals that shape our lives. That is not a new problem. Even the military dictator Napoleon Bonaparte observed ruefully:

"Four hostile newspapers are more to be feared than a thousand bayonets".

The pen is truly mightier than the sword when it is wielded by the media.

I am not saying that the media should not pay for stories. I am not saying that people should not accept payment for selling their stories to the press. I am simply saying that the viewer or the reader or the listener should be told whether money has changed hands to put that story together, and if so how much. In this age of maximum disclosure and transparency, is it reasonable that the reader should any longer be denied that crucial information? My belief in more media disclosure is only one reason why I do not support the Bill that passed through this House last Friday, and I very much hope that it falls in the other place.

I was interested to see in *The Mail on Sunday* on 29 April 2007 that at the end of an article entitled, "We loved each other like older people do", a disclaimer appeared stating that

"Valerie Beech has received no payment for this interview."

If *The Mail on Sunday* believes that information to be relevant when no money has been paid for a story, why is it not relevant when money has been paid? Why not force all media by law to make that clear every time? Compare that example to the recent Lord Brown case. Was it right that it had to be dragged screaming and kicking from Associated Newspapers, days after the allegations about his private life were first unveiled, that his former friend Jeff Chevalier was paid substantial sums of money by Associated Newspapers over a significant period of time for his story? Surely, the very first time that that story broke we, the public, were entitled to be told that tens of thousands of pounds in cash or kind were paid to extract that expression of grief from a jilted lover.

We live in an age when the media is immensely powerful. It can make or break careers and lives. The media have much more influence on Government policy, on how the country is run, than a humble Back Bencher like me. Indeed, the media have more influence than most junior Ministers. The rules for transparency and disclosure for elected representatives are stringent, and rightly so. We go on an overseas trip to view poverty in Malawi paid for by a charity and we are hounded if we do not disclose that fact. Sometimes, we hound each other over such trivial matters, and that is an issue on which we should all reflect.

Remember the outrage that was rightly expressed in the media when it emerged years ago that at least one of our colleagues was willing to accept cash to ask questions in this House? We rightly took the view that such mercenary motivation was not to be tolerated in the nation's Parliament. However, we have this powerful beast prowling around our country trashing lives and pronouncing their judgments and the reader does not have the first idea about how their stories were obtained and how much blood money was paid for the destruction of a reputation. It is time to bring that to an end. It is time for more transparency.

Naturally, the media must be allowed to protect its sources, and that is a principle we should respect. My Bill does not demand the disclosure of the source's identity, simply a sentence at the end of each broadcast or article stating whether or not the cheque book had been used, and if so how much. Then, the reader could make a better informed judgment about whether or not the story should be believed.

There is a particular problem, which I do not have time fully to consider today, and it relates to the police. Many sensational headlines emanate from some police officers who, within five minutes of a celebrity arrest, are apparently on the phone to their favourite reporter shopping the person concerned for cash—a person who is innocent until proved guilty, as we should remember. It happens every day. The editor of *The Sun*, Rebekah Wade, in her evidence to the Culture, Media and Sport Committee on 11 March 2003, admitted that newspapers pay the police for stories. Often that is illegal, but whether it is or not, the reader should be told when it happens. Perhaps that is a problem that should be tackled through other means.

The eminent editor of *The Guardian* newspaper, C. P. Scott, wrote in 1921 that

"Comment is free, but facts are sacred".

That is a seminal statement of the values of a free press. Somewhere along the journey from 1921 to today, that concept of a news media in which facts are sacred has mutated into "entertainment is king", and on that modern altar, private lives and public reputations are sacrificed for 24 hours of amusement and titillation. The spirit of C. P. Scott has been lost and with it trust in that vital and serious pillar of our democracy. I believe that my Bill, far from harming the media, can help to restore lost confidence in a noble profession.

Let us celebrate the robust and vivid character of the fourth estate, but let the media be sensational and responsible in equal measure. Let them work within the framework of disclosure and transparency with which all of the rest of us have to comply. Let us be told—did they pay for that story, and if so, how much? I commend my Bill to the House.

Question put and agreed to.

Bill ordered to be brought in by Mr. Gary Streeter, Angela Browning, Sir George Young, Dr. Tony Wright, Mr. Frank Field, Mr. Tom Clarke, Mr. Colin Breed, Mr. David Curry, Mrs. Janet Dean, Mr. David Burrowes, Mr. Greg Pope and Ms Karen Buck.

MEDIA (TRANSPARENCY AND DISCLOSURE)

Mr. Gary Streeter accordingly presented a Bill to require media organisations to disclose certain information about any payments made by them to individuals for the contribution of those individuals to articles or broadcasts in which they are involved; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 19 October, and to be printed [Bill 111].

Opposition Day

[12TH ALLOTTED DAY]

Scottish Parliamentary Elections

Mr. Deputy Speaker (Sir Alan Haselhurst): We now come to the main business. The first of the Opposition motions is about an independent inquiry into the conduct of the Scottish elections. I must inform the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

1.41 pm

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): I beg to move,

That this House considers that the rejection of 146,097 votes in the constituency and regional elections to the Scottish Parliament, the equivalent of over 1,000,000 in a UK general election, to be totally unacceptable and an affront to democracy; notes that the number of rejected ballots exceeds the winning majority in several constituencies and that different formats of the regional ballot paper were used in different parts of Scotland; further notes that serious concerns have been raised about the issuing of postal ballots for the elections and the electronic equipment and processes used for counting votes; further notes that repeated advice not to hold the local government elections under the newly introduced single transferable vote system on the same day as the Scottish Parliament elections was ignored by the Scotland Office and the then Scottish Executive; calls upon the Secretary of State for Scotland to accept responsibility for the failures in the conduct of the Scottish Parliament elections and to apologise to the people of Scotland; further notes that the Electoral Commission is to carry out an inquiry, but considers that such an inquiry should be independent of the Commission, which had a significant role in the conduct of the elections, if public confidence in the electoral process in Scotland is to be restored; and accordingly further calls upon the Government, working in conjunction with the Scottish Executive, to instigate such an inquiry.

It would be remiss of me not to use this first opportunity to congratulate the hon. Member for Banff and Buchan (Mr. Salmond) on his appointment as First Minister of Scotland and to wish him and his new Scottish Executive well as they discharge the responsibilities devolved to the Scottish Parliament. As I have said before, I believe that the Secretary of State for Scotland will rue the Government's failure over eight years to put in place appropriate mechanisms for dialogue and interaction between London and Edinburgh. However, that debate is for another day. I understand that today the First Minister is expected to make a statement on his programme for government. I shall watch with interest to see whether he makes any reference to the conduct of the Scottish elections, given his previous support for an independent inquiry.

The House will recall the statement by the Secretary of State on 8 May about the conduct of the Scottish parliamentary elections. That statement proved to be wholly inadequate, not least because the Secretary of State failed to take responsibility for the conduct of the elections. He also failed to give the apology to the people of Scotland that I, and many on both sides of the House, demanded. I could not have agreed more with the hon. Member for Livingston (Mr. Devine) when he described the conduct of the elections as "an embarrassment" and added:

"we owe the people of Scotland an apology."—[*Official Report*, 8 May 2007; Vol. 460, c. 33.]

That apology is still not forthcoming. Instead, the Secretary of State has sought to use the Jack McConnell approach to the cost of the Scottish Parliament: everybody is to blame, so nobody is to blame.

Mr. Bob Blizzard (Waveney) (Lab): The Secretary of State has already initiated an independent inquiry into this matter. Does not the Conservative party's choice of the subject of the Scottish elections have more to do with wishing to avoid its war about education and grammar schools, the issue of the patient's passport, which is set to be ditched, and the issue of the economy? The only thing that the hon. Gentleman's side could reasonably say would be, "Well done Labour!"

David Mundell: If the hon. Gentleman believes that the Government have set up an independent inquiry, he is mistaken. They have not; they have referred the matter to the Electoral Commission. We regard this debate as one about an issue of great importance to the people of Scotland.

During questions on his statement, the Secretary of State seemed to suggest that the then figure of 100,000, cited in the media as representing the number of rejected ballots in the Scottish elections, was too high. In fact, the figure turned out to be too low, by nearly 50,000—there were 146,097 rejected ballots, the equivalent of 1 million in a UK general election. If that is not an important issue and an affront to democracy, I do not know what is.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Does the hon. Gentleman accept that some papers were deemed to have been spoilt because the first, single-Member ballot space was blank? That need not have been a mistake. Voters for the Green party, the two Trotskyist parties or the two religious extremist parties might have decided not to vote in the first-past-the-post section because there was no candidate for them.

David Mundell: I agree that there is a differentiation to be made between spoilt and rejected ballot papers. One thing on which Members across the House will agree is that the guidance to returning officers on what is a rejected ballot paper must be much clearer.

Since the Secretary of State's statement, further information about the use of different ballot paper formats in different regions of Scotland has come into the public domain. We Conservatives believe that the case for a fully independent inquiry is now even more compelling if public confidence is to be restored in the democratic process in Scotland.

Mr. Jim Devine (Livingston) (Lab): I seem to remember that in the 8 May debate, the hon. Gentleman conceded that he acceded to the single ballot paper.

David Mundell: I conceded that the Conservatives did not object to the single ballot paper. However, I said that we made it absolutely clear that the ballot

paper should not be used on the same day as another ballot paper on which people were encouraged to make more than one mark. That is clear.

Today's debate is a further opportunity for Members to highlight their concerns. It is also an opportunity for responsibility to be taken and an apology to be made. We do not seek to score political points, but there are clearly deep concerns on both sides of the House. We are not calling for the elections to be rerun; nor are we calling for the Secretary of State's head, as others may have done—at least not yet. We simply want the Government to accept responsibility for the debacle on 3 May. They should apologise for it to the people of Scotland and hold a full and comprehensive inquiry, independent of the Electoral Commission and other stakeholders.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): On that point, I think that the hon. Gentleman accepts that the Electoral Commission has responsibilities that it is now carrying out, and it has gone a bit further in by involving Mr. Gould. However, the hon. Gentleman specifically asks the House to support the appointment of an independent inquiry. No doubt he has costed that, so will he say what would be the cost and who would bear it? Would it be Westminster or the Scottish Executive?

David Mundell: As the right hon. Gentleman will know, any costs would be a subject for the discussions—now regular, I understand—between the Scottish Executive and the UK Government. To date, the debacle has cost hundreds of thousands, if not millions, of pounds. The matter must be put right if we are to restore integrity and confidence in the electoral system in Scotland.

Angus Robertson (Moray) (SNP): May I ask for clarification from the Conservative Front Bench? The issue is important. The Conservative party motion calls for the UK Government to initiate an independent inquiry. The hon. Gentleman said that he would welcome the initiation of something by the Scottish Executive, and the First Minister has pledged that. Why does the hon. Gentleman want the UK Government to initiate a parallel inquiry?

David Mundell: As the hon. Gentleman knows but may not accept, the UK Government are responsible for the conduct of the Scottish elections and the Scottish Parliament is responsible for the conduct of the local elections. My view, and that of my party, is that this Parliament and the Scottish Executive should work together, and not in conflict, on such issues.

As I was saying, the purpose of such an inquiry would be to determine why so many electors were disfranchised from having their votes counted, why there were significant delays in the issuing of postal votes and why the arrangements for the counting of votes were so unsatisfactory. Most importantly, we want to ensure that this ludicrous situation is never allowed to happen again, in Scotland or anywhere else in the United Kingdom. I am thinking of the operational aspects of the elections and the holding of two elections on the same day under completely different voting systems.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): Has the hon. Gentleman seen the briefing prepared for today's debate by the Electoral Commission? It outlines the terms of reference and method for the inquiry that Ron Gould has been asked to undertake. Will the hon. Gentleman indicate for the benefit of the House whether he would add anything to the terms of that inquiry?

David Mundell: That the Electoral Commission issued that document at least restores my faith in the impact of Parliament in requiring the production of that information. The hon. Gentleman does not understand the point of our motion, however. The point of this debate is that we want the inquiry to be independent of the Electoral Commission.

Mr. Andrew Robathan (Blaby) (Con): People keep referring to the Electoral Commission and many of us have observed its work since it was first established. I am sure that Sam Younger is a very nice man—I have had long chats with him. However, Sir Alistair Graham, appointed by the Government to look after standards in public life, criticised the

"lack of courage, competence and leadership"

in the Commission's "regulatory and advisory approach" and said that it

"should have shown greater focus and courage in alerting the risk to the integrity of the electoral process from legislative changes".

He went on to recommend a change in statute to streamline and refocus the Electoral Commission. That is the point: the Electoral Commission does not have a good record, which is why we want an independent inquiry.

David Mundell: I thank my hon. Friend for that contribution. A further, specific point is that the Electoral Commission was a key stakeholder in the process and played an instrumental part in the design of the ballot paper.

Nobody can argue that a 700 per cent. increase in the number of rejected ballots since the last Scottish parliamentary election is acceptable. There can be little doubt that the changes in the conduct of the election had a detrimental impact on the ability of electors to have their vote counted. The report on the London mayoral election, reinforced by the Arbuthnott commission, showed that that was entirely predictable if two elections using different voting systems were held on the same day, especially when both ballot papers were in a new format. I and others raised that issue with the Secretary of State and his predecessor on numerous occasions, but the response was always to brush aside such concerns and carry on regardless.

There is no evidence that any one political party or candidate was disproportionately disadvantaged by the number of rejected ballots, but it cannot be satisfactory that the number of rejected ballots exceeded the winning candidate's majority in more than 20 per cent. of constituency contests. In Edinburgh East and Musselburgh, for example, there were a massive 2,521 rejected ballots compared with a majority of 1,382. If "rejected" ballots had been a registered party in Glasgow Shettleston, it would have come third, with 2,035 votes—about 12.1 per cent. of the total votes cast.

Such figures strike at the heart of the United Kingdom's reputation for the conduct of elections,

[David Mundell]

which was an example of best practice to the rest of the world before the Labour Government began meddling with the electoral process. Compared with many countries throughout the world that want to hold democratic elections, Scotland and the UK have the expertise and technology needed to conduct elections in a successful and professional manner, but only when the advice of professionals is taken and adhered to.

It is self-evident that the Electoral Commission has a duty to report on elections and its statutory review of the Scottish elections is welcome—but as part of a wider public inquiry, not instead of it. The basic premise of natural justice dictates that the same organisation should not be responsible for all lines of investigation when, as I have said, it played a significant role in the elections; in particular, setting out recommendations for the design of the single ballot. The Electoral Commission employed Cragg Ross Dawson to undertake research that was used as a basis for deciding on a single ballot paper. It could certainly be argued that the commission put an over-positive gloss on that report in its letter of early August, seemingly omitting to disclose the finding that the single paper option was more likely to lead to errors, and thus contribute to a higher number of invalid votes. If the Secretary of State has actually read the report, perhaps he will use this opportunity to clear up the media speculation in that regard.

The Electoral Commission also ran the "Vote Scotland" campaign jointly with the then Labour and Liberal Democrat Scottish Executive to ensure that people knew how to vote correctly. Before the elections, the commission repeatedly appeared in the media to reassure people about the process, especially the issuing of postal votes. Only an inquiry that is not conducted at the behest of a stakeholder will satisfy the desire for an impartial investigation into how many people were disfranchised.

Mr. David Hamilton (Midlothian) (Lab): No one would disagree that a debacle took place on election day, but I think the professionals created the problem, so it would be very unwise to say it was all the Electoral Commission. The matter is going to the Electoral Commission, so we should see what happens before we take the next step. I do not accept that people were not disadvantaged by the situation; parties must have won when they should not have won. Perhaps the easiest thing would be to go back to the Conservative policy—first past the post across the board for both local government and Scottish Parliament elections.

David Mundell: In the new spirit in Scotland of parties working together, perhaps my party could discuss that issue with Labour. I was surprised that Mr. McConnell succumbed to Liberal Democrat demands to introduce the single transferable vote, when combined Conservative and Labour votes in the Scottish Parliament at the time could have defeated the proposal.

Mr. Carmichael: The hon. Gentleman has to explain to the House why he concludes that just because Ron Gould has been appointed by the Electoral Commission he cannot be independent of the commission. Is the hon. Gentleman saying that there is some connection between Mr. Gould and the Electoral Commission that puts a question over his impartiality or independence? If he cannot provide such evidence, the logic of his position is that if the Scotland Office appoints somebody to conduct an inquiry, that person will not be independent either.

David Mundell: The hon. Gentleman and his party made it clear in their amendment, which was not accepted, that they support the role of the Electoral Commission in that process; we do not. We believe that the inquiry should be independent of the commission because it is a principal stakeholder in the process. *[Interruption.]* I have made that as emphatically clear as I possibly can.

As I said before, although the Conservatives did not oppose the introduction of a single ballot, we never agreed to its use on the same day as another ballot paper on which the making of more than one mark was actively encouraged.

Jo Swinson (East Dunbartonshire) (LD): Will the hon. Gentleman give way?

David Mundell: No, not at this point.

Voters were told that they had two votes, but it appears that a large number of them interpreted that information as she need to mark two crosses in one column instead of one in each column, thereby rendering their vote invalid in each election. Is that really surprising when the explanation of the STV system was that it gave people more than one vote?

Any inquiry must also address whether the use of candidate names in party descriptions for the regional vote may have misled voters into thinking they were voting for their preferred constituency candidate.

Stewart Hosie (Dundee, East) (SNP): The hon. Gentleman makes an interesting point. However, he will be aware that all the names on the ballot paper were sanctioned in advance and all party names were ratified. He says that people may have been misled. Will he consider the language he is using?

David Mundell: If the hon. Gentleman listens, he will hear me say that some people argue that it was a political masterstroke for the Scottish National party to designate itself as "Alex Salmond for First Minister", but the question is whether the appearance of that designation on the top left of ballot papers was a cause for confusion. Whoever conducts the inquiry, they must address that issue.

Several hon. Members *rose—*

David Mundell: I must make some progress because we have a limited time for the debate.

There can be little doubt that the presentation of candidate names and party logos was compromised on many ballot papers. There was an attempt to accommodate the names of too many candidates on a defined size of ballot paper. There is plenty of anecdotal evidence to suggest that the elderly and people with sight problems, in particular, struggled

with the instructions. Worse still, ballot papers issued at polling stations in Glasgow and Lothian did not resemble the sample papers previously shown to parties. It is a fundamental tenet of our democracy that a person voting in Shetland, for example, has the same format of ballot as a fellow citizen voting in Linlithgow. It is now clear that ballot papers across Scotland lacked uniformity. We regard that as entirely unacceptable—on a par with Florida's hanging chads.

As I voted in Moffat, I naively assumed that people voting in Edinburgh or Glasgow would be presented with the same form of ballot paper, but I was wrong. In the regions of Glasgow and Lothian, ballot papers had different instructions from ballot papers in other areas of Scotland. The arrows telling people in which columns to put their crosses were removed. Not surprisingly, those two regions recorded the highest number of rejected ballots: a staggering 7.85 per cent. in Glasgow and 5.2 per cent. in the Lothians. Only an independent inquiry can get to the bottom of those kinds of decisions.

We need to know from the Secretary of State how decisions were made on the final design and layout of ballot papers. Did he see the final variations in the ballot papers for all constituencies and regions across Scotland? Did he sign off the decision to remove the instructional arrows from the ballot papers in the Glasgow and Lothian regions? More importantly, what level of consultation did he undertake with political parties, candidates, returning officers, DRS and the Electoral Commission before making the decision? Why did he give precedence to the electronic counting process rather than to candidates and electors? I have no doubt that if market research had been undertaken on the final ballots, they would have been rejected outright—had the research documentation been read by the Secretary of State.

No doubt the use of e-counting in the elections played a major role in the decisions to change ballot papers. Electronic counting was introduced as a means to an end. It was adopted initially, it was said, to shorten the amount of time taken to count local ballots, because counting votes manually under the new STV system would take days rather than hours. But it is quite clear that e-counting became a means in itself in Edinburgh and Glasgow, where, instead of altering the ballot papers by deleting instructional information, there should have been a manual count if the machines could not cope.

The willingness to change fundamental aspects of the election process to suit the needs of electronic counting and DRS—its operator—has compromised the integrity of the electoral process. We must ask ourselves the serious question of whether, after these events, e-counting can give everyone the confidence that the election count is being carried out appropriately. Many candidates complained in the media that they had no idea of the outcome of their election until a few minutes before it was announced—unlike what happens with the traditional hand count.

May I deal briefly with postal ballots? Every right hon. and hon. Member from Scotland will have heard from constituents who were unable to vote owing to the late arrival of postal ballots. That is simply administrative incompetence striking at the heart of the democratic process. We may never know how many electors were disfranchised by the postal vote debacle, which saw probably hundreds of people unable to return their ballots in time. It is ironic that postal votes arrived on polling day and that the only way to make them count was to take them to the polling station—if the elector was lucky enough to be at home to receive that vote. The Government have always known about, and encouraged, the trend of more and more people opting for a postal vote. The election date was hardly a surprise and there is no excuse for not putting arrangements in place to guarantee that, at least from an administrative perspective, postal voters received their postal ballots on time.

There can be no doubt that the Government had a genuine opportunity to work with the Scottish Executive to reduce the possibility of voter confusion. The key to that would have been to decouple the two elections, as many people advocated. That is the view not just of the Conservatives or the newly appointed Scottish Executive, but of the Government's own Arbuthnott commission, which recommended it. The Electoral Commission made the scale of the difficulties clear during the evidence that it gave to the Local Government and Transport Committee of the Scottish Parliament. The Arbuthnott commission summed up the arguments perfectly, saying that holding the elections on separate days would

"reduce the complexity of voting, potentially reduce voter confusion and keep the number of invalid votes to a minimum. It would also reduce administrative complexity in the planning, management and counting of the elections, and enhance the transparency of the electoral process, especially allowing attention to be focussed on local issues."

It is ridiculous of the Secretary of State and his predecessor to argue that only the Scottish Executive were responsible for the date of the local government elections, when obviously holding those elections on the same day would have an impact on the Scottish Parliament elections. He may have no influence with the Scottish Executive now, but he did then. When I was a Member of the Scottish Parliament, I introduced the Local Government Elections Bill to do just what I have been talking about, but Labour and Liberal Democrat Scottish Ministers thwarted constant attempts to get the Bill through. Conservatives in the Scottish Parliament will continue to pursue the cause, and will look to the new Scottish Executive for support this time around.

The high level of rejected ballot papers in the local council counts compared with the last elections—the level almost tripled—is also unacceptable. The system is certainly not the great triumph that the Electoral Reform Society or the Liberal Democrats would have us believe. The confusion, in terms of which councillor does what, has not even begun. Even if STV is accepted, what can be the purpose of holding such elections on the same day if, as was shown in the London mayoral elections and voting in Northern Ireland, having two separate systems in operation always exposes us to the risk of a disproportionately large number of people having their ballots rejected?

Mr. Davidson: Does the hon. Gentleman agree with the proposal that the investigation should also look at the impact of alphabetical position on candidates' success rates and at the impact of not grouping candidates from the same party together on the ballot

[Mr. Ian Davidson]

paper? Those issues are an important aspect of the review, but they have not been included so far.

David Mundell: The hon. Gentleman makes an important point. All the flaws of the STV system, which the Liberal Democrats advocate again today, were highlighted at the time of the introduction of the process in the Scottish Parliament. Just as Rhodri Morgan in Wales appears to be willing to accept that sort of arrangement, Labour in the Scottish Parliament accepted the introduction of STV.

Whatever our view of the outcome, the conduct of the Scottish elections cannot be described as a success in any way, shape or form. That was and is the responsibility of the Secretary of State for Scotland and no amount of trying to divide up the blame can hide that. It is time to take responsibility and to apologise.

Our motion sets out a basis on which to restore confidence and faith in our electoral system not just in Scotland, but throughout the United Kingdom. We want the serious issues that arose at these elections to be exhaustively investigated, independently of all stakeholders responsible for conducting them. We also want proper consideration to be given to decoupling the Scottish parliamentary and local council elections, to reduce both the possibility of voter confusion and the number of rejected ballots. I urge the House to support the motion.

2.10 pm

The Secretary of State for Scotland (Mr. Douglas Alexander): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

'notes that a statutory review of the Scottish Parliament elections is already underway conducted by the Electoral Commission as required by Parliament; further notes that, at the prior request of the then Scottish Executive, this review will also cover the Scottish local government elections; welcomes the appointment of an international authority on the management and organisation of elections, Mr Ron Gould, the former Assistant Chief Electoral Officer of Canada, to lead the review; further notes that his terms of reference include examining the role of the Electoral Commission in the preparation of the elections, as well as matters relating to postal ballot delays, the high number of rejected ballots, combining Scottish local government and Scottish parliamentary elections, and the electronic counting process; and believes that this statutory review which is now in progress should complete its report in order to inform decisions in relation to any further steps which may be necessary or appropriate.'.

The substance of today's debate is not whether lessons will be learned or answers will be given in the light of the difficulties encountered in the Scottish elections, but how that process will happen. In the days following 3 May, there were calls for a whole variety of inquiries and reviews. Some called for a judicial inquiry, while others called for a committee of inquiry that should be chaired by an international political figure, such as former President Mary Robinson. The Conservative motion calls for yet another form of inquiry: a joint exercise with the Scottish Executive. Let me thus begin by reiterating the Government's stated position.

We have never suggested that we will not countenance further inquiries. Instead, we argue that it is right on balance to let the statutory review led by Ron Gould report before deciding on the next steps. The motion calls for an independent review of the conduct of the Scottish elections. It also calls on me, as Secretary of State for Scotland, to accept responsibility and to apologise to the people of Scotland. As I will set out, a review is in progress that is independent of the Government and headed by an international authority on elections. As Secretary of State, I accept responsibility for the actions and decisions of the Scotland Office. If the review finds fault with those actions and decisions, I will, of course, apologise.

The House established the independent Electoral Commission and gave it the duty through legislation to carry out statutory reviews of elections. As I indicated in exchanges following my statement to the House on 8 May, and again in a written answer to my hon. Friend the Member for Aberdeen, South (Miss Begg) last Friday, only when we have the report can decisions on the next steps be best taken, in the light of the commission's findings.

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): Will the Secretary of State confirm that we will have a chance to debate the report when it is presented to Parliament? What input will Members of Parliament have in the review itself?

Mr. Alexander: Of course, it is for the usual channels to determine the debates that take place in the House. However, let me reiterate a point that I made in my statement: the House will of course be updated at the conclusion of the review. Technically, the review will go to the Scottish Executive, the Scotland Office and electoral returning officers, but we will ensure that it is made available to all hon. Members. My hon. Friend asks how Members of Parliament can set out their views to the review. I certainly hope that Mr. Gould will take cognisance of this debate. It remains open to any hon. Member to provide evidence or information to the review as it undertakes its work.

Ann McKechin (Glasgow, North) (Lab): Under the terms of the review, I note that the Electoral Commission welcomes the views of members of the public. May I suggest that it needs to do much more than that? It should take direct evidence from voters of all relevant ethnic, socio-economic and gender groups to ensure that we get a true representation of what voters think about the process.

Mr. Alexander: My hon. Friend makes an important point. Of course, it is not for me to prescribe the format of the independent review. However, I take heart from the fact that the further information that was provided on the terms of the review at the beginning of this week indicated that there would be an opportunity for public meetings to be held. I certainly hope that a wide cross-section of people will have the opportunity to provide evidence and opinions to the review.

Mr. Oliver Heald (North-East Hertfordshire) (Con): So is the right hon. Gentleman's point that he does not think that he or his colleagues in the Scottish Executive owe the people of Scotland an apology at the moment, and that only if the report says so will he be prepared to come to the Dispatch Box to say sorry for 140,000 people losing their vote?

Mr. Alexander: May I offer the hon. Gentleman the opportunity to correct the factual error that he made in claiming that 140,000 people lost their votes? As I will demonstrate during my speech, if he was familiar with the situation in Scotland he would realise that he could not make that claim before the House with any authority.

The hon. Gentleman's intervention was telling. During the speech made by the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell), I felt that opportunism was vying with statesmanship—and opportunism won. He simultaneously predetermined the outcome of the review and demanded that an independent inquiry be established, incidentally by the Government, no doubt in consort with the Scottish Executive. The problem for the hon. Member for North-East Hertfordshire (Mr. Heald) is that after just the introductory Front-Bench speech, the Conservative party's argument, as set out in the motion, is in severe danger of collapsing under the weight of its contradictions.

Pete Wishart (Perth and North Perthshire) (SNP): The Electoral Commission has already commissioned a report for the Secretary of State by a man called Cragg Ross Dawson. That report first highlighted the difficulties with the single ballot paper. What were the Secretary of State's conclusions about that report and what did he do to address the concerns expressed?

Mr. Alexander: I am happy to answer the hon. Gentleman's questions. The Cragg Ross Dawson report was produced not by an individual, but by a company. It was commissioned by people in the Scotland Office, who had requested that work be undertaken through the Electoral Commission. The report was sent to the Under-Secretary of State for Scotland, my hon. Friend the Member for Inverclyde (David Cairns), with whom I discussed the matter. It formed part of a consultation exercise that received 28 responses, along with three further responses that, technically, arrived after the consultation had concluded. We took account of the responses when we reached our decisions. I then had the opportunity to receive from officials a summary of the conclusions of all the consultation responses that we received, including work commissioned by the Electoral Commission. I discussed the report with the Under-Secretary and officials before making decisions.

The House established the independent Electoral Commission and gave it a duty to carry out statutory reviews of elections. As I said, only when we have sight of its report will it be appropriate to determine the next steps to take. Let me remind the House of the remit of the commission and point out why I believe that it is only sensible to let it get on with its job before deciding what further steps might be necessary.

The Political Parties, Elections and Referendums Act 2000 established the Electoral Commission and tasked it with, among other things, the job of reviewing the conduct of elections and reporting back to both the Government and Parliament with its findings and recommendations. That duty was conferred on it by the House without dissent. So far, it has reported on general elections, European elections, the 2003 elections for the Scottish Parliament and elections for other devolved institutions.

The commission's review of the 2007 Scottish parliamentary elections is under way. Before the elections, the Scottish Executive asked the commission to review, as it did in 2003, the conduct of the Scottish local government elections, for which the Executive have legislative competence. Frankly, that makes sense. The decision of the Scottish Parliament in 2002 to move the date of the local government elections so that they could be held on the same day as the parliamentary elections had the effect of synchronising the elections.

Mr. Carmichael: The Secretary of State is being generous with his time. Does he think that, with the benefit of hindsight, the House might have to accept that it got the constitution of the Electoral Commission wrong? Does he accept that the insistence on not giving any of the political parties representation on the commission is seen as one of its major weaknesses because few on the commission have hon. Members' day-to-day political experience of being involved in elections? Will he speak to Ministers with responsibility for the commission to determine whether there is any prospect of an early review of its constitution?

Mr. Alexander: The Under-Secretary of State for Justice, my hon. Friend the Member for Lewisham, East (Bridget Prentice), who is sitting on the Front Bench, assures me that consideration is being given to all those points. However, the House will understand that given the importance of the statutory review, the independence of Ron Gould and the important task that he is taking forward, it would not be appropriate for me to offer an opinion at this stage about the role and remit of the Electoral Commission. However, I say that without prejudice to the fact that the House will no doubt return to the matter in due course.

Rosemary McKenna (Cumbernauld, Kilsyth and Kirkintilloch, East) (Lab): It is important that the review examines seriously the role of the Electoral Commission and the representation of political parties. Does my right hon. Friend agree that if the parties had been represented on the commission, there would have been little likelihood that "Alex Salmond for First Minister" would have been allowed as the name of a political party on the regional list?

Mr. Alexander: I was about to say, "In fairness to the SNP", which is an uncharacteristic phrase to pass my lips. However, it is fair to acknowledge that, as the hon. Member for Dumfriesshire, Clydesdale and Tweeddale pointed out, that designation for the party was approved ahead of the elections in the standard procedures, but it would be entirely for the independent leader of the review, Ron Gould, to consider whether that is a material consideration in his review. I do not wish to prejudice his right to consider that and other matters by commenting on them today.

Mr. David Marshall (Glasgow, East) (Lab): May I follow up the important point made by my hon. Friend the Member for Glasgow, North (Ann McKechin) on the need to have public input to the review? Will my right hon. Friend consider the Scotland Office and the Scottish Executive running a joint advertising campaign

[Mr. David Marshall]

to inform the public on how they can have input to the review? There is likely to be next to no public input if no one knows how to do it.

Mr. Alexander: It is not for me to prescribe the means of publicising the review, although, as I have already assured the House, I hope that those leading the review will look carefully at the comments made in today's debate. The review is to be funded through the Electoral Commission, not by the Scottish Executive or the Scotland Office, so there is no issue of budgetary constraints being exercised to prevent the public from being made aware of their opportunity to contribute to the review. It is important proactively to give people that opportunity, because when one looks at where there were the highest levels of rejected ballot papers, one sees clearly that there are some constituencies where it is important to hear the voices of people who might otherwise not have the opportunity to have their voices heard in the debate.

Mr. John Redwood (Wokingham) (Con): Will the Secretary of State give way?

Mr. Alexander: I wish to make a little more progress before giving way again.

As I said, the decision of the Scottish Parliament in 2002 to move the date of the local government elections so that they were held on the same day as the parliamentary elections had the effect of synchronising the two elections. The arrangements for the synchronised elections were overseen this year by an elections steering group, chaired by Scottish Executive officials and comprising officials from the Scotland Office, the Electoral Commission, the Convention of Scottish Local Authorities, the Scottish Parliament and representatives of returning officers, registration officers and other election administrators. The presence of the Electoral Commission on the steering group, as well as the wider role that it played during the preparations for the elections, has prompted questions in this debate and in the discussion following my statement to the House on 8 May about the appropriateness of the commission carrying out its statutory review of the elections' conduct, notwithstanding the fact that that duty could be set aside only by fresh legislation.

The commission has acknowledged and sought to address those concerns regarding the work of the review. In particular, it has appointed one of the world's leading experts in the conduct of the elections to "lead" the "Scottish elections review". I welcome that appointment. Mr. Ron Gould, who has agreed to take on that important role, is a former assistant chief electoral officer of Canada. He has participated in more than 100 election assistance missions in more than 70 countries since 1984 and he is considered to be one of the leading world experts on the organisation and management of elections. At the time of his appointment, Mr. Gould said:

> "I look forward to working with all those involved in the Scottish elections to enable us to develop a clear picture of exactly what happened and why."

The commission's latest announcement, made on Monday 21 May, set out the details of Mr. Gould's planned approach. It has also confirmed that Mr. Gould's team does not include anybody involved in the decision-making processes associated with the Scottish elections.

Mr. Redwood: Given the narrowness of the SNP victory both in overall seats and in several individual seats, does the Secretary of State agree that it is quite possible that the will of the Scottish people was that Labour should be the biggest party and still hold the post of First Minister, and that the large number of votes that could not be counted made that impossible?

Mr. Alexander: I did not make that claim in my previous statement and I will certainly not make it today. As in every other election, it is open to individual candidates who wish to challenge the veracity of a constituency result to do so by means of a petition to the electoral court—there is a period in which such an approach may be made. It is not for me to comment on individual results—that would not be appropriate. However, in the light of the right hon. Gentleman's question, I do reflect on the fact that, had I been minded to suggest a different type of review given the closeness of the result, I would have been subjected to heavy criticism by the Opposition for not being willing to accept the decision of the Scottish electors as manifested in the constituency and regional list results that emerged from the events of 3 and 4 May.

The Scotland Office—Ministers and civil servants—will co-operate with Mr. Gould's review. As I have said, Mr. Gould will be able to consider the points made in this afternoon's debate, and I am sure that Members of this House will want to submit evidence to the review. Although the commission has said that it expects the review to report in the summer, the time scale will ultimately be determined by Mr. Gould, who leads the review.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): Can my right hon. Friend assure the House that Mr. Gould and the inquiry team will have the opportunity to speak with the senior management of Royal Mail? There seems to be some ambiguity about when people received—or did not receive—their ballot papers.

Mr. Alexander: My hon. Friend makes a fair point. One of the issues that the Electoral Commission identified for the statutory review and which I requested that the review consider is delays affecting postal ballots. It is not for me to speculate at the Dispatch Box today; I simply observe that there seem to have been different circumstances in those areas where there was difficulty with postal ballots and it seems entirely appropriate for the review team, if they are so minded, to make inquiries directly with Royal Mail, given its involvement in dispatching postal ballots.

The commitment to impartiality demonstrated by the commission's announcement reinforces my belief that if I were to accede at this stage to the urgings of those who wish to establish a judicial or some other

form of inquiry at the present time, we would be in the position of having two parallel investigations into precisely the same events examining the same issues, talking to the same people and reviewing the same decisions at the same time. That does not strike me as the most sensible course of action, particularly when the Electoral Commission has said that the review is expected to have completed its work in just over 12 weeks' time. I believe that it is better to await the report and then to take decisions informed by its findings and recommendations.

After the elections on 3 May, I came to the House at the first available opportunity to make a statement on the conduct of the elections in the light of public concern. In that statement, I set out in detail the problems that occurred and the issues that needed to be addressed. Briefly, they are: delays in the sending out of postal ballots; difficulties with some of the electronic counting machines; the unacceptably high number of rejected ballot papers; and the decision to hold the two elections on the same day, especially given the new arrangements for local authority elections. Those matters are now being investigated by Mr. Gould and his team.

I am aware that a number of colleagues are keen to speak today and time is short, so I shall not repeat all the detail that I set out in my statement. However, because I am sure that the hon. Member for North-East Hertfordshire would never intend inadvertently to misspeak in the House of Commons, I am keen to clarify exactly what I said about the number of rejected votes in the course of the exchanges following my statement. I said:

"a final tally is still to be reached on the number of spoiled papers".—[*Official Report*, 8 May 2007; Vol. 460, c. 29.]

At that time, the final authoritative figures were in the process of being collated. There has been much speculation about the level of rejected votes—figures of 5, 7 and 10 per cent. have been quoted in the press and elsewhere—but the actual figures have now been published. Across the regional and constituency sections, 3.47 per cent. of the total votes cast in the Scottish Parliament elections were rejected. That breaks down as 60,454 rejected papers in the regional vote, representing 2.88 per cent. of the total votes cast in that section; and 85,643 rejected papers in the constituency vote, representing 4.07 per cent. of the total votes cast in that section. The level of rejected papers and the problems encountered with e-counting and the administration of postal votes are subjects of Mr. Gould's review.

Stewart Hosie: The right hon. Gentleman mentioned some of the terms of reference for the Electoral Commission's statutory review. Obviously, I would like there to be an independent review, but I nevertheless welcome the initiative whereby information officers were placed at polling stations. However, there is anecdotal evidence that in the council ballot, those officers advised people to put an X by each of their three choices, rather than to put 1, 2 or 3 by their names. The advice given by information officers on the day may have been wrong. Could that be considered as an important part of the review?

Mr. Alexander: To rehearse a point that I have already made, it is not for me to prescribe the work of the review, but clearly if such activity was taking place at polling stations, it is wholly unacceptable. As I understand it, such a matter would be the direct responsibility of the electoral returning officers, but that is one of the issues that it seems entirely appropriate for the independent review to investigate. There was, as the hon. Gentleman acknowledges, a recognition of the need to ensure that people were available to explain the systems of voting that were in place, but it seems entirely appropriate that the review should consider the matter that he raises.

Mr. Davidson: The Secretary of State mentioned the number of ballot papers that were spoiled. Can he tell us how many of them were spoiled as a result of over-voting or something similar, and how many were spoiled by being left blank? As I said to the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell), it is entirely possible that many of those ballot papers were deliberate abstentions, and should therefore not be counted as spoiled papers, as it was the voter's intention to spoil them.

Mr. Alexander: One of the striking features of the authoritative figures that I have just shared with the House is that the regional vote, which for the first time appeared on the left-hand side of the joint ballot paper—that, of course, is a matter of contention—had significantly fewer rejected votes than the constituency section of the ballot paper, which was on the right-hand side of the paper. In that sense, it is entirely relevant for the independent review, if it is so minded, to consider that issue. It is at least possible that, in a certain number of cases, people were determined to vote for a particular party on the regional list section of the ballot paper, and were determined not to vote for any candidate on the constituency section. I do not for a minute suggest that that explains the scale of the number of rejected papers, but it has been suggested, at least anecdotally, that there may have been individuals who, for example, were determined to vote for the Green party on the regional list, but who decided not to vote in the constituency section. That is a matter that will need to be considered by the independent review.

Mr. Heald: I do not quite get the right hon. Gentleman's maths; 140,000 votes were lost, but he is saying that the figure is somehow less than 140,000 because the votes were in two different categories. How many people is he saying were disfranchised?

Mr. Alexander: I am not sure that the hon. Gentleman has a grasp of geography or of electoral systems. He alleged, before the House, that 140,000 people had had their votes denied. Given that there was a vote both in the regional section and in the constituency section, it is perfectly conceivable that the same people are accounted for in both figures. I am not able to give a figure for the number of people involved, but I can rehearse the authoritative figures, whereas the hon. Gentleman, with absolutely no factual evidence—*[Interruption.]* He has now accepted that he may well be wrong; well, that is significant progress.

Mr. Devine: That argument would perhaps explain a small loss of votes, but let me tell the Secretary of State about the position in my local area. In Lothian, there was a list system on the left-hand side of the paper and the constituency section was on the right; they basically

[Mr. Jim Devine]

ran on from each other. We lost hundreds of votes because people voted for the Scottish Labour party under the list system and did not transfer over to the other side of the paper. The design of the paper is a crucial part of the inquiry.

Mr. Alexander: I will come to the issue of the design of the paper and the responsibility for the variations in design across the country. That issue was rehearsed by the hon. Member for Dumfriesshire, Clydesdale and Tweeddale, who spoke for the Opposition, and was referred to at least implicitly in the comments of my hon. Friend the Member for Livingston (Mr. Devine).

Pete Wishart: Will the Secretary of State give way?

Mr. Alexander: I have been generous in giving way and now I will make a little more progress. A key concern of the Arbuthnott commission was the need to enhance the understanding of the regional vote, which we have just been discussing. The process that led from the Arbuthnott commission first drawing attention to the combined ballot paper model used in the New Zealand elections to the final design was inclusive and consensual. Consultation was extensive and detailed. As I have already told the House, there were 29 responses to that consultation, and three late responses were also taken into account. Political parties, voters, election administrators, representatives of disabled peoples' organisations and all other interested parties were consulted.

Under the terms of the Scotland Act 1998, I am responsible for laying before Parliament the orders that set the statutory requirements for ballot papers for elections to the Scottish Parliament. Those requirements are set out in the Scottish Parliamentary Elections (Returning Officers' Charges) Order 2007, which was approved by both Houses, without Division, in March this year. As in other elections, including general elections, returning officers have statutory responsibility for implementing the rules covered in the elections order, and have scope to alter the design of the ballot papers provided that they do not diverge from those statutory requirements. Those are all matters that will be covered in Mr. Gould's report, so the Government amendment asks the House to allow him to do the job for which he is well qualified. When he has finished his task, we will be able to take stock and form a view about what further action is necessary. A statutory review led by an independent expert is already under way. The Government have made it clear that they will co-operate with the review and will consider whether further action is necessary. It is expected that the review will be concluded in just over 12 weeks' time. I ask the House to support the Government's amendment.

2.36 pm

Jo Swinson (East Dunbartonshire) (LD): I start by joining in the congratulations to the hon. Member for Banff and Buchan (Mr. Salmond) on his recent election to the post of First Minister. I just wish that he were here so that I could offer those congratulations to him in person. We will have to hope that he is an avid reader of *Hansard* and still has the time to keep up with what is happening in the House.

We were all appalled as we watched events unfold on the night of 3 May and in the early hours of the following morning. The mess of the rejected ballot papers, the electronic counting problems and the delayed counts were certainly, as the motion says, "an affront to democracy". Since the election, there has been time for reflection on those events, and we have gained a certain amount of knowledge in that time. We now know just how many people lost their vote on 3 May. We know that an Electoral Commission inquiry led by Ron Gould will look into the conduct of the elections, and we know that the Secretary of State is still not taking full responsibility for the fiasco. However, there is still much to discuss, and that is why I welcome the debate.

Anne Moffat (East Lothian) (Lab): On the hon. Lady's point about welcoming the debate, I note that she has said:

> "I welcome the review that the right hon. Gentleman has said will look at the contentious aspects of the spoiled ballots, the postal voting and the electronic counting...we should wait for the review to understand properly where the problems lay."—[*Official Report*, 8 May 2007; Vol. 460, c. 27.]

Is that not jumping on the Tory bandwagon? May I tell the hon. Lady that she should be very afraid of opening Pandora's box when it comes to the Scottish parliamentary elections, because we made the amendment to introduce first past the post.

Jo Swinson: I welcome the hon. Lady's intervention, and her warning, which I am sure was kindly meant. We certainly welcome the review, as we stated in the Liberal Democrat amendment, which was tabled but not selected. Obviously, many Members of the House have views on the Scottish elections and, as has already been said, I am sure that Ron Gould will be taking special notice of this debate and the experiences that hon. Members will want to share. The opportunity to share those experiences was perhaps more limited when the Secretary of State for Scotland made his statement on 8 May. This is an important time to bring up the issues that hon. Members of all parties have mentioned; I believe that that will be helpful to the inquiry.

Obviously, the purpose of the inquiry is to ensure that mistakes are not repeated. Some mistakes can be forgiven, but failing to learn from them cannot be forgiven. We need to look in detail at the circumstances surrounding the selecting of the ballot paper design. We need to ask why problems occurred, not only with the e-counting, but with the postal vote; clearly, that should have been one of the least troublesome aspects of the election. It was the one part that we were already used to, as it had been used in previous elections. We need to ask whether, as the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) suggested, decoupling the Scottish and local elections would succeed in reducing voter confusion while maintaining turnout levels.

On the issue of spoiled ballot papers, as has been said, there were 15 constituencies in which the winning Scottish National party's majority was smaller than the number of rejected ballots. As has been pointed out, the highest difference was in Edinburgh East and Musselburgh. Interestingly enough, the second highest difference was in Glasgow Govan, where the number of

spoiled ballot papers was greater than the majority by 1,106. Like others, I do not want to call the election result into question, but it is worrying that the figures provide a sound basis for those who want to do so. Whatever people's views on that, it is certainly true that the high levels of spoiled papers undermine the public's faith in the electoral system. We need to put that right.

The single ballot paper commanded general support among political parties and other organisations that were consulted in the run-up to designing it. In Committee, a draft ballot paper was circulated and we discussed how clear it would be for voters. However, two issues need to be raised: first, how it was tested; and secondly, the difference between it and the ballot papers in Glasgow and Edinburgh. As has been mentioned, the testing was carried out by a company called Cragg Ross Dawson. That involved 100 people being interviewed and asked their views on five different ballot paper designs. Interestingly, the single ballot paper was the most popular, as the Minister said in Committee.

Looking in more detail at what happened in the testing process, 7 per cent. of the test subjects mistakenly spoiled their ballot paper. The Secretary of State gave the figures for spoilage in the different elections. If one combines them, it could be 140,000 individuals, although I accept that it is impossible for us to find out exactly how many individuals spoiled their ballots without compromising voter privacy.

Mr. Davidson: Does the hon. Lady accept that although it is impossible for any of us to know at this stage, it is not impossible for Ron Gould to discover it by examining the individual papers? Indeed, it is possible to remove identifying remarks from ballot papers and to make them widely available so that anoraks can study them.

Jo Swinson: The hon. Gentleman makes a good point. Electoral anoraks, as it were, having a look at the ballot papers and where the confusion lay, obviously with identifiers removed, will be an important part of the process. That would clearly take some time, but, dare I say, with the technology of the different barcodes it may even be possible to find out how many individuals were affected, although given our experience of the technology so far that may be easier said than done.

Taking the figure of 140,000 to be the total number who spoiled their ballots, that could be as many as 7 per cent. of the population, which is the proportion that were spoiled in the testing stages. Given that this was the ballot paper design that produced mistakes, should not the Electoral Commission have been a little more robust in its testing? A sample size of 100 is not very large in statistical terms; it equates to just seven individuals, which may not be statistically significant.

Mr. Eric Joyce (Falkirk) (Lab): I wonder whether the hon. Lady will comment on something that she said in Committee on 7 March:

> "I welcome the new design. The dual colour scheme will make it clear that the separate votes are to go on one paper. I also welcome having a single paper for the Scottish Parliament and a separate paper for local government because it will help remove confusion among voters".—[*Official Report, Fourth Delegated Legislation Committee*, 7 March 2007; c. 9.]

Jo Swinson: I accept that. As I said a moment ago, there was acceptance on both sides of the Committee that a single ballot paper was the best way to proceed. We all believed that and are dismayed by what has happened. That is why it is important to have the inquiry to find out what could have been done differently. I urge Ron Gould, in the conduct of his inquiry, to investigate thoroughly why, after that level of testing, the Electoral Commission did not then probe further, conduct further tests and see how the spoilage rate could have been reduced. That may well be instructive for what to do in future.

How hands-on were the Secretary of State and the Minister with the testing process? In terms of making the decision, I can understand their saying that it was the most popular option, but it would have been fairer to say that it is likely to have a higher spoilage rate. Will they publish any correspondence and communication that they had with the Electoral Commission so that it can be in the public domain and everyone in this House and among the public is able to see what went on?

The spoilage rates in Glasgow and Edinburgh are of particular concern, because of the top 10 constituencies with high spoilage rates, seven were in Glasgow and Edinburgh. About 1,000 more papers were spoiled there than in the next nearest region. As a voter in East Dunbartonshire, I did not realise until after the election that a different ballot paper had been issued for Glasgow and Edinburgh. I understand that that was because there was a problem with fitting all the names on to the ballot paper that had been drafted. I have seen an example of the one used in Glasgow, which seems to have 23 different parties contesting the regional list side of it. The ballot paper does not have the clear arrow design that was shown to us in Committee. It has information at the top of it, but not the very obvious arrows pointing to the columns where the individual would need to vote. I can understand why it was more confusing. Indeed, the spoilage rates were on average 2 per cent. higher in Glasgow and Edinburgh than in the rest of Scotland, so there is good evidence that it led to confusion. The Secretary of State said that this is just a matter for returning officers and that he had nothing to do with it. However, when we were shown in Committee the draft ballot paper design with arrows on it, we were all led to believe that that was how it would be designed. That was at the beginning of March. When was the decision made to change it? Did the Secretary of State know about the change? Did he approve of it? Could not the need for it have been foreseen? There would have been room on the ballot paper to include the arrows, so why was that not done?

Jim Sheridan: Does the hon. Lady agree that the fundamental problem with the election was the voting system, namely PR? Does she agree that there is no credibility whatsoever in any PR system given what has happened in Scotland? Her party's core objective is to try to get minority parties represented, yet most of the minority parties in the Scottish elections did not get a seat.

Jo Swinson: I thank the hon. Gentleman for his intervention, but I must correct him. My party's objective is not to get minority parties represented, but

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to get the election result to reflect the way that people voted so that everyone's vote counts. That is hugely important to the credibility of the voting system. I do not accept that the PR voting system was the problem. Indeed, we had the same system for the Scottish Parliament elections in 2003, and it was not a problem. The single transferable vote system that was implemented this year had a much lower spoilage rate than the Scottish Parliament system. That points to its success and clarity. It was easy for people to understand how to rank in order of preference, as opposed to the confusion caused by the spoiled ballot papers.

Sammy Wilson (East Antrim) (DUP): Does the hon. Lady agree that there is a certain degree of hypocrisy and irony in what has been said given that the Labour party imposed PR elections on people in Northern Ireland for the simple reason that they said it would lead to a fairer result?

Jo Swinson: The hon. Gentleman makes his point very well—*[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order. The hon. Lady should be heard.

Jo Swinson: Thank you, Madam Deputy Speaker.

Let me turn to postal voting. Members on both sides of the House have encouraged postal voting as a way of ensuring that people find it easy to vote, and that is welcome. People want a postal vote for a whole variety of reasons. They include people who are working away from home—in Scotland, that can be offshore—people who are on holiday, people who are housebound, and people who have busy lives and it is one less thing to do. That is a trend that has been happening over several elections, and is not difficult to predict. We know that postal voting has been increasing. Surely, we ought to be able to get it right. That aspect of the election was not new—it had happened previously—even though more people applied for postal votes in the recent elections.

John Barrett (Edinburgh, West) (LD): Does my hon. Friend agree that the elections presented a perfect opportunity to consider the early opening of postal votes and establish that a problem was about to happen on 3 May? Many votes had been opened in advance and returning officers must have known at least a week before the election that the percentage of spoiled ballot papers would be high.

Jo Swinson: My hon. Friend makes an excellent point, which I hope Ron Gould will examine in the context of flagging up difficulties and perhaps issuing advice at polling stations to try to counteract the problems of spoilt ballots.

Mr. Robathan: The hon. Lady has welcomed postal voting in the busy lives of the electorate. How much has the turnout increased since it was made more widely available?

Jo Swinson: I do not have the figures to hand. I did not realise that they would be an issue in the debate. However, many of my constituents welcome the opportunity to vote by post—*[Interruption.]*

Madam Deputy Speaker: Order. Too many conversations are breaking out across the Chamber. The hon. Lady has the floor.

Jo Swinson: My constituents tell me that they appreciate the opportunity of voting by post and the simplicity of doing that. That is welcome, but many were incredibly worried—they wrote to me and e-mailed me—because they were about to go on holiday and had been told that they would get a postal vote before they went but it had not arrived. People understandably feel strongly about being disfranchised. They have every right to be angry. As the Secretary of State knows, the issue was raised before the elections. I went on "Newsnight" and one of the points I made was that it was ominous that postal voting was the bit that should have been easy to get right, and it did not bode well for the electronic counting and so on.

We need to consider why lessons were not learned. Many of the same problems arose in the Greater London assembly elections in 2004: 423,000 Londoners registered to vote by post but 159,000 did not vote. Thousands of postal ballot papers were not even delivered. The Royal Mail apparently told the returning officer in Lewisham that it could guarantee delivery of only four out of every five ballot papers. A report was conducted about the GLA elections and we should have learned lessons from it. The Secretary of State has some explaining to do about the failure to take advantage of the experiences of 2004 to prevent further problems in Scotland.

Let us consider election decoupling, which the hon. Member for Dumfriesshire, Clydesdale and Tweeddale emphasised. I take issue with the Conservative motion's contention that the Government ignored advice about holding elections on the same day. I believe that they listened to the advice but took the view that holding the elections on the same day would increase turnout. I have much sympathy with that view.

Pete Wishart: The decision to hold elections on the same day was a matter for the Scottish Executive, of which the Liberals were part. The hon. Lady and I attended the debate about the Arbuthnott commission. One of John Arbuthnott's clear recommendations was not to hold the elections on the same day, but it was ignored.

Jo Swinson: I accept that John Arbuthnott made that recommendation. However, I believe that there remains a good case for holding elections on the same day. If we consider turnout figures, about which we all care deeply, the turnout in the three local government elections in Scotland in 1992, 1994 and 1995 varied between 42 per cent. and 45 per cent. In the three years when local elections were held on the same day as the Scottish Parliament elections—1999, 2003 and this year—the turnout was between 49 per cent. and 59 per cent. That is at least 5 per cent. higher.

Let me put the 140,000 spoiled ballots into context. Five per cent. more people going to vote in Scotland is the equivalent of 193,000 more votes being cast. That is important because it denotes another way in which people's voices are lost in the electoral system. There is, therefore, an argument for holding the elections on the same day.

Not that much evidence yet suggests that holding the elections on the same day caused the problem. The spoilage rate for the STV element of the election was low compared with that for the Scottish Parliament election. That suggests that the problem lies with the ballot papers for the Scottish Parliament elections. The logic of the hon. Member for Dumfriesshire, Clydesdale and Tweeddale is therefore somewhat flawed.

Last week, I presented a Bill on STV for the Scottish Parliament elections. I believe that it would help solve the problem of decoupling because we could then hold elections on the same day but under the same electoral system, which would allow people's voices to be heard and reflected in the election results. I hope that the Government will reconsider that issue.

Simon Hughes (North Southwark and Bermondsey) (LD): Does my hon. Friend agree that although there may be a case for ensuring that local and national elections are on a different day so that people can vote locally on local issues, the elections that we are considering definitely make a case for all elections in the UK to be on a 1-2-3 basis so that people have the same system, whatever the forum for which they are voting?

Jo Swinson: Yes, perhaps unsurprisingly I agree with my hon. Friend that a preferential voting system—1-2-3—is easy for people to do and means that their vote counts. [HON MEMBERS: "What about 4?"] Let me make some progress—*[Interruption.]*

Madam Deputy Speaker: Order. Once again, I remind hon. Members of the rules of debating. If they wish to make a comment, perhaps they can seek to catch the hon. Lady's eye to make an intervention.

Jo Swinson: I hope that the Government will think again about introducing STV for the Scottish Parliament elections.

The Conservative motion also deals with the Secretary of State's failure to accept responsibility for the elections. He has been remiss in that. We want to hear the outcome of the inquiry, but we also need to hear an apology from the Secretary of State, who is responsible for the elections. People in Scotland are understandably annoyed about what has happened and about their votes not being counted.

Let us consider the e-counting. One of the problems was the involvement of private companies in the counting service. DRS has been involved in various election problems, not only in the Scottish elections. It apparently tested the machinery, which, according to the Secretary of State, did not predict any of the major problems. However, I understand from the Edinburgh *Evening News* that e-counting was introduced for the Scottish Parliament and local council elections at a cost of £8.8 million. I presume that most of the money went to the company. I do not know whether the full details of the contracts are under confidentiality agreements, but it would be useful to know exactly how much the company was paid for running the elections.

Some penalty clauses in the contract may be invoked so that the company might have to pay back thousands of pounds where problems occurred with the counts. However, a few thousand pounds out of a contract of £8.8 million constitutes getting off lightly given the chaos that ensued. I would welcome more details about the contracts and exactly how harsh the penalty clauses were. Clearly, the motivation for the companies to ensure that they got it right on the night was inadequate. Some of us who were sitting in television studios in the early hours of the morning saw that they blatantly did not get it right.

I welcome the appointment of Ron Gould to head the inquiry. He is clearly one of the world's foremost experts on the matter and has great experience in elections internationally. I was intrigued by the Opposition motion's words on that. Sadly, the hon. Member for Dumfriesshire, Clydesdale and Tweeddale would not take an intervention on the subject. As my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael) said, if the Electoral Commission cannot appoint someone independently, who does the hon. Member for Dumfriesshire, Clydesdale and Tweeddale suppose should do the appointing? If the inquiry will not be independent if the Scotland Office or the Electoral Commission nominate somebody, does he want the Conservative party to stipulate who will be independent? I suspect that it will not be easy to hold an independent inquiry under his definition if an independent, international election expert does not fit the bill in his view. His argument is flawed.

The hon. Member for Glasgow, North (Ann McKechin) made a point about the public's input into the inquiry. I agree that it is essential to get the views of real voters who found problems with the ballot system. Frankly, we may not get that if we simply rely on people coming forward to the inquiry. Ron Gould needs to be proactive about seeking out people's experiences.

To conclude, the elections were a fiasco from start to finish. Many thousands of voters were disfranchised by the postal vote delay and the spoiled ballots, which ran to 140,000.

Rosemary McKenna: Will the hon. Lady give way?

Jo Swinson: No.

Counts were abandoned on the night as the technology crashed, and Scottish politics was made a laughing stock. I was left wondering exactly what the Scotland Office is for. The running of elections is almost the only thing for which it is directly responsible, and it cannot even get that right. The Secretary of State should be ashamed. He should apologise to the Scottish people and ensure that such electoral chaos is never repeated.

3 pm

Mr. Eric Joyce (Falkirk) (Lab): The hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) started by congratulating the hon. Member for Banff and Buchan (Mr. Salmond) on his new appointment. It would perhaps be churlish of me not to do the same, but it occurs to me that there is sometimes a place for a bit of churlishness in politics. Let me embody that for a moment.

The hon. Member for East Dunbartonshire (Jo Swinson) referred to the fact that we are not likely to see a great deal of the hon. Member for Banff and Buchan down here. He is a busy man—he is running

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Scotland for the moment, for however long that might be—and we will observe carefully how often he represents his constituents in this Chamber.

Mr. Ben Wallace (Lancaster and Wyre) (Con): The hon. Gentleman seems to have forgotten that the late Donald Dewar, and Jim Wallace, remained Members of the House as well as Members of the Scottish Parliament for the next few years until the election. They seemed to have no trouble with the idea of doing both jobs.

Mr. Joyce: I grant the hon. Gentleman that, but at that interim stage the Scottish Parliament was brand new. Twelve, 18 or 20 by-elections would have been necessary in Scotland, and no party supported that idea. We now have a new First Minister who, as all Members of the House understand, will rarely be able to come down here and represent his constituents.

Madam Deputy Speaker: Order. Will all hon. Members now concentrate their remarks on the motion and the amendment before the House?

Mr. Joyce: Thank you, Madam Deputy Speaker.

Last year, I twice had the pleasure of going to the Democratic Republic of the Congo to observe two phases of the presidential elections. The Congo is the size of western Europe and has a population of about 60 million. The Kinshasa ballot paper, which was about 20 or 30 ft long, listed about 700 candidates. Most of the people voting were illiterate, but, somehow, a 65 per cent. turnout was achieved. Apart from a little bit of shooting here and a little overindulgence there—the guns and the alcohol aside—the result was universally agreed by the international community. Therefore, on the morning of 4 May there was some disappointment in Falkirk and, I suspect, other places across Scotland. That was the second most disappointing bit—the most disappointing bit was just losing.

The hon. Member for Dumfriesshire, Clydesdale and Tweeddale is trying desperately hard and failing to make the issue a party political one, but the reality is that there was consensus, to a substantial degree, before the event. All the parties were consulted. He equivocated slightly earlier—as we shall see when we look at *Hansard*—but he was unequivocal when he said:

"I accept that the Scottish Conservatives acceded to a single Scottish Parliament ballot paper"—[*Official Report*, 8 May 2007; Vol. 460, c. 26.]

Pete Wishart: Is the hon. Gentleman saying that the Democratic Republic of the Congo ran a more efficient election than the Scotland Office? If so, what can the Secretary of State learn from the DRC? *[Interruption.]*

Mr. Joyce: As my hon. Friend the Member for Ealing, North (Stephen Pound) says from a sedentary position, there were probably one or two fewer killed in Scotland. I am simply saying that we were all disappointed by the shortcomings in the process. There was substantial consensus in advance, and apparently even the Scottish Tories acceded. My understanding is that the Scottish Tories did not reply formally to any of the consultations. The hon. Member for Dumfriesshire, Clydesdale and Tweeddale accepts, however, that they acceded.

David Mundell: I do not know whether the hon. Gentleman was present for the statement, but we have never suggested otherwise than that we accepted the single ballot paper. We did not accept, however, that that ballot paper should be used on the same day as another ballot paper, on which people were encouraged to place more than one mark.

Mr. Joyce: The motion clearly criticises the Government in relation to holding

"local government elections under the newly introduced single transferable vote system".

The hon. Gentleman had said, however, that he acceded to that system, so it seems to me that that should not be in the motion.

David Mundell: If the hon. Gentleman had listened to my earlier remarks and to remarks that I have made on numerous occasions in the House, he would know that I did not accept that the Scottish Parliament elections should have been held on the same day as the local government elections, when different systems of voting were being used. Nor do I accept that the Secretary of State for Scotland did not have a role to play in discussing with the Scottish Executive, with which he had some sway at that point, the need to ensure that those elections were not held on the same day, with the inevitable, entirely predictable confusion.

Mr. Joyce: I am not sure whether that is the hon. Gentleman's personal view or the party view. In the past, to his great credit, he has been quick to criticise the Scottish Tories. Perhaps his comments are an implied criticism of the Scottish Tories—he does not always put such criticisms out to the press—but he is equivocating now, as his motion criticises the Government for something to which he agrees the Scottish Tories acceded.

The inquiry under way is a statutory inquiry, which is required by Government and legislation. As my right hon. Friend the Secretary of State has said, however, the hon. Gentleman seems to want a concurrent inquiry. It would be common sense, however, for a statutory inquiry to take place, finish and give a result, and then to decide whether to have another one. An independent inquiry could be held. We shall see what the result of the initial inquiry is. A number of actions will take place and Members will have views on what those should be. However, it seems to make sense to all of us—except perhaps the Tories—that that should happen after the initial inquiry. It is as simple as that.

The most disappointing aspect of the evening of the elections, however, was not the party political stuff, but the performance of DRS. The evening took on the nature of a sort of mass social science experiment in sleep deprivation. At one moment, at the count in Falkirk, the returning officer said that she was about to announce the results, but then could not do so—she was told that by the DRS staff. It took another hour and a half to get the results. It was clear at that point

that something was going badly wrong in the DRS processes. I saw on television a chirpy DRS spokesperson saying that everything was going marvellously. There was not a moment of doubt in DRS's mind, even after the event when it was manifestly clear to everyone in the Chamber, everyone on the ground, and everyone in the hall that it was making a complete hash of it.

Mr. Davidson *rose—*

Mr. Devine: Will my hon. Friend give way?

Mr. Joyce: Of course.

Mr. Devine: We had the first indications of a problem at 2 o'clock in the morning, and we received a promise of an expert from DRS every 20 minutes after that. The count had to be suspended at 5.30 am because no one had arrived and no one could explain the problems.

Mr. Joyce: I shared some of my hon. Friend's experience. I was disappointed by the fact that DRS could not organise things properly on the night. I was doubly disappointed, however, by its total lack of acceptance and its arrogant response. I was not sure how senior the person put up by DRS was—she might have been a very senior person. It seemed to me, however, that DRS had shoved someone out to take the rap on the evening.

Mr. Davidson: I am grateful to my hon. Friend for giving way. Apparently I could not be seen when I rose earlier—there was a cloud blocking out the sun. Does my hon. Friend believe, as I do, that the National Audit Office should investigate the contract with DRS to see whether it was suitably arrived at and suitably achieved?

Mr. Joyce: That is an interesting suggestion. I do not know what costs were involved—a point already raised by the hon. Member for East Dunbartonshire—but DRS's efficiency is certainly an issue. One of the DRS reps in Falkirk said to me, "It's not our fault. We've just got trouble with the IT." The mind boggles. We often hear that phrase used in public, but on the evening when DRS's IT was critical, it was a preposterous statement.

Gordon Banks (Ochil and South Perthshire) (Lab): At the count in Ochil in the early hours of 4 May, when the result was expected and generally known, although the majority was very small we waited for up to an hour for some light to change from red to green before the announcement could be officially made. Nothing seemed to happen in that process, other than somewhere, something in some machine was to turn a light from red to green. That would not change the results, but it was necessary before they could be given.

Mr. Joyce: I agree entirely with my hon. Friend. The whole DRS experience was disappointing. I hope that there is a detailed inquiry to come.

Rosemary McKenna (Lab): Does my hon. Friend agree that there was great disappointment for those of us waiting in Strathkelvin and Bearsden—a huge Labour gain? Sue Bruce, the chief executive, made the right decision. She was the first person to suspend the count until the following day. Thus, there was no sleep deprivation in Strathkelvin and Bearsden, just great celebration.

Mr. Joyce: My hon. Friend makes a good point. I cannot remember how huge that victory was, but it was unbelievably massive. When I think of sleep deprivation experience in retrospect as a social experiment, it would probably be best if there were no guns or alcohol the previous evening. With all those people, not necessarily the best of buddies, in the same room, that might have added a bit of juice to the occasion.

In Falkirk, West—the part of my constituency with which I am most concerned, because we lost it—there are some details that worry me greatly. One is that the margin of the Scottish national party victory—about 750 votes—was substantially smaller than the number of votes that were apparently spoiled, about 1,200. I do not call the result into question, but the difference is substantial. For me, the key figure is the difference between the number of votes spoiled last time—about 100—and this time. There is clearly a fundamental problem. I suspect that there is something in the idea that some people deliberately spoiled their votes, as we have heard. A few people may have voted for a minor party in the list and chose not to put a second mark. My experience of standing and looking at the screen suggested that many people had voted Labour but put nothing down the middle. That was probably the case for other parties as well. It seemed to be the general pattern.

From speaking to constituents after the fact, although this is not a scientific sample, I suspect that a good number of the people who did not follow on and put a second cross in the constituency section were older than the average among the voters. In particular parts of my constituency there are high flats occupied primarily by old age pensioners. If there is a pattern, it seems to me that it was those people in particular who had difficulty with the ballot paper.

In conclusion, it is for the inquiry to decide what to examine. As it goes about its business, it is enormously important that it addresses the issues raised by other hon. Members today. When I think about the way that the evening was conducted, my primary concern was the efficiency, or lack of it, of DRS, which sadly underperformed on the evening.

Madam Deputy Speaker: Order. I advise hon. Members that there is very little time left for this debate. Would Members therefore please be concise in their remarks and address them to the motion or the amendment before the House?

3.14 pm

Mr. Charles Walker (Broxbourne) (Con): I shall be brief because, as an Englishman, I feel that I am intruding on private grief, but as a member of the Scottish Affairs Committee, I feel that I am entitled to express a view.

Growing up in Britain, I was always proud that our democratic system was a benchmark of success that nations across the world wanted to replicate. Election monitors from this country used to travel to the third world and emerging democracies to make sure that

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their elections were above board and honest. I imagine that Ron Gould, who I believe is an excellent chap, was expecting to spend more time in Zimbabwe in the coming months than in Scotland, so when he got the phone call he must have been a little surprised, but willing to take on the challenge none the less.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): On a point of information, may I point out to the hon. Gentleman that Westminster is not running Zimbabwe's elections, although it did run Scotland's elections.

Mr. Walker: About six years ago, many in this place mocked the electoral system in the United States of America, especially the hanging chads, on which history was changed. One moment there was a Democrat President, and the next moment there was a Republican President, who is still in office, though fortunately only for another couple of years. We in the Chamber thought that it could never happen in the United Kingdom, yet in Scotland history may well have been changed by the appalling electoral system that was foisted on the people of Scotland.

It is possible, as my right hon. Friend the Member for Wokingham (Mr. Redwood) pointed out, that we might have had a Labour First Minister if the votes cast had been properly counted or had counted. But no, they were not counted, and we have a new first Minister from the Scottish National party. If Scotland becomes an independent nation in a few years, as the SNP wants, historians in 100 years time may say that what changed Scotland was a failed electoral system devised by the nations that gave the world democracy. It seems bizarre, but it could happen.

What is so depressing about what happened in Scotland is that it further disfranchises a cynical electorate. We in the House are desperate to push up turnover—sorry, turnout. We have cajoled and persuaded people that it is their democratic duty to vote—so when people vote, perhaps for the first time, it is not unreasonable for them to expect their vote to count. Unfortunately, in this case it did not.

Gordon Banks: Should there not be a simple and easy method of voting? That is the point that I think the hon. Gentleman is trying to make.

Mr. Walker: I agree. I have served with the hon. Gentleman on the Scottish Affairs Committee and he always makes useful contributions.

It is not unreasonable to expect people to walk a few hundred yards to a polling station once a year or once every other year. Democracy needs to be treasured and valued. In the pursuit of increasing turnout, we can sometimes devalue the system of democracy. I therefore have concerns about postal voting and its wide availability. England has had problems in Birmingham, with ghost voters appearing on electoral rolls. We must be very careful that we restore confidence in the democratic and electoral system, not only in Scotland but in England.

Ms Katy Clark (North Ayrshire and Arran) (Lab): Does the hon. Gentleman share my belief that one of the most valuable aspects of the traditional way of counting votes in Britain is the emphasis on transparency and checks and balances? Does he agree that the refusal to recount in two of the constituencies in Scotland is perhaps one of the most worrying aspects of that election? For all involved in the political process and for all political parties, we must ensure that we enshrine those checks and balances and transparency in the future.

Mr. Walker: The hon. Lady makes a hugely important point.

Speaking as someone who has a great love of the country, let me say that Scotland did not need what happened earlier this month. It neither needed it nor deserved it. What happened was an embarrassment, of which we should all be ashamed.

I conclude by agreeing that elections are very special things that need to be treasured. I remember my first election and I am sure that every hon. Member remembers theirs and the excitement of seeing the ballot papers counted and of watching the scrutineers do their work. Participating in the democratic process is hugely important, but, as I say, it was hugely damaged three weeks ago. We must not allow it to happen again.

3.20 pm

Ann McKechin (Glasgow, North) (Lab): I welcome Mr. Gould's appointment. I do not rule out the need for further inquiries, but it would be premature to define the exact nature and extent of any such inquiries until we have had at least an initial examination by a person with international experience of voting systems.

I would argue that the problems experienced over the past few weeks are largely the result of the failure—largely a collective failure—to put the views of the voter first. The voters were distinctly secondary in determining the new voting systems in the first place, and they appeared only on the periphery of the many discussions, meetings, debates and commissions that were held over the past two years.

The hon. Member for Broxbourne (Mr. Walker) raised an important point. Despite the calls to improve voter turnout, the worst figure of all was the turnout of below 52 per cent. If we take away the rejected votes, it was below 50 per cent., despite the fact that this was viewed as the closest-run Holyrood election since the Scottish Parliament was constituted. Let us today kill the myth that changing the voting system improves voter turnout.

If we analyse the groups that did not vote, the largest sections are young voters and those from the poorest socio-economic backgrounds. Yet for the latter group, rather than encouraging more to vote, we created a system that disfranchised them even more. It is no surprise that the largest number of spoilt papers were in the areas of the highest socio-economic deprivation—more than 2,000 in both Glasgow, Pollok and Glasgow, Shettleston.

Mr Gould's review needs to ensure that the voices of all voters, and particularly the marginalised voters—whether it be the young, the poor, our ethnic minorities

or the disabled—are properly heard. It should also ensure that, in future, the methodology used by the Electoral Commission in testing original proposals is properly robust and takes all relevant factors into consideration.

Mr. Devine: Does my hon. Friend agree that the returning officers have an important role? What was striking during the last election was the number of people, many from poorer areas, who were not on the register.

Ann McKechin: I certainly agree with my hon. Friend that electoral registration officers have a very poor record indeed in respect of their ability to deal with marginalised groups, and this month's events have unfortunately made the situation even worse.

From my own experience of representing a Glasgow seat, I know that problems with adult literacy among many in our population remain acute. Scotland has some of the lowest levels of literacy not only in the UK, but in the whole of western Europe. When someone's literacy is poor, form filling is a daunting experience and many people lack the confidence even to admit that they have a problem in the first place. If people receive two pieces of paper with two contrasting sets of instructions, by the time they put pencil to paper, we can expect a small but significant percentage to be confused.

Do I think that the elections should have been held on separate dates? Not necessarily. Some polling clerks used their initiative on the day to hand the papers out separately, giving out the second ballot after the voter had completed the first vote. It would probably have been better for the ballots to take place in different rooms in the polling station, so that only one set of instructions was given for each vote. The disappearing "guiding arrows" in Glasgow and Lothian only made a bad problem even worse. If forms are something that people tackle only occasionally and then often with help from a third party or friend, it should have been anticipated that some looking at the form would have read it as one long list that simply continued on to the right hand side of the page. The regional list was not even in strict alphabetical order. Branded names came first, based on the first letter on the line. Political parties, however bizarre or tiny, came next, and independents came last. The latter positioning reinforced the sight line that the four or five names at the top of the right-hand column were simply a continuation of the independents' names on the left side. I was not alone in witnessing the hundreds of papers that showed one cross on the left-hand side and no votes on the constituency side. I agree with my hon. Friend the Member for Glasgow, South-West (Mr. Davidson) that that was deliberate in some cases, but I do not believe that an overwhelming majority intended to abstain. By that point, they must simply have been baffled.

Branded names have to be analysed. I certainly accept that the Scottish National party is a perfectly legitimate party and that it used the rules as it was entitled to under the law. However, I certainly have a question about the British National party describing itself as a local party for local people. We need to be very careful, because the system could easily be abused. It is no credit to Scotland that more than 24,000 people voted for the BNP in those elections.

The font size on the form, made to fit the machine, was ridiculously small. That was repeated on the constituency side, even though there was plenty of unused space for an enlarged font size. Instructions such as the guiding arrows should not be removed simply for the convenience of the machinery or at the sole discretion of electoral registration officers. They are fundamental to allowing people to vote as they intend, and that should be a democratic right.

The bewildering choice of regional list candidates, a significant number of whom were making a once-only appearance, needs to be reviewed. It was clear, particularly for individual candidates, that many were also standing for council seats but were canny enough to work out that getting on to the regional list secured them a Royal Mail freepost delivery, meaning that they did not have to trek around delivering everything by hand.

John Barrett: Does the hon. Lady acknowledge the danger of commercial companies, such as those on the Lothian list, using their presence on the ballot paper to get a free mail shot through every door in Lothian, which could be used to advertise their business?

Ann McKechin: I entirely agree with the hon. Gentleman on that point. I am aware that at least two of the so-called political parties were simply the creations of one individual, and that one was used to promote an individual's own publication. Standing for elections to the Scottish Parliament involves considerable public expenditure on freepost, and it should be based on serious intent. I believe that candidates should show an appropriate number of supporting nominations. That would not exclude genuine, serious independent candidates.

The prior publicity about the changes in the voting systems was poor. The detailed instructions arrived along with an avalanche of election literature and probably ended up in many cases going straight into the bin. They came too late and were not sufficiently embedded in the general public's knowledge. Again, I would question the apparent lack of work on voters who are difficult to reach. The instructions on completion for postal voters contained a number of disparities.

"You have only one vote in the council ballot"

is clearly not an accurate way to describe numbering under STV, and there was a total absence of advice for voters about how many councillors per area were being voted for. Why do we keep the voters in ignorance?

In the council elections where parties fielded more than one candidate per area, there were repeated incidences of forms containing two or three crosses against candidates rather than numbers, and in almost every case, a candidate's chance of being elected was substantially increased if the initial letter of their surname was near the beginning of the alphabet.

I am astonished that the Electoral Reform Society should have declared the council elections a success. The rejection rate was high, and candidate selection in highly marginal areas being determined by their position in the alphabet cannot be seen to be progressive. There

[Ann McKechin]

was no increase in the numbers of women or ethnic minority councillors. In fact, we probably ended up with fewer, including the loss in my own constituency of the sole Asian female councillor in Scotland. There was no significant increase in turnout, and despite the fact that, like myself, members of all the main political parties spent a lot of time trying to inform voters about the changes, many people were baffled by their consequences, including losing the long-cherished ability to vote out an unpopular representative.

This is not the time for shouting the odds at each other and spouting media soundbites. We all have a degree of responsibility for this result. The voters lost out and anyone who is interested in democracy needs closely to examine what went wrong and truly listen to the electorate before we make further changes. They deserve no less.

3.29 pm

Angus Robertson (Moray) (SNP): I am delighted to follow the hon. Member for Glasgow, North (Ann McKechin). I hope that any investigation to be conducted by the Electoral Commission or commissioned by the Scottish Executive will look closely at all the points that she has raised. I concur with almost every one of them.

I am pleased that, among the contributions that we have heard this afternoon, there has been little doubt—I cannot say "no doubt"—cast on the result of the elections. Not only did the SNP win, but all the United Kingdom parties lost seats. I thank leading members of all the UK parties for their regular visits to Scotland, which were very beneficial to the SNP's campaign.

As we speak, the SNP Government and the First Minister, my hon. Friend the Member for Banff and Buchan (Mr. Salmond), are setting out priorities for the new Administration in the Scottish Parliament. I hope Members in all parts of the House will wish that Government well, but today, here, we are discussing the technical problems associated with the polls rather than the result—although I am certain that the SNP majorities and gains could have been more significant than they were, given the national swing.

There has been mention of elections in other countries. That is one of the reasons why I feel so strongly about the debacle that we experienced in Scotland. In the past, many of us who spend time in countries that are emerging democracies have been able to say with great pride and absolute confidence, regardless of our politics, that we are in no doubt about the result of a particular election. I have sometimes found it hard to listen to politicians or political party activists in other parts of the world explain their difficulties and lack of trust. We all know of countries where the degree of coercion is great. As the problems in Scotland have shown, however, something extraordinarily minor can cause the great problems that we have seen. Certainly I cannot imagine that any politician in Scotland or the rest of the UK would scoff at the electoral problems suffered by Florida a few years ago.

Anne Moffat: Did not proportional representation give Germany Adolf Hitler? To a lesser degree, we have been given the hon. Member for Banff and Buchan (Mr. Salmond). Can that be a good example?

Angus Robertson: The hon. Lady has made her own point in her own way. Perhaps she will reflect on that later.

Before 3 May, it was apparent that there were serious problems. A number of Members have drawn attention to the problems of constituents who had applied for postal votes. I experienced difficulties myself: my postal vote only arrived on Monday. In my area, council workers were out delivering postal votes by hand—I do not know whether they were scuttling around in taxis—to ensure that they arrived. For those working offshore, they arrived too late and people were disfranchised, which is completely unacceptable.

It was not, however, only the issue of postal votes that gave cause for alarm in advance. On 7 March 2007, my hon. Friend the Member for Na h-Eileanan an Iar (Mr. MacNeil) told the Delegated Committee dealing with Scottish parliamentary elections

> "At first glance, the statement on the example ballot paper, 'You have two votes', could be misleading."

Other Members have made that point as well. Before the elections, similar problems were drawn to the attention of the Arbuthnott commission. The SNP's submission stated:

> "Certainly, having entirely different voting systems for elections on the same day leaves the door open to confusion... If both systems were to be used on one day, then a great deal of voter education would be essential."

Most tellingly, the SNP said:

> "There will be new arrangements in... the local government elections. That will mean a vote using STV, and, as previously stated, unless the same system is introduced for the Scottish Parliament election on the same day, or those two elections are decoupled, then there is every chance that confusion will be a factor in those elections."

That confusion did, of course, come about.

The SNP also made a submission to the Scottish Electoral Commission. A letter from Peter Murrell, the SNP chief executive, raised three points with Andy O'Neill, head of the commission, two of which were ignored completely. Those were not the only warnings, but I want to put it on the record that warnings were passed to a number of relevant authorities before the elections.

All of us SNP spokespeople were sitting in the BBC Scotland studio as the surreal events unfolded. I do not know how long colleagues were told they would have to stay in their seats and keep things going until they were replaced by elected MSP colleagues. I was told two hours, but I sat there for five hours before I was finally relieved and left the studio—it was just after a number of fantastic SNP gains. However, during that time we learned not only about the problems as they were being reported—there were literally thousands of spoiled ballot papers—but about something else, which the hon. Member for Falkirk (Mr. Joyce) reminded me of: the extraordinary scene of a DRS spokesperson almost laughing off what was happening when addressing anybody involved in the political process, including the politicians and the pundits involved in the programme. As we witnessed that we thought, "My goodness, she has absolutely no idea how serious the situation is."

Although the SNP regularly makes the point that we do not want to tell the good people of England how they should make their own arrangements, I strongly advise the Greater London authority and Mayor Ken Livingstone to take a careful look at the electoral experience that we in Scotland had. London had its own problems in its first elections—in which I understand DRS was also involved—but I hope that it does not go through what we in Scotland have just had to go through.

The motion discusses the inquiry issue. I am pleased that the Scottish Cabinet yesterday discussed that. First Minister Salmond and his colleagues are looking into that; he remains committed to an inquiry taking place, and the details will be announced in due course. However, I and my party colleagues have a problem with what the Opposition motion calls for in terms of an inquiry. I intervened to try to get clarification from the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) on who should initiate an inquiry. It is inconsistent to be against the Electoral Commission being in charge of the inquiry and then to call on the UK Government to conduct it, because we know what their role and that of the Scotland Office in this matter was. That is why the SNP will not support the Opposition motion. We will support the Scottish Executive.

Mr. Devine: Will the hon. Gentleman give way?

Angus Robertson: I am delighted to give way to the hon. Gentleman. As he represents Livingston, I am sure that he will take the opportunity to congratulate the excellent new MSP, Angela Constance.

Mr. Devine: I was at a public meeting with Angela and I congratulated her from the platform.

The hon. Gentleman's leader has spoken about the moral authority of the result—it did not seem to apply in terms of local government, but it seemed to apply in the Scottish Parliament. If the hon. Gentleman's party establishes an inquiry and it shows that the people were disfranchised, will he support having the elections re-run, particularly in places such as Livingston which had 1,700 spoiled papers when most had about 800?

Angus Robertson: Some people might be interested in a re-run. Owing to the popularity of the new Government, I am certain that the SNP majority would increase—even seats close to the hon. Gentleman's constituency that we just failed to win would fall within our grasp. No serious case is being made for re-running the election, and I do not think that the electorate—whatever their political views—would encourage that.

I will conclude shortly, as other Members wish to speak, but I first wish to raise a couple of matters to do with the Secretary of State for Scotland. He was right to warn Members against mis-speaking in terms of what is said in the House. He went on to quote from his own contribution of 8 May 2007. I am keen not to mis-speak it, but it should be put on the record that he read out half a sentence of what he said, stopping at the point where there is a comma. Therefore, it will be useful if I now read out the whole sentence. He read out:

"I urge caution on two fronts. First, a final tally is still to be reached on the number of spoiled papers"—

and there he stopped. The rest of that sentence reads

"but according to the information that I received this morning, it does not reach 100,000."—[*Official Report*, 8 May 2007; Vol. 460, c. 29W.]

As we know, there were more than 100,000 and we should not try to talk down the seriousness of this situation.

I shall conclude by repeating the questions I asked the Secretary of State on 8 May. I am repeating them because I did not get an answer to them, and I would like to have an answer now. I asked whether the Electoral Commission warned the Secretary of State of concerns about the design of the ballot paper. When the ballot paper size became apparent, did he decide that all must appear on one page? At the end of the ballot design phase, was there any further testing? I then asked him to publish all relevant ministerial correspondence.

It is important for all those questions to be answered and to be a matter of public record. Frankly, the Secretary of State's contribution was underwhelming—much like his initial statement—and he seemed to be saying, "Not me, guv", rather than anything else. It is not good enough. Thank goodness we now have a Scottish Executive who will treat this issue with the seriousness that it deserves, unlike the UK Government, who are running away from their responsibilities.

3.41 pm

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Given that time is short, I shall make only a few points. First, I ask that the investigation examines the decision to have both ballots on the same day, not only in the context of possible erection irregularities—*[Laughter.]* I know what I meant. [Hon. Members: "Keep it up."] I will endeavour to do so. That is a fair point—*[Interruption.]*

Madam Deputy Speaker: Order. I hope that the hon. Gentleman will now continue his brief remarks.

Mr. Davidson: The observation that I wanted to make was about the impact on local government. It was my experience that the local government campaigns were almost totally submerged in the discussion of the Scottish Parliament results. That is not good for local democracy at the local government level. I would be very interested in any evidence about the extent to which there were discrepancies in this election, as distinct from others, because my impression was that the tide flowed in the same direction in the Scottish Parliament elections and those for local authorities, irrespective of the merits of individual councillors, which is inappropriate and unwise.

I would also ask that as many as possible of the ballot papers be made available. The point that I made earlier about anoraks being able to see them is important. Much work could be done to establish correlations that will help us to avoid mistakes in the future. It should not be swept under the carpet.

My third point is about the issue of bias on the forms. There was clearly an alphabetical bias and the local government results bear that out. The nationalists are not guilty of breaking the rules, but it was sharp practice to put "Alex Salmond" at the head of the list.

[Mr. Davidson]

That obviously had an effect. I would like to see that investigated and possible remedies applied in future. We should also examine the extent to which it was made more difficult for people who clearly intended to vote for candidates of a single party to do so because the candidates were not grouped. It would have been sensible to have candidates of the same party grouped together, and that should be investigated. Similarly, my understanding is that if voters who sought to vote for candidates of the same party put three Xs, all the votes were ruled out. It should be possible to devise a system in which the last remaining vote—after the other candidates had been elected or eliminated—could be given to the candidate.

John Barrett (Edinburgh, West) (LD): Does the hon. Gentleman agree that if two candidates for the same party had two Xs, they should have both been given a preference at least?

Mr. Davidson: I agree. Indeed, with two Xs, if one candidate were eliminated, the X for the remaining candidate should count as a full vote for them. I am sure that that can be done.

My final point is about the refusal of recounts, which is outrageous, capricious and done at the whim of the returning office in some locations. I have heard it said that many votes for Labour in Glasgow were wasted because they were cast on the second ballot. If only the Co-operative party had stood, many people would not have been disfranchised.

3.45 pm

Mr. Oliver Heald (North-East Hertfordshire) (Con): It has been a good debate, which has been welcomed on both sides of the House as an opportunity to raise serious concerns. On both sides of the House, there is a recognition that there needs to be a proper inquiry into what went on. Some 146,097 votes were lost. The Secretary of State admits that he does not know how many people that represents, but one thing is for sure—it could represent that very number. The Secretary of State, however, is not able to tell us.

The hon. Member for Falkirk (Mr. Joyce) described the election as having been conducted more badly than the Congo's, and my hon. Friend the Member for Broxbourne (Mr. Walker) talked about the "hanging chads" situation in America; those comments show how badly wrong the Scottish election went. Although I fully understand that the Secretary of State wants to wait for his inquiry, the fact is that when 146,000 votes go missing, there should be an apology from those responsible.

The elections involved two separate voting systems, so they were always going to be difficult. The hon. Member for East Lothian (Anne Moffatt) made that point, as did others; I do not think that she is too keen on the single transferable vote system. Whatever one's perspective, there is no doubt that, as the hon. Member for Glasgow, North (Ann McKechin) said, it was never going to be easy for electors to deal with two different kinds of electoral process on the same day. Whatever one says about the Electoral Commission, it was given a difficult task in the run-up to the elections.

The Government and the Scottish Executive were warned. The Arbuthnott commission made the clear recommendation that the elections should be decoupled because of the complexity, confusion and risk of invalid votes. It took the Government months to respond to that report. When we consider the warnings given by my hon. Friend the Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) in a Westminster Hall debate and in his Bill as an MSP in Edinburgh, we see that the problems did not happen by accident. When he was an MSP, my hon. Friend put forward a Bill in the Scottish Parliament that called for decoupling, and the Conservatives have been saying the same thing throughout—*[Interruption.]* I am talking about the Scottish Parliament, which this Government set up—that very place. I am sure that the Secretary of State has come across it at some time in Scotland.

Mr. Carmichael: I am not sure that the hon. Gentleman has, though.

Mr. Heald: I have—*[Laughter.]* It is very interesting. The Liberal Democrats, the other guilty party that went along with it all, may be laughing now, but the people of Scotland will not be laughing about the fact that their electoral system was dealt with in such a way.

I turn now to other issues. The election does not seem to have been conducted well as far as postal votes are concerned; people got them very late or not at all. The Government have form on the issue: in Birmingham, postal votes were the cause of the Mawrey inquiry, which alleged that there was less protection in Britain than in a banana republic. The hon. Member for Falkirk raised what happened with DRS. What would his comment be as he looked back at that happy day in June 2006, when DRS claimed that it would provide

"the complete solution to delivering a system that can confidently manage the most complex of elections"?

It does not sound as if it seemed like that on the night.

Professor John Curtis of Strathclyde university reported that huge numbers cast two votes in one column and none in the other, rendering both votes void. The ballot paper said that people had two votes; that is how the confusion may have been caused. That concern has been expressed in this debate. The Secretary of State comes up with lawyers' arguments to say that the fact that 146,000 votes have been lost is inconsequential and is not a serious matter because what John Curtis says would reduce the number to 80,000.

Mr. Douglas Alexander: The hon. Gentleman quoted Professor Curtis of Strathclyde university. Does he accept that the quotation he read out contradicts the assertion he made to the House earlier that 146,000 people were denied their vote? It is either Professor Curtis or the hon. Gentleman—which?

Mr. Heald: That is exactly the dancing on a pinhead—[HON. MEMBERS: "Oh no".] Oh yes. The people of Scotland will read those lawyerly arguments—the advocate's argument—and realise that the Secretary of State should be apologising to the House, not trying to get round our powerful arguments.

We want an independent inquiry. Although the Electoral Commission was given a hard task to

perform and although it brought in an eminent person, the fact remains that one of the bodies—or "stakeholders"—accused of not having performed effectively and properly should not be conducting the inquiry into their own activities. That is absolutely the first base.

Mr. Carmichael: The hon. Gentleman says that the shambles was the result of the actions of the Scottish Executive, the Scotland Office and the Electoral Commission. In those circumstances, who can institute an inquiry?

Mr. Heald: It is not a problem at all—*[Interruption.]* The hon. Gentleman makes an absolutely fatuous point. The fact is that the inquiry is being conducted by the Electoral Commission, which is one of the groups that has been criticised. We say that the inquiry should be fully independent, with its own separate organisation. We do such things all the time in this country.

Mr. Carmichael: Will the hon. Gentleman give way?

Mr. Heald: I have given way far too often for the silliest of points and I do not intend to do so again. [HON. MEMBERS: "Go on."] I have only about half a second left—and we all know whose fault that was.

I am glad that SNP Members say there should be an independent inquiry. If they read our motion they will see that it suggests that the Scottish Executive should co-operate with the Government, so they will realise that we are not saying that the Executive should be ruled out. We think the Executive and the Government should co-operate to set up a genuinely independent inquiry, not one run by one of the parties that has been criticised.

Angus Robertson: Will the hon. Gentleman clarify the point that he wants the UK Government, as opposed to the Scottish Executive,

"to instigate such an inquiry"?

That is the wording in the Conservative motion.

Mr. Heald: I can quote the words to the hon. Gentleman, too. They are on the order paper:

"working in conjunction with the Scottish Executive"—

Angus Robertson: To instigate.

Mr. Heald: Yes, to instigate. I am suggesting joint working. It would be sad if the first actions of the SNP were to deny such co-operation, because it is extremely important in the UK.

3.53 pm

The Parliamentary Under-Secretary of State for Scotland (David Cairns): I had written, "This has been a serious and thoughtful debate"—perhaps I should now say it "had been" serious and thoughtful—as befits a serious and important issue. The Scottish people are looking for answers as to why difficulties were experienced by many voters at the recent elections. They want reassurances that those difficulties will not recur.

The debate has highlighted the fact that no major issues of principle divide us. We all agree that the events of 3 May need to be examined. We all agree that answers must be forthcoming and we all agree that lessons must be learned for the future. What distinguishes us is not whether those issues should be investigated but rather the manner and sequence of the reviews.

As many Members pointed out during the debate, the statutory review is already under way. The House established the Electoral Commission and specifically tasked it with the duty that it cannot set aside, and which cannot be set aside other than by fresh legislation, of conducting reviews into elections in the UK. Having given the commission that task, it is sensible to let it carry out the statutory review before deciding what further reviews or steps may be necessary.

Some have raised the objection—it was repeated again this afternoon—that the Electoral Commission cannot be independent in examining a process in which it had a role to play. Indeed, the Opposition's motion calls either for a duplicate, simultaneous inquiry or for the Electoral Commission to set aside its statutory duty to carry out its review.

Mr. Heald: Will the hon. Gentleman give way?

David Cairns: No, I will not.

The Electoral Commission does not have the discretion to do that. As the hon. Member for Gosport (Peter Viggers), who is not in his place now but was here earlier, pointed out to the House on Monday:

"Parliament has laid on the Electoral Commission two specific sets of responsibilities: one is to assist in the electoral process and advise returning officers, and the other is to report on elections. When the Electoral Commission makes a report and it has itself been involved in the matter in an operational role, it is always its practice to appoint an outside expert to advise on that so that its own role can...be scrutinised."—[*Official Report*, 21 May 2007; Vol. 460, c. 973.]

However, recognising the degree of public concern that has been expressed, the Electoral Commission has gone further than the appointment of an adviser; it has appointed an outside expert to lead the review.

Mr. Gould played no part in the Scottish elections, nor did the Electoral Commission staff who will support him. He has issued comprehensive terms of reference. When the hon. Member for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) was asked whether those terms of reference could be added to, he simply could not answer. The common-sense course is surely to let Mr. Gould complete his review so that, in the light of the findings, decisions can be taken about whatever next steps may be necessary or appropriate.

As my right hon. Friend the Secretary of State reminded the House, since 3 May there have been a plethora of calls for all manner of different types of inquiry, including a full judicial inquiry and a commission led by an international political figure such as former President Robinson. Today's Conservative motion asks for an inquiry of an unspecified nature under the joint auspices of the Government and the Scottish Executive. As my right hon. Friend made clear, we are not ruling out further inquiries, but we question the wisdom of setting up a series of simultaneous inquiries to duplicate the work of the statutory inquiry that is already under

[David Cairns]

way. That is why our amendment refers to waiting until the conclusions of Mr. Gould's review are received—that is expected to happen in a little over 12 weeks—before deciding on the next step.

In the couple of moments that I have left, I want to address some of the issues that have been mentioned during the debate. The hon. Member for Dumfriesshire, Clydesdale and Tweeddale twittered on about the demands of natural justice, completing ignoring the fact that his motion allocates responsibility, demands an apology and then at the end asks for an investigation to gather the evidence. The demands of natural justice, about which he waxed eloquent, seem to demand that those things should happen in precisely the opposite order.

The hon. Member for East Dunbartonshire (Jo Swinson) mentioned decoupling the elections—an issue that was mentioned by a number of hon. Members, including the hon. Member for North-East Hertfordshire (Mr. Heald). Sir John Arbuthnott, in particular, has been prayed in aid as somebody who made that recommendation. Let me read into the record Sir John Arbuthnott's recommendation. He said:

"We therefore invite the Scottish Executive to consider the postponement of the 2007 local government elections."

His specific recommendation was not to this House. *[Interruption.]* If the hon. Member for North-East Hertfordshire thinks that that is a lawyer's point, let me read him what the hon. Member for Gosport said:

"the commission recommended that the parliamentary and local elections should not be held on the same day. The decision that they should be held on the same day was taken by the Scottish Executive." —[*Official Report*, 21 May 2007; Vol. 460, c. 975.]

If the hon. Member for North-East Hertfordshire wants to raise that matter with the hon. Member for Gosport and accuse him of making lawyers' points, that is his business.

An entirely legitimate series of issues have been mentioned—from the design of the ballot paper to the performance of DRS, e-counting in general and postal voting. All those issues fall within the terms of reference of the inquiry to be led by Mr. Gould.

Pete Wishart: Will the Minister give way?

David Cairns: If the hon. Gentleman will forgive me, I will not as am in the last minute of my speech.

No one has raised a single issue on the Floor of the House that will not be covered by the statutory inquiry that is already under way. The inquiry will examine all the possible factors behind the difficulties experienced at the elections that have been identified. Ministers and officials will co-operate with the inquiry and the report is expected in a little over 12 weeks. That is why the Government's amendment simply asks the House to await the outcome of the statutory review so that its recommendations can inform decisions on whatever next steps might be necessary. The Conservative motion calls for another inquiry that would run simultaneously with the statutory review and duplicate its efforts, but that does not seem to be an especially productive thing to do, which is why I ask the House to support the amendment.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 160, Noes 329.

Division No. 128] **[4 pm**

AYES

Afriyie, Adam	Heald, Mr. Oliver
Ainsworth, Mr. Peter	Heathcoat-Amory, rh Mr. David
Ancram, rh Mr. Michael	Hendry, Charles
Arbuthnot, rh Mr. James	Herbert, Nick
Atkinson, Mr. Peter	Hoban, Mr. Mark
Baldry, Tony	Hogg, rh Mr. Douglas
Barker, Gregory	Hollobone, Mr. Philip
Bellingham, Mr. Henry	Holloway, Mr. Adam
Benyon, Mr. Richard	Horam, Mr. John
Bercow, John	Howarth, Mr. Gerald
Beresford, Sir Paul	Hughes, Beverley
Binley, Mr. Brian	Hunt, Mr. Jeremy
Bone, Mr. Peter	Hurd, Mr. Nick
Boswell, Mr. Tim	Jack, rh Mr. Michael
Bottomley, Peter	Jackson, Mr. Stewart
Brady, Mr. Graham	Jenkin, Mr. Bernard
Brazier, Mr. Julian	Johnson, Mr. Boris
Brokenshire, James	Jones, Mr. David
Burns, Mr. Simon	Kawczynski, Daniel
Burrowes, Mr. David	Key, Robert
Burt, Alistair	Kirkbride, Miss Julie
Butterfill, Sir John	Knight, rh Mr. Greg
Carswell, Mr. Douglas	Lait, Mrs. Jacqui
Chope, Mr. Christopher	Lancaster, Mr. Mark
Clark, Greg	Lansley, Mr. Andrew
Clarke, rh Mr. Kenneth	Letwin, rh Mr. Oliver
Cormack, Sir Patrick	Lewis, Dr. Julian
Cox, Mr. Geoffrey	Liddell-Grainger, Mr. Ian
Curry, rh Mr. David	Lidington, Mr. David
Davies, David T.C. *(Monmouth)*	Lilley, rh Mr. Peter
Davies, Philip	Loughton, Tim
Davies, Mr. Quentin	Luff, Peter
Davis, rh David *(Haltemprice and Howden)*	Mackay, rh Mr. Andrew
Djanogly, Mr. Jonathan	Maclean, rh David
Dorrell, rh Mr. Stephen	Main, Anne
Dorries, Mrs. Nadine	Malins, Mr. Humfrey
Duddridge, James	Maples, Mr. John
Duncan, Alan	Maude, rh Mr. Francis
Duncan Smith, rh Mr. Iain	May, rh Mrs. Theresa
Evans, Mr. Nigel	McIntosh, Miss Anne
Evennett, Mr. David	McLoughlin, rh Mr. Patrick
Fabricant, Michael	Mercer, Patrick
Field, Mr. Mark	Miller, Mrs. Maria
Fox, Dr. Liam	Milton, Anne
Francois, Mr. Mark	Mitchell, Mr. Andrew
Fraser, Mr. Christopher	Moss, Mr. Malcolm
Gale, Mr. Roger	Mundell, David
Garnier, Mr. Edward	Murrison, Dr. Andrew
Gauke, Mr. David	Neill, Robert
Gibb, Mr. Nick	Newmark, Mr. Brooks
Goodman, Mr. Paul	Osborne, Mr. George
Gove, Michael	Ottaway, Richard
Gray, Mr. James	Paice, Mr. James
Grayling, Chris	Paterson, Mr. Owen
Green, Damian	Pelling, Mr. Andrew
Greening, Justine	Pickles, Mr. Eric
Greenway, Mr. John	Prisk, Mr. Mark
Grieve, Mr. Dominic	Pritchard, Mark
Gummer, rh Mr. John	Randall, Mr. John
Hague, rh Mr. William	Redwood, rh Mr. John
Hammond, Mr. Philip	Rifkind, rh Sir Malcolm
Hammond, Stephen	Robathan, Mr. Andrew
Harper, Mr. Mark	Robertson, Hugh
	Robertson, Mr. Laurence

Ruffley, Mr. David
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Watkinson, Angela
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Young, rh Sir George

Tellers for the Ayes:
Andrew Rosindell and
Mr. Robert Goodwill

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, Danny
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baker, Norman
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Barrett, John
Battle, rh John
Bayley, Hugh
Beith, rh Mr. Alan
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brake, Tom
Brennan, Kevin
Brooke, Annette
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, Mr. Jeremy
Bruce, rh Malcolm
Bryant, Chris
Buck, Ms Karen
Burnham, Andy
Burstow, Mr. Paul
Cable, Dr. Vincent
Cairns, David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Caton, Mr. Martin
Challen, Colin
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clegg, Mr. Nick
Clwyd, rh Ann
Coffey, Ann
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
Davey, Mr. Edward
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dismore, Mr. Andrew
Dobson, rh Frank
Dodds, Mr. Nigel
Donohoe, Mr. Brian H.
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Featherstone, Lynne
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Don
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gardiner, Barry
George, Andrew
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goldsworthy, Julia
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hancock, Mr. Mike
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Heath, Mr. David
Hemming, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hermon, Lady
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hoey, Kate
Holmes, Paul
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Horwood, Martin
Hosie, Stewart
Howarth, David
Howells, Dr. Kim
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hutton, rh Mr. John
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Keetch, Mr. Paul
Kelly, rh Ruth
Kidney, Mr. David
Kramer, Susan
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lamb, Norman
Lammy, Mr. David
Laws, Mr. David
Lazarowicz, Mark
Leech, Mr. John
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Llwyd, Mr. Elfyn
Lucas, Ian
Mackinlay, Andrew
MacNeil, Mr. Angus
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McCrea, Dr. William
McDonagh, Siobhain
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oaten, Mr. Mark
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken

Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, Mr. Alan
Reid, rh John
Rennie, Willie
Robertson, Angus
Robinson, Mr. Geoffrey
Rogerson, Mr. Dan
Rowen, Paul
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob
Russell, Christine
Ryan, Joan
Salter, Martin
Sanders, Mr. Adrian
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, David
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Swinson, Jo
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Matthew
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Mark
Williams, Stephen
Willott, Jenny
Wilson, Sammy
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Alan Campbell and Mr. Ian Cawsey

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MADAM DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House notes that a statutory review of the Scottish Parliament elections is already underway conducted by the Electoral Commission as required by Parliament; further notes that, at the prior request of the then Scottish Executive, this review will also cover the Scottish local government elections; welcomes the appointment of an international authority on the management and organisation of elections, Mr Ron Gould, the former Assistant Chief Electoral Officer of Canada, to lead the review; further notes that his terms of reference include examining the role of the Electoral Commission in the preparation of the elections, as well as matters relating to postal ballot delays, the high number of rejected ballots, combining Scottish local government and Scottish parliamentary elections, and the electronic counting process; and believes that this statutory review which is now in progress should complete its report in order to inform decisions in relation to any further steps which may be necessary or appropriate.

Mr. Gummer: On a point of order, Madam Deputy Speaker. We are about to debate a motion tabled by my right hon. and hon. Friends that states:

"the salary of the Secretary of State for Health should be reduced by £1,000."

I therefore found it surprising that one of the signatories of the amendment is the Secretary of State for Health, who will benefit from the decision, one way or another. That would not be—*[Interruption.]*

Madam Deputy Speaker: Order. I must be able to hear the point of order.

Mr. Gummer: That would not be a matter of importance were it not for the fact that the Secretary of State for Health has personally made a number of statements about the wonders of the national health service, including the fact that is the best service that we have had, and she is being paid for it. I think that it is an unusual circumstance.

Madam Deputy Speaker: The right hon. Gentleman knows the procedure. He is an experienced and senior Member of Parliament, and he knows what the process and the procedures of the House are. It is not unusual for that to happen. We must now proceed.

Mr. Gummer: Further to that point of order, Madam Deputy Speaker.

Madam Deputy Speaker: Is the right hon. Gentleman going to pursue the same point of order that he has just raised?

Mr. Gummer: No, Madam Deputy Speaker. You kindly suggested that I have been in the House a long time, but at no point during that period have I ever known any circumstances in which the person under criticism signed the contrary measure. It is a new element, and I seek your advice on the matter.

Madam Deputy Speaker: I remind not only the right hon. Gentleman who raised the point of order but, indeed, all other hon. Members that it is up to each individual Member to judge whether they have a relevant interest that should be declared in any way. That is the norm for the House.

Alan Duncan (Rutland and Melton) (Con): On a point of order, Madam Deputy Speaker. In the statement on the energy White Paper this afternoon, the Secretary of State for Trade and Industry trumpeted his policy on carbon capture and experiments to achieve it. While he was on his feet, I understand that BP announced that it has withdrawn from what is probably the only carbon capture experiment. Do you have the power, Madam Deputy Speaker, to ask the Secretary of State to come back and explain the apparent contradiction in what he told the House of Commons this afternoon?

Madam Deputy Speaker: I must inform the hon. Gentleman that that is not, in fact, a point of order for the Chair, but his remarks are now on the record.

Secretary of State for Health

Madam Deputy Speaker (Sylvia Heal): We now come to the second debate on the Opposition motions. I must inform the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

4.18 pm

Mr. Andrew Lansley (South Cambridgeshire) (Con): I beg to move,

That the salary of the Secretary of State for Health should be reduced by £1,000.

The purpose of the motion is to force the resignation of the Secretary of State. I am sorry that it has come to that. Members on both sides of the House will know that we have frequently used the time available to the official Opposition to raise a series of NHS and health-related issues. We have done so on health care-acquired infections, mental health, the NHS work force and planning, and the management of the health service, always on the basis of motions that are constructive and designed to support the national health service. However, NHS staff have reached the end of the line with the Secretary of State. Serial incompetence and a chronic failure to listen to those staff mean that she has no credibility left to resolve the imminent problems facing the national health service. It is not simply that she and the rest of the Government are paralysed by the non-election campaign of the right hon. Member for Kirkcaldy and Cowdenbeath (Mr. Brown). The fact is that even were she to remain as Secretary of State after a change in prime ministership, she cannot command the necessary confidence and support across the national health service.

Many Members will recall the matters that we have raised before. Let me reiterate the many serial failures for which the Secretary of State has been responsible over the past two years. In 2005, there was the botched reorganisation of primary care trusts, which led within months to the resignation of Nigel Crisp, now Lord Crisp, as chief executive of the NHS. Under this Secretary of State, we saw the NHS plunge into its largest ever deficit. Since May 2005, the number of staff—*[Interruption.]* Labour Members are always telling us—the Prime Minister did it again at Prime Minister's questions today—how many additional staff have been recruited by the Labour Government. Of course, those include 107,000 administrators. When the Prime Minister says, "There have been 250,000 extra staff", funnily enough he never goes on to say, "of whom 107,000 are administrators."

We are focusing on the record of the Secretary of State. Since May 2005, the number of staff working in the national health service has fallen. Payment by results and the tariff—a critical element of NHS reform—collapsed in February 2006, weeks before the start of the financial year in which the NHS plunged into its largest ever deficit. In payment by results and the tariff, we have a system that is necessary but is not being delivered successfully. *[Interruption.]* The Minister for the Cabinet Office says, "Ah!" as though it is some kind of mystery. "Money follows the patient" was a policy advocated by the last Conservative Government; it took years for the Labour Government to get round to recognising it, exactly as happened with GP fundholding and market mechanisms inside the NHS.

Tom Levitt (High Peak) (Lab) *rose—*

Mr. Lansley: The Labour Government do not understand that it took years to get back to a range of policies that were pioneered by the last Conservative Government. Of course we need "money follows the patient" and the tariff, but it is still true, all across the NHS—as the Secretary of State will have discovered today at the Royal College of Midwives conference—that the tariff does not support choice, does not support the range of services being provided across the NHS, and discriminates, for example, between normal births conducted in a midwife-led unit and those conducted in a consultant-led unit.

Tom Levitt *rose—*

Mr. Lansley: We need payment by results and the tariff to be delivered quickly, but what have we had under the Secretary of State? A chronic failure, a collapse in early 2006—*[Interruption.]*

Madam Deputy Speaker: Order. It is clear that the hon. Gentleman is not prepared to give way.

Mr. Lansley: I am sorry, Madam Deputy Speaker. I had not even noticed the hon. Member for High Peak (Tom Levitt), but as I have stopped I will give way to him.

Tom Levitt: I am grateful to the hon. Gentleman. Of course, the Tory Government were no stranger to deficits. Is it not the case that the deficit that he is talking about was smaller, as a proportion of the NHS budget, than many of those that the Tories had—and now it has gone?

Mr. Lansley: The hon. Gentleman does not seem to understand that last year a deficit of more than £1 billion within the NHS masked a deficit in excess of £2 billion within the Department of Health as a whole. That scale of increase has never happened before. The hon. Gentleman and other Labour Members probably often sit there wondering why, in the year just gone, their primary care trusts have had so much of their money top-sliced in order to deal with that deficit. Why did that happen if the deficit is so modest? Why £1.5 billion out of PCT budgets? Why £350 million out of education and training budgets? Why hundreds of millions extra out of the central budgets of the Department of Health? It is all because in the previous year there was not only a gross deficit of £1.3 billion within NHS trusts but an unprecedented scale of overspending within the Department.

Mr. Henry Bellingham (North-West Norfolk) (Con): Is my hon. Friend aware that the new Norfolk and Norwich PCT started its operations with a massive £50 million deficit? Surely if the Government set up a new organisation going back to where we were 10 years ago, they should at least allow it to start without a deficit.

Mr. Lansley: I understand my hon. Friend's point. Indeed, the same can be said of Cambridgeshire primary care trust, which is, like his, in the east of England. We have the largest deficit proportionately anywhere in the NHS. Of course, there must be a transitional process of trying to deal with those deficits, otherwise the consequences to patients will be unacceptable. Ministers are only now beginning to realise the scale of the deficits.

Although Ministers are always telling the public about the unprecedented amounts of additional money that are provided to the NHS, the consequence of last year's deficits recurring this year is no growth in resources on the front line of the NHS. That means that, far from growth in services and resources in the past two years, people in the NHS have experienced cuts and reductions.

Mr. John Gummer (Suffolk, Coastal) (Con): Does my hon. Friend realise that the Great Yarmouth and Waveney primary care trust—which was created on the basis that there was previously no deficit—has entered into its existence with a special deficit, which the NHS central organisation invented, insisting that the PCT take on board a large sum of money because others have a deficit? Instead of starting deficit free, after working for five years to achieve that, it has to pay back money that it never owed.

Mr. Lansley: My right hon. Friend makes an important point. When Ministers consider the consequences of dealing with deficits, they claim that they have done away with the old system, which they describe as opaque. They say that everything is more transparent now. Conservative Members, who actually speak to members of primary care trusts and others about their financial position, know that the system is anything but transparent. Ministers are still in the business of shifting the money around the NHS to cover up the deficits and, indeed, the consequences.

Ministers try to cover up the consequences of deficits in places where accident and emergency departments—for example, in Surrey, Sussex, Worthing and Enfield—are threatened with closure, not because of genuine clinical cases for change, which the Secretary of State promulgates, but because of financially driven cuts and the consequences of the European working time directive. The Secretary of State has told us more than once that she wished that that directive had been amended. The Secretary of State for Work and Pensions, who is present, promised in 2004 that it would be amended to tackle its worst aspects. He told us that services to patients in the NHS would not suffer as a consequence of the implementation of the directive. Yet maternity units in Manchester and A and E departments in the south of England are being shut precisely because of the failure in December 2006 to amend the working time directive, as the Government had promised.

What about the NHS IT programme? It began before the current Secretary of State was in charge but the implementation remains disastrous.

Andrew Miller (Ellesmere Port and Neston) (Lab): Unfortunately, no Conservative Member who is present today attended a meeting that I had the honour to chair last night to discuss the NHS IT programme. Let me pass on two figures from that. This week, the picture archiving and communications system stored 6,200,000 images, making a total of 237 million images stored on the system. The hon. Gentleman calls that a failure—he should get his facts right and learn a little bit about IT.

Mr. Lansley: Oh dear. The hon. Gentleman knows perfectly well that digital imaging and the transfer of digital images happened before the NHS IT programme got going.

Andrew Miller *rose—*

Mr. Lansley: I shall not give way to the hon. Gentleman again. *[Interruption.]* Five years ago, Addenbrooke's hospital told me that it was doing that already, but its problem was that it had to go at the same pace—*[Interruption.]*

Madam Deputy Speaker: Order. The House must come to order.

Andrew Miller *rose—*

Mr. Lansley: I shall give way to the hon. Gentleman shortly, but let me tell him something else if he is interested in the IT programme. He will remember that, 10 days ago, the Chancellor of the Exchequer said that we had to deliver the electronic transfer of prescriptions. By the end of 2005, 50 per cent. of prescriptions were supposed to be delivered electronically. By now, the figure should have approached 100 per cent. Yet the last quarter for which figures are available shows that 4 per cent. of prescriptions were transferred electronically. Actually, it is worse than that: about 4,500,000 prescriptions were issued electronically, but only just over 1 per cent. of those issued could be dispensed electronically because bar codes had not been fitted to them and pharmacists did not have access to the necessary equipment.

Andrew Miller *rose—*

Mr. Lansley: I will give way again to the hon. Gentleman if he will explain why the Secretary of State has not delivered what the Chancellor is calling for.

Andrew Miller: Had the hon. Gentleman attended the meeting last night, he would have seen that more than 8,000 practices are now involved in the choose and book system. *[Interruption.]* The hon. Gentleman might like to put himself in my position as a patient. I have seen the system working. The IT system is working, and contractors are delivering up and down the country. He is doing a disservice not only to the best IT programme in the world, but to the 350,000 people working in the NHS.

Madam Deputy Speaker: Order. The hon. Gentleman knows that interventions must be brief.

Mr. Lansley: It is always a help if interventions are accurate. The hon. Gentleman mentions choose and book, which is a classic example: it is two years late;

GPs have not been listened to with regard to its implementation; and the target was for 90 per cent. of appointments to be made through choose and book by now, but the latest figure is 38 per cent., and half of those were done on the telephone, not online. His intervention is therefore rubbish.

Let us deal quickly with the implementation of contracts. The consultants contract did not deliver productivity and went over budget. The GP contract did not deliver the access that the Chancellor of the Exchequer now apparently wants. As for cutting GPs out of out-of-hours care, the cost was a quarter of a billion pounds more than estimated, and it has turned into a shambles. The dental contract, which was described by the British Dental Association as a shambles, has reduced and limited access to NHS dentistry.

On public health, the Secretary of State has been attacked by the chief medical officer over public health budgets being raided to deal with deficits. After the publication of the White Paper, prior to the Secretary of State taking up her position, it took two years to agree a definition of childhood obesity, and the Government have now resorted simply to measuring children. No actions or interventions are to follow.

Meg Hillier (Hackney, South and Shoreditch) (Lab/Co-op): It is instructive about the pace of change in the health service that, in 1997, people were waiting two years even to get an operation. They might be waiting now, but only for improvements in what is already a damned sight better service than we had 10 years ago.

Mr. Lansley: If we look at the hospital episode statistics, I acknowledge that the proportion of patients waiting less than six months for operations increased from 84 per cent. in 1997 to 90 per cent. in 2006. Given that NHS budgets have tripled, however, that is not exactly a triumph.

The flu vaccine implementation has been delayed twice in each of the past two years, and the Government have now missed the World Health Organisation's target for delivering flu vaccine to over-65-year-olds. When the Secretary of State took up her position, she said that hospital-acquired infections would be her priority. What has she done about it? We have seen a dramatic increase in the number of deaths associated with MRSA and clostridium difficile, and horrendous outbreaks of C. difficile in a number of hospitals across the country, including in her constituency.

We have also seen the Secretary of State in the humiliating position of having to admit, in early December, that whereas Ministers said that 99 per cent. of patients were admitted to single-sex accommodation, some people might still be getting admitted to mixed-sex wards. She asked for a report from health authorities across the country. It took her six months to admit, because the Healthcare Commission survey was going to present it anyway, that 22 per cent. of patients admitted to hospital were first admitted to mixed-sex wards. That was a complete failure on something that, as her Prime Minister said in 1996, cannot be beyond the wit of Government to achieve.

Ms Angela C. Smith (Sheffield, Hillsborough) (Lab): If things really are as bad as the hon. Gentleman makes out, how is it that we have enjoyed significant reductions in the levels of heart disease in cities like Sheffield and elsewhere?

Mr. Lansley: The Prime Minister said at Prime Minister's questions today, and it is stated in the amendment, that 200,000 lives have been saved by a continuing reduction in premature mortality from heart disease and cancer. That is true, and it is a testament to the work of staff right across the NHS. But if Members go back to *Hansard* of 27 November 2006, they will find that a member of the Front-Bench team asked what would have been the number of lives saved under the last Conservative Government, applying the same measure of the reduction in premature mortality. The answer was that, in respect of cardiovascular disease, between 1978 and 1996 535,000 lives were saved. In respect of cancer over the same period, 65,000 lives were saved. That adds up to 610,000 lives saved under the last Conservative Government on exactly the same measure as the Government say that 200,000 lives have been saved.

What does that prove? It proves, as we have always said, that the staff of the NHS are delivering an improving service every year. The point of the debate is that they know that that improvement in the service that they provide is not the result of decisions of the Secretary of State. It is not the result of what the Government have done. It is not even entirely the result of resources provided to the national health service, as staff achieved an improvement in thick years and thin.

Peter Carter, general secretary of the Royal College of Nursing, said:

> "In the 1980s and 90s finance was extremely tight but you did not get the crisis we have seen in the last two years."

Every year the NHS is improving and its staff are delivering better services, but they have no confidence in the way that they have been subjected to the serial failures and mismanagement by the Government.

Mr. Stephen Dorrell (Charnwood) (Con): Although it is undoubtedly welcome that we have seen improvements in premature mortality from cancer both under the last Government and under the present Government, will my hon. Friend reflect on the fact that, despite spending on health care in this country being in line with European averages, premature mortality from cancer in this country is running about 40 per cent. higher than in France, Germany or Italy? Should we not be comparing the performance of our health care system with other comparable systems elsewhere in Europe?

Mr. Lansley: Yes. I am grateful to my right hon. Friend. That is indeed what should happen. I say "we" advisedly. On both sides, we should look at outcomes, whereas the Government are obsessed with targets that deliver processes, not outcomes.

At Prime Minister's questions at lunchtime, the Prime Minister said that there was a survey which showed that the health service in the UK was better than anywhere else. Try telling that to people who have lung cancer, who find that there are half a dozen PET scanners in this country and 500 in Germany. Try

[Mr. Lansley]

telling that to a stroke patient who finds that there a few dozen places in this country where one can have immediate thrombolysis for stroke, but in Australia that is routine. We deliver 0.3 per cent. of appropriate patients thrombolysis for stroke. In Australia the figure is 10 per cent.

Ms Dari Taylor (Stockton, South) (Lab): Is the hon. Gentleman seriously telling the House that the 35,000 extra doctors and 80,000 extra nurses are not delivering an improvement in health care? That is how it sounds.

Mr. Lansley: The hon. Lady need not take it from me. The general secretary of the Royal College of Nursing—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. The hon. Lady asked a question of the Opposition spokesman. Perhaps she ought to listen to the answer.

Mr. Lansley: I am grateful, Mr. Deputy Speaker. Peter Carter, general secretary of the Royal College of Nursing, said:

"In the 1980s and 90s finance was extremely tight but you did not get the crisis we have seen in the last two years."

He also said, as my right hon. Friend the Leader of the Opposition said at lunchtime, that money comes into the national health service but too much gets wasted. Staff right across the NHS are saying that they are trying to make progress but cannot because of the Government's failures.

Several hon. Members *rose—*

Mr. Lansley: I am going to make some progress.

The latest and one of the most serious failures of the Secretary of State has been the disaster of the medical training application scheme. The Royal College of Physicians called it

"the worst episode in the history of medical training in the UK in living memory".

James Johnson, who has resigned as chairman of the British Medical Association, described the policy failures—failure to estimate the number of applicants correctly, failure to put in place a fair selection process by adopting selection criteria and a scoring system that undermined the principles of Modernising Medical Careers and failure to implement the technology in terms of its security or its functionality. Furthermore, Mr. Justice Goldring said in the High Court this afternoon:

"The fact that the claimant"—

Remedy UK—

"has failed in what was accepted to be an unprecedented application so far as the law is concerned does not mean that many junior doctors do not have an entirely justifiable sense of grievance. The premature introduction of MTAS has had disastrous consequences. It was a flawed system."

That is a flawed system introduced by this Government with consequences so disastrous as to lead the chairman of the BMA, the national director of Modernising Medical Careers and the national clinical director of MMC all to resign, yet the Secretary of State sits there ignorant and oblivious to the consequences of what she has done.

Rob Marris (Wolverhampton, South-West) (Lab): I would like to take the hon. Gentleman back a little to when he was talking about a crisis. Can he tell the House when there was last a winter bed crisis in the NHS?

Mr. Lansley: From my recollection—I am sure that I will be corrected if I am wrong—it was 1999. That was the last time that there was a substantial bout of flu. We have been lucky—*[Interruption.]* Given that the Government failed to deliver flu vaccine at the right time, if we had had a substantial outbreak of seasonal flu at any point in the late autumn in either of the last two years, it would have had serious consequences.

Mr. Graham Stuart (Beverley and Holderness) (Con): Following the last piercing question from the hon. Member for Wolverhampton, South-West (Rob Marris) and my hon. Friend's answer that the last time that we had a winter bed crisis was under this Labour Government, will my hon. Friend now answer another question? When was the last time that we saw a sustained improvement in productivity in the NHS?

Mr. Lansley: The answer is in the mid-1990s. There has been a sustained reduction in productivity in the NHS since 1997, estimated by the Office for National Statistics as up to 1.3 per cent. a year.

The purpose of the motion is to give the NHS the management and leadership it needs. Frankly, that can be delivered only through a general election, but some things could be done now that are not getting done because the Government are not only divided, but paralysed and inactive. We need an end to the closure of accident and emergency departments and maternity services. They are not a result of a clinical demand for change, but are being driven by short-term financial considerations and the impact of the working time directive. For two months I have been asking the Secretary of State for more training posts for junior doctors, but she has consistently failed to get on with delivering them.

Dr. Evan Harris (Oxford, West and Abingdon) (LD) *rose—*

Kali Mountford (Colne Valley) (Lab) *rose—*

Mr. Lansley: I give way to the hon. Member for Oxford, West and Abingdon (Dr. Harris).

Dr. Harris: Does the hon. Gentleman accept that the problems of training posts for junior doctors extend beyond the software of MTAS? There is a fundamental mismatch between the number of junior doctors looking for training posts and the number of posts available because consultant expansion has failed and there are not enough training programmes coming through. Does he accept that it does not make sense to plan medical students, plan house officers, plan senior house officers and plan registrars without planning for the end product, which is consultant posts?

Mr. Lansley: The hon. Gentleman participated fully in the Opposition debate on 24 April, which explored those issues. The short answer is that it makes no sense to have work force planning—the Government's approach

was described by the Health Select Committee as "boom and bust"—to set up the structures of medical training and to deliver large numbers of trainee doctors at a time when consultant posts are being abandoned because of financial deficits. Equally, it makes no sense to have junior doctors, costing £250,000 to train, who are then going to be without posts and who will abandon medicine and leave this country as a consequence of the Government's failures.

We also need an independent review of the NHS information technology scheme.

Kali Mountford *rose—*

Mr. Deputy Speaker: Order. I do not think that the hon. Gentleman intends to give way for the time being. Until he indicates otherwise, the hon. Lady may resume her seat.

Mr. Lansley: Thank you, Mr. Deputy Speaker.

We need a re-engagement of GPs with, for example, out-of-hours services. That is perfectly possible, but it will never happen while the Secretary of State is in place or if the Chancellor of the Exchequer carries on trying to engage in confrontation with the medical profession, rather than co-operation.

We need to abolish the central targets that undermine clinical priorities. NHS staff, particularly those in the medical profession, deeply resent the fact that the Government constantly dictate to them in that way, despite the fact that they are senior professionals. We need a fairer funding mechanism, because funding allocations have directly contributed to the impact of deficits across the country. We also need a Government who are prepared to accept the underlying good sense of many of the amendments made to the Mental Health Bill by the House of Lords, rather than persisting with their present approach to the Bill.

This Secretary of State has lost the confidence not only of the NHS but of many others with whom she has worked. Professor Halligan, the former deputy chief medical officer, has said that the NHS has

"a leadership void, which has caused it to lose its way".

Andrew Foster, the former director of human resources for the Department, has spoken of

"a growing lack of confidence in the leadership"

of the Department—*[Interruption.]*

Mr. Deputy Speaker: Order. We must not have interventions from a sedentary position. Hon. Members would expect the Secretary of State to be given a fair hearing when she comes to address the House. They should extend the same courtesy to the hon. Gentleman.

Mr. Lansley: Thank you, Mr. Deputy Speaker. I remember that Sir Thomas More was a Chancellor of the Duchy of Lancaster, so, when it comes to it, perhaps decapitation is one approach to the problem.

Senior civil servants in the Department of Health were surveyed, and 84 per cent. did not believe that the Department was well managed. Professor Crockard, who is retiring as national director of MMC, said of MTAS:

"From my point of view, this project has lacked clear leadership from the top for a very long time".

The Secretary of State has been jeered by nurses, and heckled by midwives only today. A unanimous vote among junior doctors at a BMA conference called on her to resign. James Johnson chose to resign as chairman of the BMA. All that he did, so far as I can see, was to stand between an angry medical profession and the Secretary of State. He said:

"It is the worst I have known it for over 30 years".

NHS staff are continuing to deliver for patients. They are professionals, but they are not being treated professionally by the Government. They are angry because of the way in which they have been treated. The Government tell them that money is flowing, but they do not see it, and they are not given the chance to shape the care that they give to patients. They are angry because the Government are constantly telling them how to do their job, even though the Government are incompetent at doing their own.

The Secretary of State has been responsible for so-called NHS reform, but there is no coherent reform. Staff in the NHS do not know what is happening, why it is happening or where it is going. There is no inspirational leadership—there is not even competent management—but there are urgent tasks to be done. Even the Secretary of State's own colleagues in the Government do not believe that she is capable of achieving those things, or that she will be responsible for doing so. The next Prime Minister will not keep her. The present Prime Minister would not defend her today. But the NHS needs change now. We should take charge, but we cannot. If there will not be a new Government, there must at least be a new Secretary of State, and that should happen now. I commend the motion to the House.

4.49 pm

The Secretary of State for Health (Ms Patricia Hewitt): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

"believes that there is no need to reduce the salary of the Secretary of State for Health at a time when patient satisfaction is increasing, with nine out of ten in-patients saying their care has been good, very good or excellent, waiting times are at their lowest since records began, an extra 200,000 lives have been saved from heart disease and cancer since 1996 and investment in the NHS is being trebled by 2008."

In view of the motion, perhaps I should declare my interest—although it is almost worth £1,000 to have been able to listen to that defence of what passes for Tory policy on the NHS.

It is one of the greatest privileges in our country to be Secretary of State for Health, a privilege that carries with it enormous responsibilities. I believe that every one of my predecessors, in both parties, has felt the same. But I also believe that the real privilege is to be a Labour Health Secretary in a reforming Labour Government. In the past two years, I have sought to discharge those responsibilities not only on behalf of the Government as a whole but, above all, on behalf of the patients and the public who elected us into government in three successive general elections. I welcome this debate, as I welcome every opportunity to set out the Government's record on health.

Mr. Graham Stuart: Will the Secretary of State give way?

Ms Hewitt: Not yet.

The hon. Member for South Cambridgeshire (Mr. Lansley) specifically mentioned junior doctors. I welcome today's High Court decision to reject the findings of the judicial review initiated by Remedy UK. We are looking carefully at the comments of Mr. Justice Goldring, and I will make a statement to the House tomorrow on how we will fulfil our responsibilities to trainee doctors as we complete this year's recruitment to more training places than there have ever been before.

Norman Lamb (North Norfolk) (LD): Will the Secretary of State give way?

Ms Hewitt: Not on that point, no. I will deal with it in my oral statement tomorrow.

The most important judges and the single most important test of the state of the NHS are the patients who use the service every day of the week. I find it extraordinary that the hon. Member for South Cambridgeshire scarcely mentioned them. Only last week, the Healthcare Commission published its latest national survey of patients. Nine out of 10 recent hospital patients said that their care had been good, very good or excellent—an even better result than just a year ago. What a tribute it is to the dedication and hard work of NHS staff that, in a year when very difficult decisions had to be made to return the NHS to financial balance, the level of patients' satisfaction with their hospital care went up, not down.

Mr. Nicholas Soames (Mid-Sussex) (Con): The debate is not about national health service nurses, who do a magnificent job; it is about the right hon. Lady and the great misfortunes that she has brought to the health service. Will she consider the real worries of the constituents of Members in all parts of the House in south-east England, where reconfigurations are proving impossible? They are taking so long that they cannot even be brought forward. The right hon. Lady should understand that the motion is directed not against the nurses, but against her stewardship of the NHS.

Ms Hewitt: I will take no lectures from a party that starved the NHS of funds and left patients waiting 18 months or more for desperately needed operations.

Mr. Simon Burns (West Chelmsford) (Con): Will the Secretary of State give way?

Ms Hewitt: No. I want to make some progress before I give way again.

It is no accident that patients are more satisfied with their hospitals. Of course, that is down to the staff. There are well over a quarter of a million more doctors, nurses and other NHS staff—an increase made possible by our reforms and investment, which the Conservative party opposed every inch of the way.

Rob Marris: Does my right hon. Friend share my astonishment that the hon. Member for South Cambridgeshire (Mr. Lansley) suggested today, in response to an intervention from me, that the absence of winter bed crises during this century was due to luck? Surely it is due to the resurrection of the NHS by this Government, with preventive programmes such as bowel cancer screening, osteoporosis screening and flu jabs for pensioners. That is not due to luck. It is due to sound policies, backed by staff, resources and vision—policies opposed by the Conservatives, whose own policies would decimate the NHS in deprived cities such as Wolverhampton.

Ms Hewitt: My hon. Friend is absolutely right. Just a couple of weeks ago, I was shown around the brilliant accident and emergency department at St Helens and Knowsley Trust by Graeme Inkster, one of the emergency consultants, who explained to me exactly why we do not have winter bed crises now. He showed me what he called the corridor of shame, which 10 years ago was full of patients lying on trolleys waiting for hours on end. He said that he used to come into work first thing on a Monday morning and find patients queuing in the corridor; they had been left over from the weekend because there had not been anybody to treat them. Some of them had been there for six, 12 or 18 hours. The hospitals did not have the money or the staff, and they had not reorganised the care around the patients. The investment we put in and the reforms we made—and the four-hour accident and emergency target, which the Opposition opposed—drove the changes that led to us ensuring that we do not have winter beds crises.

Mr. Burns: I am grateful to the Secretary of State for giving way. As she will not take any lessons from the Conservative party, will she take lessons from the Royal College of Nursing, the junior doctors and the consultants, who all think that her stewardship has been a disaster?

Ms Hewitt: Of course I listen to staff. I listened this morning to the midwives at the Royal College of Midwives, who gave me several examples of why we need to do more in terms of maternity services. That is why we worked with the RCM to produce the action plan, "Maternity Matters: choice, access and continuity of care in a safe service", which was published recently. However, what I do that the hon. Gentleman does not do is also listen to the staff and the patients throughout the country, who show me the superb care that is taking place—and which never gets into the headlines and which we never hear about from the Opposition.

Andrew Gwynne (Denton and Reddish) (Lab): This point is not only to do with patient satisfaction—nine out of 10 of them are satisfied with the NHS. Does my right hon. Friend agree that the picture painted by the Opposition does not fit with the findings of the Commonwealth Fund's international survey, which shows that our NHS is one of the best health services in the world?

Ms Hewitt: My hon. Friend is right. That latest survey by the independent Commonwealth Fund confirms what patients are saying. It looked at the health service in Australia, Canada, Germany, New Zealand, the United States of America and the UK. Four years ago, it rated the NHS as number three, and two years ago it was still number three, but according to the latest survey the NHS is now number one—it is the fairest, the most efficient and the best overall.

Kali Mountford: Is it not also the case that although specialists tell us one thing, sometimes the community wants something different? Sometimes specialists say to us that they want all services in one place. In my community, they wanted one specialist care maternity service and a midwife-led unit. We now have £30 million investment in community service hospitals. As a result, Holme valley hospital—which had been threatened with closure in 1997 and has been built up under this Government—will now provide even more hospital services to our community, so we now have both services.

Ms Hewitt: My hon. Friend is right. I pay tribute to her for the leadership role that she played in ensuring that the voice of her constituents was heard. I also pay tribute to the clinicians. They said, "If we reorganise the services it will be safer and better for patients." They were also listened to.

Mr. John Redwood (Wokingham) (Con): Can the Secretary of State explain why so many patients have been dying of killer bugs on her watch?

Ms Hewitt: Hospital-acquired infection is a serious issue. We take it very seriously and we were the first Government to require every hospital to record cases of methicillin-resistant Staphylococcus aureus and C. difficile and to report that publicly. Therefore, we know the exact nature of the problem and we can hold hospitals and their boards to account for getting those rates down. I am glad to be able to say that MRSA rates are falling, but there is a new strain of C. difficile. It is not only a problem in Britain; it is causing problems in many health services and we must do more to protect patients from it.

It is unsurprising that hospital patients are more satisfied as the waiting lists are lower than they have ever been—almost nobody is waiting more than six months for the sort of operation for which people used to wait two years. That happened because we put in more money—opposed by the Conservatives. But we did not put more money into the old ways of doing things, we put more money into new and better ways of caring for patients. At Walsall Hospitals NHS Trust, which I visited a few weeks ago, I met the staff who had reorganised the service, and found that with no further funding increase they could care for six orthopaedic patients in the time that previously they had been able to care for only one. They slashed the waiting time for MRI scans from two years to just a few weeks. That is investment and reform in action.

Mr. Graham Stuart: Can the Secretary of State explain why children in my constituency with major jaw problems are waiting more than 60 weeks from first going to see their GP until receiving treatment? That figure is not collected centrally, but from local information they have to wait more than a year.

Ms Hewitt: For the first time ever in the history of the NHS we are now collecting information on how long it takes for a patient to go from GP referral to actual treatment. We have got the waiting times for the first out-patient appointment down, and we have got the waiting times down at the other end for the in-patient treatment. Now what we are going to do—and I hope that the hon. Gentleman will support it—is ensure that for almost all patients and almost all conditions there will be no more than 18 weeks maximum from referral to treatment. For many people, the wait will be even shorter.

Let us take the example of Shepton Mallet treatment centre. I went there and talked to patients, including the chair of one of the local primary care trusts—a Labour chair, as it happens. At that treatment centre, patients see the consultant, have the scans and tests, get the diagnosis, decide on the operation and book the date for the operation—all in one visit. That never used to happen. Yeovil District Hospital NHS Foundation Trust has also changed its way of working and will now be one of the first hospitals in the country to deliver a maximum of 18 weeks for almost all of its patients. That is investment and reform in practice.

Meg Hillier: The Conservatives seem to be confused about the role of the Secretary of State. The Government should make the hard decisions about future funding and stability for the NHS and set tough targets, but they should leave the practitioners to run things. The Conservatives keep raising individual examples of particular treatments. Is it really the Secretary of State's role to determine what happens in every hospital ward?

Ms Hewitt: My hon. Friend is absolutely right. It is one of the many contradictions in the Conservatives' so-called health policy that they want independence for the NHS, but they oppose every proposal from local NHS staff for a reorganisation of services. Whenever something goes wrong or they want more money for their own local hospital—as so many Tory Members do—they come straight to me and demand that I intervene. It is completely bizarre.

Over and over again, we see that the best care for patients, organised around them, is also the best value for patients' money. That is why I was so determined that we dealt with the overspending in a minority of hospitals, restored the NHS as a whole to financial balance and ended the unfair system of well managed hospitals in some of the most disadvantaged parts of the country having to bail out the minority of overspenders. It went on for years, it was not fair or efficient, and we stopped it. Of course, that was difficult—especially for NHS staff—but we now have the fairest, strongest and most transparent financial system that the NHS has ever had. That is not my verdict, but that of the *Health Service Journal*, which said that

"the changes to the financial system brought about during her time will prove a lasting legacy."

Grant Shapps (Welwyn Hatfield) (Con): Does the Secretary of State provide the same advice to the right hon. Member for Salford (Hazel Blears), chair of the Labour party, when she complains about closures in her constituency?

Ms Hewitt: That was not worth giving way for, I am afraid.

As I said a moment ago, we needed that four-hour A and E target to change what was happening in A and E. Now, the 18-week target is mobilising NHS staff in hospitals all around the country to end the waiting that

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has been part of the NHS for nearly 60 years. What an achievement that will be—what a birthday present for the NHS, as it ends waiting, as NHS patients have always known it, on its 60th anniversary.

The hon. Member for South Cambridgeshire is against the 18-week target. That is hardly surprising; he thought that 18 months and more was acceptable.

John Mann (Bassetlaw) (Lab): After visiting a GP, one member of my family had to wait only three weeks for cancer surgery; another member of my family went into hospital with terminal cancer and spent 10 hours on a hospital trolley in a corridor. Can the Secretary of State guess which experience took place under the John Major Tory Government and which took place under this Labour Government?

Ms Hewitt: My hon. Friend makes his point very graphically. That is another real tribute not only to NHS staff and the new cancer networks, but to the target—the promise that we made—that patients diagnosed with cancer would wait a maximum of 62 days between an urgent GP referral and the start of cancer treatment. Just two years ago, fewer than two thirds of patients were getting from diagnosis to treatment so quickly; now more than 95 per cent. are. There have been real improvements in the past two years.

Most important of all, the NHS is saving more people's lives. The lives of nearly 150,000 people with coronary heart disease have been saved. The hon. Member for South Cambridgeshire had something to say on that subject. It is perfectly true that under the Conservative Government, death rates from coronary heart disease were falling, but they were falling a great deal more slowly than in most other parts of Europe, and have been falling faster since. I looked at the numbers. During the 1980s, those death rates fell by about 20 per cent.; during the 1990s, they fell by 26 per cent. During the years of this Labour Government, they fell by 36 per cent., and we will meet early our target for a 40 per cent. reduction in those death rates. Furthermore, 50,000 more lives have been saved as a result of our changes to cancer care, and suicide rates are at their lowest level ever because of our changes to mental health services.

The hon. Gentleman mentioned the Mental Health Bill, which is going through Parliament. Since 1959, we have had a law under which a seriously suicidal mentally ill patient can, if the clinician judges it necessary to protect them from self-harm or suicide, be detained in hospital for treatment. We have discussed that recently. I find it extraordinary that the Conservative party should now want to end that provision and deny seriously suicidal patients the possibility of treatment from which they have benefited for decades.

Mr. David Kidney (Stafford) (Lab): Will my right hon. Friend accept the credit for giving greater responsibility to more NHS staff, such as nurse consultants and nurse prescribers? Will she reaffirm our party's commitment to extend the same approach to mental health services? We want more members of mental health teams to have responsibility. We do not want to look back and defend vested interests, as the other place did with the support of the Conservative party.

Ms Hewitt: My hon. Friend makes an extremely important point and I hope that it is one on which the Opposition will think again.

Dr. Evan Harris: Would the right hon. Lady care to comment on the extent to which changes in coronary heart disease death rates are affected by changes in smoking habits made 10 or 15 years earlier? The improvements in the Tory years could have been due to changes in smoking habits 10 or 15 years previously, and some of the changes we are experiencing now could also be due to earlier lifestyle changes. Does the right hon. Lady accept that the long time lag means that the situation on death rates is not as simple as some people make out?

Ms Hewitt: The hon. Gentleman makes an important point, although Sir Liam Donaldson, the chief medical officer, stresses the point that the impact of smoking, including second-hand smoke, can show up extremely quickly—within a year or two—in coronary heart disease. Part of the improvements we have been making in the NHS is the much bigger investment in "stop smoking" services, which have helped more than 1.5 million people to give up smoking. The smoke-free legislation, supported on both sides of the House, will be the biggest step forward for public health for decades.

Of course change is difficult—we are changing from the old public sector monopoly to a patient-led NHS. It is not easy, but we have to do it to meet the huge challenges of an ageing population, people's rising expectations, new drugs, changes in medical technology and an epidemic of lifestyle diseases. We have to change the way the NHS works to safeguard what is most precious and enduring about it: the values of a health service that is paid for by all of us, available to each of us on the basis of clinical need and free at the point of use—the values we believe in on the Labour Benches.

Mr. Crispin Blunt (Reigate) (Con): I think that the Secretary of State betrayed herself earlier in her speech when she talked about a Labour chair of a PCT. I thought such people were meant to leave their politics behind when they discharged their duties to the NHS. However, our experience is reflected in a gerrymandered decision about the sites of hospitals in the south of my constituency, which drove the Surrey and Sussex Healthcare Trust into the largest deficit in the country under her predecessor. That was followed by her gerrymandered decision for a hospital at the St. Helier site in the face of recommendations. She was driven off only because the decision was so unreasonable that it would not stand up to judicial review. It is because the Secretary of State has put the political interests of the Labour party first that she should resign.

Ms Hewitt: The hon. Gentleman is talking absolute nonsense. Appointments to primary care trusts are made by a completely independent statutory appointments commission. I cannot remember whether the Conservatives supported its establishment, but it is completely independent.

Far from people being ashamed of their politics, if people in his party, my party or any other party are active, they declare it, but it makes no difference whatever to the appointments system.

Several hon. Members *rose—*

Ms Hewitt: No, I shall not give way—

John Bercow (Buckingham) (Con) *rose—*

Ms Hewitt: But I shall give way to the hon. Gentleman because I have considerable respect for him.

John Bercow: I am extremely grateful to the right hon. Lady for giving way.

In September 2006, in response to protests, the Secretary of State rightly instructed that the consultation process on the future of the Nuffield speech and language unit should be undertaken again. Given that eight months later—on 16 May, to be precise—the representatives on the new steering group from the Royal College of Speech and Language Therapists and the Association for All Speech Impaired Children resigned their membership of that group on the ground that they did not wish to be associated "with substandard work", will the right hon. Lady agree to meet me and a number of concerned parents and professionals, recognising, as she will, that the interests of highly vulnerable children are at stake?

Ms Hewitt: Of course I will.

We have believed in the values of the NHS ever since we created it. The Conservative party now claims to believe in those same values, but we are entitled to look at the Conservatives' actions, as well as their words. For 18 years, they starved the NHS of funds and took money out of the NHS to subsidise private health care for a few.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): Will the Secretary of State give way?

Ms Hewitt: No, I will not give way again.

That is exactly the policy that the right hon. Member for Witney (Mr. Cameron) put into his party's manifesto just two years ago. The Conservatives voted against the extra money that we are putting into the national health service—more than £8 billion more in this year alone—and they opposed the changes in local services that will benefit patients.

Mr. Neil Turner (Wigan) (Lab): The Conservative party has prayed in aid the Royal College of Nursing, the Royal College of Midwives and the British Medical Association in its criticism of the Secretary of State. In the conversations that she has had with those bodies, have they asked to return to the staffing and funding levels of 1997?

Ms Hewitt: My hon. Friend makes an extremely important point. Frankly, the message to NHS staff that we are hearing from Conservative Members is, "You don't need more money because you would have made the improvements anyway, so you don't need the extra staff or the higher pay and we won't give you a decent public service pension either."

Two days ago, the right hon. Member for Witney set out his seven-point policy for the NHS. His first point was

"an immediate stop to the closure of A&E and maternity services."

Well, of course that is what he is saying. He wants the headlines. He loves the demonstrations and the marches. But let us look—*[Interruption.]* Conservative Members should take note of the small print of what their party leader said. He said that the changes should be suspended

"Until there is clear clinical...evidence".

Those are weasel words from a Tory leader who says different things to different people and who will say anything at all if he thinks that it will please. He simply will not face up to the difficult policy challenges that confront our country. I have the clinical evidence in my hand and the right hon. Gentleman knows that it exists.

Mr. Lilley *rose—*

Ms Hewitt: Professor Sir George Alberti and Professor Roger Boyle—

Hon. Members: Give way.

Ms Hewitt: I will give way to the right hon. Gentleman.

Mr. Lilley: I am grateful to the Secretary of State for giving way. On the subject of weasel words, does she understand why Opposition Members sometimes find it difficult to put full credence in all the figures that she uses? That was illustrated yesterday, when she told my hon. Friend the Member for Bromsgrove (Miss Kirkbride), who asked about the recruitment of nurses from Africa, that, because of the Government's uniquely ethical policy,

"we do not take nurses from...Africa."—[*Official Report*, 22 May 2007; Vol. 460, c. 1089.]

When I pointed out that the Government have issued 50,000 work permits for nurses from Africa since 2000, her defence was that it did not really count because they came in via agencies rather than directly to the NHS and that that was difficult to stop. Can she tell us what is uniquely ethical about circumventing one's promises in that way and telling the House that we do not take nurses from Africa when we have given out 50,000 work permits? Why is that so difficult to stop when it is the Government who give out the work permits?

Ms Hewitt: The right hon. Gentleman should talk to Health Ministers in the Governments in Africa, with whom we have reached agreements on that very point. Let me also remind him that only last year we took nursing jobs off the skills shortage list in order to ensure that the jobs went to nurses here.

The point that I want to make about the clinical evidence for changes in services is that, as the hon. Member for South Cambridgeshire knows full well, in the case of the most serious emergencies—for instance,

[Ms Hewitt]

strokes and heart attacks—it is much better to bypass the local hospital and be taken straight to a specialist centre, where the specialist staff and equipment are ready 24 hours a day, seven days a week. Close to home wherever safely possible and in a specialist centre where necessary—that is what clinicians are telling us. If the NHS can do that, each year we can save 500 more lives, prevent another 1,000 heart attacks and support more than 1,000 stroke victims to regain their independence, rather than being condemned to lasting disability. That is the clinical evidence. Rather than giving us weasel words, the Conservative party should be supporting clinicians in making the case for change.

If we know that changing services will allow us to improve and save more lives, we would be betraying patients and the NHS if we refused to make those changes just because they were difficult. Leadership is about listening to clinicians, supporting them in making the case for change, involving local councillors and people in consultation, and then having the courage to back the NHS in making the right decision.

Mr. Lansley: The Secretary of State waved around Sir George Alberti's document on emergency access. He has told colleagues in West Sussex that for an accident and emergency department to be maintained, it must have a catchment population—he used the curious term "drainage population"—of between 400,000 and 500,000 people. Does the Secretary of State think that that clinical view should be applied throughout the country—yes or no?

Ms Hewitt: Professor Alberti has said consistently that the most specialist services need a larger catchment area.

Mr. Lansley: Does the right hon. Lady agree with him?

Ms Hewitt: Of course I agree with him that for the most serious—*[Interruption.]* The hon. Gentleman was complaining earlier that he wanted better stroke services. He knows perfectly well that that means changes to local A and E departments and hospitals and some services moving from local A and E departments and hospitals to specialist centres. Of course I support Professor Sir George Alberti and Roger Boyle in arguing for precisely that, and that is what the hon. Gentleman should be doing, instead of organising a human chain to save a hospital that was never under the threat of closure and then telling the local newspaper that the right way forward for Hinchingbrooke hospital might be for its A and E department to deal with self-referrals and for the more serious cases to go somewhere else, such as Addenbrooke's. His comments about Hinchingbrooke to his local paper are what he describes nationally as the closure of a local A and E department.

Mr. Lansley: Look, just for the sake of accuracy, let me say that a consultation is under way on Hinchingbrooke hospital—it is in my neighbouring constituency of Huntingdon, but it serves part of my constituency—and one of the options is the closure of the hospital.

Ms Hewitt: The local primary care trust and the hospital have made it perfectly clear that the right way forward, in their judgment, is a reorganisation of services that the hon. Gentleman claims to support one minute, yet describes the next minute as an outrage and a closure.

For the past 10 years, we have had a Prime Minister who has had the courage to make difficult decisions and has never shied away from difficult arguments. We have had a Chancellor who has had the courage to take the difficult decision to increase national insurance contributions and give the NHS the money that it needed. It was this party that created the NHS, although the Conservatives voted against it, and it was this Government who saved the NHS from ruin 10 years ago and put in the funding, although the Tories voted against it. It is this Government who will go on listening to staff and, above all, patients. We will make changes when they need to be made and improve services that still need improvement. We will back the NHS and improve it so that it is the fairest and best service in the world.

5.24 pm

Norman Lamb (North Norfolk) (LD): The Liberal Democrats will support the motion this evening because of the palpable loss of confidence in the Secretary of State, especially with regard to her handling of the junior doctors shambles—a subject to which I shall return. However, to some extent the right hon. Lady is a sacrificial lamb—*[Interruption.]* I thought the House would like that. She is a sacrificial lamb for the failings of the Government's stewardship of the national health service; others should take their share of the responsibility.

The extent to which confidence in this Government's stewardship of the NHS has collapsed is remarkable. There has been record investment, which we supported, and some genuine progress has been made, yet both the public and health professionals have lost faith. Just this month, a "Newsnight" poll found that, in relation to the NHS, Labour was the least trusted party. The Liberal Democrats came top. [HON. MEMBERS: "What a surprise."] I acknowledge that straight away. It is remarkable that, despite the Labour party's record of supporting the NHS over the years, it is now bottom in terms of public trust in handling the NHS. What has gone so badly wrong?

Plenty of people other than the Secretary of State ought to appear on the charge sheet—for a start, the Tories. When they were in government, there were years of chronic under-investment in the NHS. In 1997, when the Conservative party left government, investment in the NHS was 6.8 per cent. of gross domestic product—33 per cent. less than the EU average. Given that we were spending a third less than the rest of Europe, it was no wonder that people had to wait interminably for operations. I remember people coming to see me who were waiting for hip and knee-joint operations, sometimes for three years from the first referral to the point at which they had their operation. That is not a world to which we want to return. It was no wonder that the infrastructure of the NHS—the buildings—was worn out and so much investment was needed. In addition, not enough doctors or nurses were being trained or employed in the NHS.

The cumulative impact of that under-investment in the service that could be provided was massive. Let us compare our experience in the UK with that in the rest of Europe. In many countries elsewhere in Europe, waiting is simply not an issue. Never mind getting down to a maximum wait of 18 weeks next year; the fact is that people in many countries do not experience waits for operations. One has to take into account the massive head start that other countries have had because of their historically far higher funding for their health service than we have had in this country.

In 2002, this Parliament came to the point at which we decided whether to vote for increased investment in our NHS. Even after being turned out of government, the Conservatives voted against that increased investment. Had they had their way, cumulatively over the ensuing period we would have had £35 billion less to invest in the NHS. Just imagine the closure of hospitals that we would be experiencing without that money! At the last election, their plan was to drain money out of the NHS to subsidise private health care—that was stated in a manifesto drafted by the Conservative leader before he changed his mind. We need to remember that record of what the Conservatives did, both when they were in government and when we reached the point of voting on increased investment in the NHS.

Mr. Stephen Dorrell (Charnwood) (Con): In the spirit of setting the record straight, which is what the hon. Gentleman is trying to do, he might like to remember that although the 2002 tax increase was branded by the Chancellor as money required for the NHS, well over half of it was spent on the social security budget. The assertion made was simply untrue. The hon. Gentleman should not line up behind that party political slogan—it serves the Labour party's interest, but I cannot see how it serves his party's interest.

Norman Lamb: I thank the right hon. Gentleman for that intervention, but the simple fact is that there has been substantial increased investment in the NHS, which the Conservative party voted against. Whether or not part of that additional revenue was used for other means, it is still true that a substantial amount has gone into the NHS. We supported that and the Conservatives did not.

Mr. Dorrell: With great respect, the constant reassertion of something that is untrue does not make it true. It is absolutely right that we voted against the national insurance increase, but it is not true to say that we voted against increases in NHS expenditure. At the time, we made it crystal clear that we supported the increase in national health service expenditure.

Norman Lamb: The right hon. Gentleman has made his point, but the record speaks for itself.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): Will the hon. Gentleman give way?

Norman Lamb: No, I will not give way on that point.

I now turn my attention to the Labour party, and the question of whether everything is the Secretary of State's fault. She has been left to take the flak for a decade of missed opportunity, inconsistent policy and botched reform. The chickens have come home to roost, and it is on her watch that we are experiencing the effects of so much mismanagement over the past decade. Let us consider the record and the roles of previous Secretaries of State.

In 1997, the Labour manifesto specifically said that the Government would scrap the internal market; that was the commitment made, but there is now an internal market. There is a purchaser-provider split, and hospitals compete for patients. That flip-flop in policy direction is the responsibility of the Labour Government as a whole, not just the Secretary of State. As for the other institutional reforms that have taken place, there was the introduction of primary care groups, then the creation of primary care trusts, the scrapping of health authorities, the creation of strategic health authorities, and the merger of primary care trusts. There has been endless organisational change, and it has not all been in a consistent direction; there has been a flip-flopping from one approach to another at great cost, and with an enormous impact on the morale of the people working in the health service, including the doctors and nurses.

Andrew Stunell (Hazel Grove) (LD): Is my hon. Friend aware that health workers in my area were employed by three different trusts in three consecutive years? Despite all the contract rewriting costs and management change costs that went with that, their job did not change one little bit; it was all wasted investment.

Norman Lamb: I am very much aware of that. Every time there is a change of organisation, another group of people get early retirement packages and redundancy packages. The impact on morale is intense. Changes have just taken place in Norfolk, and I know lots of people who are still in temporary posts and are waiting to have new posts allocated to them. Change always affects morale, and because the changes have been so frequent the impact on the morale of patients, doctors, nurses and many other health professionals has been dramatic.

Botched reform has also hit the voice of the patient and the public in the NHS. The right hon. Member for Darlington (Mr. Milburn) was responsible for abolishing community health councils when he was Secretary of State. I have since heard it said that he had a particularly bad relationship with his local community health council. CHCs were abolished in 2002, and patient and public involvement forums were established after that, in 2003. Three years later, they were abolished, and the local involvement in health networks were created. That was another mess, and a botched reform that left all those involved with a sense of total frustration, including people who, as volunteers, were trying to make a contribution to improving our health service.

That same Secretary of State left another legacy: the current state of NHS IT. The hon. Member for Ellesmere Port and Neston (Andrew Miller) got very hot under the collar on that point, but it is as though he is living in a parallel universe, and is not aware of what doctors in the NHS are saying about "connecting for health". Their view is very different from the rosy

[Norman Lamb]

picture that he described. When a political commitment was made to "connecting for health", no proper analysis was undertaken of the need for the system, or of whether financial benefits would outweigh the costs. That is the view of the Public Accounts Committee, and the majority of its members are from the Labour party. It took the view that there was no proper analysis.

The original budget was £2.3 billion, which will be exceeded. The PAC reckons that the costs range anywhere between £6.2 billion and £20 billion, compared with the original estimate of £2.3 billion. The project is therefore massively over budget and it is behind schedule, too. The PAC says that the highly controversial patient clinical records scheme is running two years behind schedule, with no indication of when that part of the project will be complete. If one talks to any group of doctors, whether they are GPs or hospital doctors, one is met by a chorus of groans—they are completely frustrated by "connecting for health" and the way in which it has been imposed from the centre. Again, that has impacted on morale.

Andrew Miller: May I commend to the hon. Gentleman a recent article in the *British Medical Journal*, which reported progress—

Dr. Andrew Murrison (Westbury) (Con): "It says here."

Andrew Miller: Yes, that is what it says in my notes. The article reports progress so far on the national programme, and it includes interviews with 25 senior managers and clinicians in four hospitals. May I point out to the hon. Gentleman that, contrary to what the hon. Member for South Cambridgeshire (Mr. Lansley) said, there are 4,594 live sites providing the electronic prescription service, which is a huge improvement? I accept that it is a complex programme and that there are frustrations, but it is an immensely successfully development. There is now 100 per cent. coverage by PACS—picture archiving and communications systems—in London.

Norman Lamb: I am grateful that the hon. Gentleman at least acknowledged that there have been frustrations. I repeat that if one talks to any group of doctors, they are enormously frustrated with the system and the way in which it has been imposed centrally. When I hear that there has never been a thorough system review to ensure that the people who are building it, the people who will use it, and the people who will purchase it share a common view, I am completely amazed. People involved in the project on the private sector side have complained that there has never been a thorough system review.

John Bercow: The hon. Gentleman has just highlighted an unwelcome imposition from the centre, and it would be fair to say that he—and there are such people in all parties in the House—subscribes to the doctrine of localism. May I, however, in all honesty, put it to him and to the Secretary of State that when we talk about services that will be provided to, and are needed by, only a small minority of people with very severe and sometimes complex needs, there is frequently a compelling case for a central pot of money, and even some central direction; otherwise, the vulnerable people to whom I referred earlier may simply fall through the net? That has happened under successive Governments, so does the hon. Gentleman agree that the review of specialised commissioning, although welcome, could perhaps have gone further and that the Secretary of State might usefully be persuaded to take another look at it?

Norman Lamb: That is a very opportune intervention and I entirely accept the point made by the hon. Gentleman. In any system that tries to decentralise control and accountability there should be a role for the centre, too. It is a national health service, after all, and those specialist areas are particularly important to ensure that there is coverage across the country. I therefore accept his point entirely.

Andrew Miller: May I follow up that point? The hon. Gentleman, who lives in Norfolk, will accept that if he were run over by the proverbial 73 bus tonight, in an ideal system the first responder would have access to his medical records, thus enabling instant blood matching. There are good clinical reasons for centralism. Of course, there is a dichotomy, but he will accept that in a well developed system that is the kind of progress that we would like to see.

Norman Lamb: I am told by doctors in accident and emergency departments that they follow protocols in those circumstances. If necessary, my notes could be e-mailed from another part of the country.

In 2000, we had the NHS plan, part of which was to create 100 new hospitals by 2010. That was a very ambitious programme, but it was to be funded using PFI—a massive, uncosted commitment that will drain the NHS of resources long into the future. It is mortgaging our future and putting the NHS in a straitjacket of serviced accommodation. At the very time when Ministers are telling us that we must be flexible, that we must adapt to changing methods of delivering health care, and that we must shift care away from acute hospitals to care for people closer to home, we are stuck with the centralised provision of highly expensive serviced accommodation.

Mr. Burns: Thanks to the help of the Prime Minister, the Minister of State, the hon. Member for Leigh (Andy Burnham), and others, my constituency is benefiting from a £143 million investment in new facilities and new build at Broomfield hospital. If the hon. Gentleman had been Secretary of State, would he have allowed that scheme to go ahead—yes or no?

Norman Lamb: My point is simply that we have relied entirely on PFI. The National Audit Office and the hon. Gentleman's own party—

Mr. Burns: Answer the question.

Norman Lamb: I am not in a position to answer a question about one local hospital. Does the hon. Gentleman disagree with his own Front Benchers, who have also drawn attention to the cost of PFI? He seems to be in something of a muddle.

Mr. Burns *rose—*

Norman Lamb: I will not give way again on that point.

Spending on PFI schemes is projected to be £17.8 billion by 2014-15. It has not been costed, yet it is imposing an enormous burden on local health economies.

Mr. Ian Austin (Dudley, North) (Lab): The hon. Gentleman is wrong to say that all the new hospitals have been funded through PFI, but I am pleased to say that Russells Hall, the brand new £200 million hospital in Dudley, has been. Is his message to the people of Dudley, who will read whatever he says with great interest when we put it in our leaflet, that the Liberal party is against that investment and would not have supported the development of a brand new hospital, funded through PFI, for my constituents?

Norman Lamb: We have consistently supported the Government on increased investment in the health service, but the over-reliance on PFI has been a mistake. The hon. Gentleman might want to listen to the comments of Bob Ricketts, the head of capacity development at the Department of Health. In June 2005, he said:

"I have seen some awfully grand PFI schemes that are starting to give us a real problem in our capacity management. We need a fundamental rethink about how we invest in capital rather than human resources."

The Government's own Department of Health is questioning the over-reliance on PFI. That over-reliance is the responsibility of the Chancellor of the Exchequer, the next Prime Minister, who has at every stage driven PFI in the health service.

The Minister of State, Department of Health (Andy Burnham): The hon. Gentleman may be aware that there has been a lot of controversy about Leeds children's hospital, which is a proposed PFI development, and that one of his colleagues, the hon. Member for Leeds, North-West (Greg Mulholland), has been pushing hard for it to be built. Under a Liberal Democrat Government, would the hon. Gentleman have to disappoint his colleague by abandoning that scheme?

Norman Lamb: That is a ludicrous suggestion. We oppose over-reliance on PFI, as do the Conservatives. We entirely support the building of that new hospital, but investment in health facilities does not always have to be done using PFI—that is a remarkable argument. Other finance mechanisms can be used.

Mr. Lansley: Does the hon. Gentleman recall that, at the last general election, the Conservative party issued a document about what we would do in Government? It included making resources available from the Department of Health capital budget to support several new children's hospitals, one of which would have been the Leeds hospital.

Norman Lamb: The hon. Gentleman makes the point that there are other ways of financing new build. Health bonds are another method. To suggest that it is PFI or nothing is ludicrous. The hon. Member for Norwich, North (Dr. Gibson) often criticises PFI—plenty of Labour Members criticise the over-reliance on PFI. Not only Liberal Democrats take that view.

Mr. Kevan Jones (North Durham) (Lab): As someone whose constituency is served by two brand new PFI hospitals, let me emphasise that they not only provide good quality health care, but they were built on time and on budget. How would the hon. Gentleman fund the hospital building programme that the Government have achieved?

Norman Lamb: It is remarkable that Labour contributors appear to have swallowed the idea that the only way in which one can invest in capital projects is through PFI. Bonds are a perfectly good way of raising funds for capital investment. It does not have to be done through PFI.

We are in an extraordinary position whereby we have record investment in the NHS, yet there is also a record deficit. How did we get there? Too much investment has been wasted. The Health Committee drew attention to poor financial management, loss of financial control and the PFI obsession.

The failings are the fault not only of the Secretary of State but of successive Ministers. Indeed, the pain of forcing trusts to address their deficits was delayed until after the last general election.

Let us consider the legacy of another Secretary of State—the current Home Secretary. His legacy includes the GP contract, which ran massively over budget and continues to have an impact on local health economies; the handover of responsibility for out-of-hours care from doctors to PCTs, which the Public Accounts Committee described as "shambolic"; and the consultants' contract, which also ran massively over budget and, according to the National Audit Office, fails to deliver the intended improvements in patient care. There is also his target for cutting MRSA infections, which will be missed by next year as C. difficile cases continue to increase. All those failures continue to afflict the NHS and the Government's reputation.

Let us consider the current Secretary of State. She made a political commitment to sort out NHS finances, and the Government will undoubtedly hail the achievement of a small overall surplus as a victory at the end of the financial year, but at what price? Again, the Health Committee highlighted the impact on soft targets. Funding for voluntary organisations has been cut.

Mr. Eric Martlew (Carlisle) (Lab): Will the hon. Gentleman give way?

Norman Lamb: No, I want to make some progress.

Cuts have been made to mental health services in many parts of the country, including in my county of Norfolk. Public health initiatives have been cut.

Mr. Martlew: Will the hon. Gentleman give way on that point?

Norman Lamb: No, I shall not.

Training budgets have been cut, with thousands of posts lost and newly qualified nurses unable to find work. Those are genuine cuts that affect patients and hit doctors' morale.

Mr. Martlew: Will the hon. Gentleman give way on that point, then?

[Mr. Martlew]

Mr. Deputy Speaker: Order. The hon. Member for North Norfolk (Norman Lamb) has indicated that he will not give way. I also remind the House that time is ticking away and many hon. Members are seeking to catch my eye. That should be borne in mind.

Norman Lamb: There is the threat to so many community hospitals around the country, including in my county of Norfolk. I fully accept that some reconfiguration of acute services is necessary, but in some cases it is driven by financial crisis—again, a point that the Health Committee made.

The dentists' contract is also a shambles, with people finding it literally impossible in some parts of the country to find an NHS dentist. Primary care trusts throughout the country face deficits in their dental budgets because of the Government's miscalculation of patient fee income.

We then come to junior doctors and the disgraceful shambles of the medical training application service—MTAS. The judicial review has failed, and the Secretary of State has applied for costs in the case this afternoon against the junior doctors. I understand that the judge awarded costs but asked the Secretary of State to reflect on that. He made the point that she had acknowledged that mistakes had been made and that she will have to work with junior doctors. Would not it be outrageous if she chose to pursue her recovery of costs against the junior doctors who have been the victims of the Government's mismanagement of the system? I urge her—she is trying not to listen—to announce in her statement tomorrow that she will not pursue the recovery of costs against junior doctors. She could clear up the matter this afternoon, if she chose to do so.

Despite all the warnings that the system had severe problems, the Government ploughed on regardless, displaying a mixture of arrogance and complacency. Clearly, MTAS was not adequately piloted or tested. The statement of Nicholas Greenfield from the Department of Health to the High Court last week revealed that it became clear in April that the software was not working. A paper on 25 April noted that the

"allocation algorithm was giving a different allocation from what was expected".

Another paper to the project board on 26 April highlighted difficulties with the allocation principles. I quote:

"It stated that until the issues were resolved, and the principles agreed, it would not be possible to confirm the feasibility of the allocation rules, to design and develop the allocation software, or to confirm the timetable for making offers to applicants."

By 28 April, the situation was even worse. A report by Beverley Bryant, in the aftermath of the security breaches, concluded that further changes to system functionality were necessary. It stated, however, that making further changes

"could further compromise the quality and security of the system which...could be fatal to the programme".

In other words, the Government had no option. They had to decide not to proceed with MTAS. Why were we not told that on 1 May or in last week's statement? It was never mentioned.

The Secretary of State has still not confirmed the number of extra training posts that will be available this summer to avert significant numbers of junior doctors being unemployed.

Andrew Stunell: One of my constituents, who is a consultant, drew to my attention last weekend the huge amount of consultant time being spent on trying to get the system back in order. He estimated that 140 hours of consultant time would be spent on the system and on trying to appoint junior doctors. That is a total waste of his effort, and reduces his capacity to give treatment to patients.

Norman Lamb: My hon. Friend makes a good point. The impact has been not just on junior doctors, but on all those who have had to conduct 15,000 extra interviews. There has therefore been an impact on patients, too. What a mess.

A litany of misjudgments, costly mistakes, changes of direction and botched reform has been the responsibility not just of the Secretary of State but of the whole Government. That is an extraordinary record of failure from a Government who warned us back in 1997 that there were 24 hours to save the NHS. Everyone knows that the Secretary of State will go when the new Prime Minister takes over. Is it not ludicrous that the NHS must wait six weeks for that to happen? When so much needs to be done, we have a lame duck Secretary of State. She should go now.

Mr. Graham Stuart: On a point of order, Mr. Deputy Speaker. I am not seeking to catch your eye in this debate, but it occurs to me that little time will be left once the Liberal Democrat Front-Bench spokesman has finished—[Hon. Members: "He has finished."] He has just finished. What can you do to ensure that Back Benchers who wish to contribute to such debates have time to do so?

Mr. Deputy Speaker: It is true that all three Front-Bench speeches have taken more than half an hour. That is a matter for those on the Front Benches. All I can do is urge hon. Members to make their contributions brief and, before they intervene, to think what they are intervening about and to make their interventions brief. But then—hope springs eternal.

5.55 pm

Natascha Engel (North-East Derbyshire) (Lab): I shall try and restrict myself to 10 minutes and take out all the digs at the Tory Front-Bench team, except to say that once again we are having a health debate on an Opposition day, in which I greatly enjoy taking part. I have taken part in almost all of them and I have yet to hear a Tory policy. Perhaps we will hear one later.

The Department of Health is massive and wide ranging. I shall focus on cancer treatment and survival rates. Cancer affects almost every family and every person directly or indirectly. It is terrifying. Most doctors speak of the C-word rather than refer to cancer itself, because it used to be a death sentence. That is no longer necessarily the case. Although cancer is wide ranging and survival rates differ greatly, depending on

the type of cancer, people are still twice as likely to survive if they are diagnosed today than they were 10 years ago.

The reason that we have been so successful in cancer treatment and have such high survival rates is because of early screening, early diagnosis and far better treatment. Almost everyone with suspected cancer who is seen by their GP will be sent to a cancer specialist within two weeks, and 99 per cent. of patients who have been diagnosed with cancer will have had treatment within one month of their diagnosis. These are fantastic statistics.

Part of the reason for such success is that the NHS has introduced far greater flexibility in the system for cancer treatment and takes account of the needs of individual patients far more. Treatment is carried out in communities wherever possible. Simple chemotherapy treatments can now be given in district hospitals such as the Chesterfield and North Derbyshire Royal hospital, which has developed a chemotherapy suite so that patients do not have to travel all the way to Sheffield if they do not want to. The Chesterfield Royal has been so successful in its chemotherapy treatment that it is massively expanding its operation. It is a tiny district hospital, but the same is happening throughout the country so that patients diagnosed with cancer can receive treatment in a much calmer community-based environment, with their families close by. That is a huge achievement.

Eighty per cent. of women diagnosed with breast cancer will survive for at least five years, compared with 50 per cent. only 30 years ago—again, a massive achievement. Two thirds of women who are newly diagnosed with breast cancer are likely to survive for another 20 years. These sound like random statistics, but about 1,400 people who are alive today would not have been alive 10 years ago.

One of those people is my mother, which is the reason I wanted to take part in the debate. She is over 60, and three years ago had a routine mammogram at the Addenbrooke's hospital. She lives in the neighbouring constituency of Huntingdon. The nurses were not entirely happy with the results, sent off for a biopsy on that day, and she was given a positive diagnosis there and then. She was seen and treated within three weeks of that routine appointment, which is staggering. On the day that she had her mammogram, she was given the name and telephone number for a nurse whom she could call day or night if she was worried. That was spectacular. Her experience has been fantastic. There are many other women like her throughout the country. Those cancer rates are fantastic.

Another example concerns a friend of mine who lives in my constituency and who has taken a terrifying but very brave decision. Her family has been blighted by breast cancer. She has lost grandmothers, cousins and aunts to breast cancer. When her mother was 38, she decided that she would have preventive breast surgery—a double mastectomy—to avoid having to go through with the cancer. She was the first woman in the country to have such a preventive double mastectomy.

Becky, a presenter of a breakfast radio programme on Peak 107 FM, decided at the age of 24 to become the youngest woman in the country to have a double mastectomy—an incredibly brave decision for someone so young. She is beautiful and vivacious and has a very high profile in north-east Derbyshire. It is absolutely amazing. She had an 85 per cent. chance of developing breast cancer in her life. Taking the decision to have both breasts removed at such a young age was brave, but it was, for her, only a liberating experience. She has had breast surgery so she now has even better breasts than she had before. She is still enjoying life.

The point is that modern technology and cosmetic surgery have meant that people like Becky can take blood tests and find out whether they are carrying a faulty gene, which was not possible before. A death sentence has been lifted from this girl and it is so easy to see it when we talk to her about her experiences.

Those are two small examples—albeit very close-to-home examples—of where breast cancer treatment and survival rates have made a huge difference, not just to my life but to the lives of other people. I hope that we can continue to make a difference. The best chance of continuing to be able to help people with cancer, especially breast cancer, is to maintain a Labour Government, as recent history shows.

Mr. Deputy Speaker: Order. I want to underline the point I made a few moments ago. Everyone can see the number of hon. Members seeking to catch my eye. We shall start the winding-up speeches at about 6.30 or 6.40 pm, so I would be grateful if hon. Members made their contributions as brief as possible in order to allow as many as possible to speak.

6.1 pm

Grant Shapps (Welwyn Hatfield) (Con): I shall try to adhere to your guidance, Mr. Deputy Speaker.

If we are discussing the health service, it is important to acknowledge that extra money has been invested and some improvements made, particularly on waiting times. We then have to ask whether the money has been spent sensibly and whether we could get more from it by spending it more productively. One of the dangers of a debate like this is that we quickly descend into our own individual examples of exactly what is happening in our own local health economies and local hospitals. That sometimes misses the broader point, because it is always possible to find one example that proves or disproves a general rule, so I shall leave any comments about local matters until the end.

Accountability within the health service is one of its great problems, despite the amount of money going into it. I suspect that we have all experienced the problem of taking an issue on behalf of a constituent to an acute health trust. It tells us that the matter is not its responsibility, but that of the commissioning agency, the primary care trust, which then says that it is a matter for the strategic health authority, now a regional body. The SHA proceeds to tell us that it is not a matter that it can deal with because the Secretary of State needs to intervene. At that point, we contact the Secretary of State for Health, who tells us that it is a matter for the local health economy—[Hon. Members: "Absolutely"]—so we have gone round in a huge circle. It is extremely difficult, in a system that almost deliberately seems to go out of its way to cause such confusion, ever to pin down exactly who is responsible or accountable for what is happening locally.

Meg Hillier: I will be brief. Perhaps the hon. Gentleman should visit constituencies like mine, where the Homerton hospital is a foundation trust made up of members of the public who have joined and created a mutual to help to run and hold the hospital to account. Does he not accept that that is a real achievement—one that we should perhaps see more of?

Grant Shapps: I absolutely agree. We like the idea of foundation trusts and we want to go further and faster with them. We were going in that direction, until it was all reversed for the first half of the decade during which the Government were in power—before we realised the error of their ways.

As I say, it is a problem of accountability. A great example is closing a chemotherapy unit on a temporary basis, when the entire community realises that it is actually being closed permanently. Chemotherapy is a treatment that people want to have close to home, if at all possible, for the simple reason that it is an uncomfortable experience. It is highly undesirable for people who are feeling sick to have to travel miles after their treatment.

I have heard of cases of chemotherapy units being closed on a temporary basis in order to remove the need for the local NHS trust to consult the public on the closure. A temporary closure, unlike a permanent one, requires no consultation. Having temporarily closed the unit, the trust then consults on a permanent closure. The effect has been to close the chemotherapy unit permanently, while calling the closure temporary. The rules have been circumvented by pretending to have a consultation, even though the unit is already closed. That is just another example of the lack of accountability that has found its way, almost systematically, into the health service. The Secretary of State should address that issue.

There are many other issues to address. Week in and week out in the House, we hear about a new top priority in the health service. Just the other week, I was highlighting the problems surrounding in vitro fertilisation in the NHS. In 2002, the then Secretary of State came to the House and said that everyone should be able to get at least one cycle of IVF on the national health service. I was very relieved to hear that. All three of my children were conceived through IVF, and the idea that others would be able to get the treatment through the NHS was to be welcomed.

The trouble was that, after that had been happening for a while, it stopped. The reason for it stopping seemed to be that other priorities had come along and been piled on top of the original priorities set by the Secretary of State, resulting in the first priority being almost entirely lost. That applies to all manner of services. An investigation into audiology services revealed that, despite the 18-week target, the average wait is 42 weeks. In Liverpool, the wait for having a hearing aid refitted is five years—

Andy Burnham: No it is not.

Grant Shapps: I can provide the Minister with the data—

Andy Burnham: Prove it.

Grant Shapps: I will provide the data to the Minister. In fact, I have already provided them to the Secretary of State after I issued my report. If the Minister goes to www.shapps.com/reports, he will be able to download that report for himself.

The truth is that there is a five-year wait for people trying to transfer from an old-fashioned analogue hearing aid to a digital one. The Government have recently said that their aim is to include audiology services in the 18-week target. That is fine—it is to be welcomed—but there will be a problem if all that that does is pile that target on top of all the previous NHS targets. It is the latest priority in the latest week, and it simply will not work. The Government do not understand that the answer to all the problems in the NHS is not simply to stand up in the House and announce the latest priority, because all that happens is that the previous priority—and the one before, and the one before that—gets trampled on. That is how we end up with so little accountability.

I want to be brief, so I shall simply do what I am sure all hon. Members want to do, which is to refer to a local case. Despite all the promises and pledges, and despite what we heard at Prime Minister's questions today and in the Secretary of State's opening comments about how wonderfully rosy everything should be in the NHS, we all have our own examples of how the exact opposite is the case. In my constituency, the Queen Elizabeth II hospital is the place that illustrates that problem.

A consultation is about to get under way into the closure of the accident and emergency unit, of maternity services, of elderly care and of paediatrics, and into ending all elective operations there. This is the proposed wholesale closure of all the acute services at the hospital. The Secretary of State and her Ministers must recognise that when we hear pledges and promises, or talk of the number of extra doctors and nurses, they mean nothing to those who live in a county such as mine, which has more than 1 million people but only two hospitals that are set to remain after this flawed consultation: one in Labour Stevenage, the other in Labour Watford.

6.9 pm

Mr. Eric Martlew (Carlisle) (Lab): I was first elected a member of a health authority in 1974. In 1977, I was appointed chair of Cumbria health authority by a Labour Secretary of State, and in 1979 I was not reappointed by a Conservative Secretary of State. There was something honest about that. There were people chairing health authorities who supported the Government's views. Now, I am afraid that we have given that away. Now, the Healthcare Commission appoints retired civil servants. In my area it has just appointed a new primary care trust, not one of whose non-executive directors lives in a city or a town. They all live in a rural area, and I suspect that they all come from the middle class.

I do not think we have done very well in that regard, but I will say this. Since 1974, I have worked in one way or another—in the health authority or in Parliament—with every Secretary of State we have had, and I believe that the record of the Secretary of State we have today compares with that of the best of them.

Mr. Graham Stuart: The hon. Gentleman is joking!

Mr. Martlew: Certainly my right hon. Friend's record compares very well with that of the right hon. Member

for Charnwood (Mr. Dorrell). I was a Member of Parliament during his time as Secretary of State.

I think that the Secretary of State would agree that she has been greatly assisted by dedicated staff, and also by record funding from a Labour Government. As we have heard today, the NHS has been transformed. We have heard about the experience of patients, as opposed to that of politicians or the general public: we have heard that 90 per cent. are pleased with the treatment that they have received, which is excellent.

We have slashed waiting times. Members who have been here for a while will remember when their postbags were full of letters and their surgeries were full of walking sticks, because people were waiting for hip replacements or elective surgery. They were not waiting for 18 weeks or for 18 months; some were waiting for two or three years. As Members know, that does not happen any more. The hon. Member for Scarborough and Whitby (Mr. Goodwill) is waving a piece of paper. I would like to think it was his resignation, but I suspect that it is not.

Deaths from cancer and coronary disease have declined, but it would be wrong of me to waste this short opportunity by saying that everything in the garden is rosy. Sorry, Rosie! I mean, I apologise to the Minister of State, Department of Health, my right hon. Friend the Member for Doncaster, Central (Ms Winterton).

Mistakes have been made. I happen to believe that the reorganisation of Cumbria PCT was wrong. It needed to be reorganised because it was ridiculous to have three PCTs for 40,000 people, but the creation of a unitary PCT for the whole of Cumbria was entirely wrong, because it has made the PCT too remote. I only hope that we do not make the same mistake in the local government reorganisation and end up with a unitary Cumbria.

At first there was great concern about clinics run by community action teams, but when we met the Minister of State he gave us assurances that the CATs would be tailor-made for rural areas like Cumbria, and would not take resources away. I hope that in the near future it will be announced not only that CATs will be complementary to services in Cumbria, but that one will be based at Cumberland Infirmary.

The out-of-hours service in my constituency is not satisfactory. We have an out-of-hours organisation called CueDoc, with a surgery at the top of the highest hill in Carlisle. As there is no public transport, I cannot imagine how the elderly and the sick manage to get there, especially in the middle of the night, but that could be altered.

However, let us compare that with how things used to be. My area had the first private finance initiative hospital in the country. I advise Members never to want to be the first at anything, because being at the cutting edge has its problems. My hospital had its problems, but they are being sorted out. However, the fact is that we had waited 40 years for that new hospital. The Conservatives cancelled it on four occasions. The previous hospital had been built a long time ago—during the time of Lloyd George—and the maternity service was dangerous because the district general hospital was three miles away from the maternity hospital and the consultants could not get to the maternity hospital and children were dying. That has now all been sorted out.

Finally, I shall talk about the dentistry service in Cumbria. In 2005, because of how NHS dentists felt about contracts, the vast majority of those in Carlisle opted out of the service. There were long queues in the streets of Carlisle—which was embarrassing and made the national news—as one dentist said that if people did not sign up immediately they would not get a dentist at all. Last week, it was revealed in *The Cumberland News* that we have provided 23,000 places for patients in Carlisle, and that there was no waiting list for dentistry there. When the Minister—my right hon. Friend the Member for Doncaster, Central—visited and we went to a surgery, we came across people who had not been to a dentist for 10 or 15 years. Under the current Secretary of State, we have cured the problems of dentistry in north Cumbria, and they can be cured throughout the country.

That is not all that should be said on this matter. A headline in today's *News and Star* reads, "Smile! New dentists will treat extra 7,000". That is not about my constituency; it is a story about the market town of Penrith, where there will also be no waiting list.

It is wrong to say that the Secretary of State has failed. She has had a difficult task, but we are getting things right. One thing that we must do is ensure that the Conservatives never get another chance to decimate the NHS. They have never believed in it—they voted against it—and they still do not believe in it. Many of them do not even use it, so why should we trust them with it?

6.17 pm

Mr. Stephen Dorrell (Charnwood) (Con): First, I shall respond to the closing comments of the hon. Member for Carlisle (Mr. Martlew) by referring to what the Secretary of State said in her speech. She began by saying that being Secretary of State for Health is a great privilege—and she was generous enough to say that it was felt to be so not only by Labour Secretaries of State but by Conservative Secretaries of State as well. I did not agree with very much else of what she said, but I do agree that it is a great privilege to hold her office.

However, when someone is granted a privilege it behoves them to ask what is expected of them in return. Given that this Secretary of State and her three Labour predecessors have been the beneficiaries of an unprecedented increase in national health service funding—increases that the Conservatives support—we can legitimately expect from her in return a commitment from the top of the national health service to deliver the best possible outcome for those increased resources. The charge that sticks against the Secretary of State is not that she is not committed to the national health service and its ideals—of course she is committed to them—but that she has not delivered the level of competence that the taxpayers and patients of this country are entitled to expect in return for the investment provided by her colleagues in the Treasury.

The Secretary of State responds to that charge by setting out all the improvements that have been delivered in the NHS over the past 10 years, and I do not dispute that there have been big improvements in

[Mr. Stephen Dorrell]

some aspects of the service it delivers. Conservative politicians who say that the NHS has got worse since 1997 are simply wrong. That defies the evidence and the experience of those who use the health service. As my hon. Friend the shadow Secretary of State made clear, the charge against the Secretary of State is not that things have not got better. They have got better under this Secretary of State as they have under all her predecessors going back to 1948. There are endless statistics that my predecessors and I could quote on the improvements that were delivered by the NHS. Such improvements have been delivered throughout its history and my hon. Friend was good enough to cite some of the statistics on cancer mortality this afternoon.

The charge against the Secretary of State is that, in the old words of the school report, she has been too easily satisfied with her own work. We criticise her for losing the opportunity to deliver even bigger benefits for the resources that have been provided to the NHS.

John Bercow: Given that the advances in medical science mean that whenever one devises a new cure, one effectively creates a new queue, does my right hon. Friend agree that uppermost in ministerial minds at all times should be the priority of increasing productivity in the NHS?

Mr. Dorrell: Yes, I do, as long as it is understood that we are looking for the maximum possible health gain for the resources that are provided to the NHS and, in particular, the delivery of the stated objectives that Ministers, under both Labour and Tory Governments, have set out for the NHS. I wish to focus on one of those objectives, because if we conduct the health debate—as is often the temptation—purely in terms of the structure of health care delivered to particular communities, we miss the point of what the NHS exists for and what patients expect us to deliver through its structures.

It has been said by every Health Secretary that one of the purposes of the NHS is to reduce health inequalities around the country. So one of the challenges for the Secretary of State is why, despite the huge increase in resources over the past 10 years, health inequalities in Britain have got worse. In my intervention in the speech by my hon. Friend the Member for South Cambridgeshire (Mr. Lansley), I said that we should look not only at the record on cancer mortality or infant mortality for this country now as compared with 10 years ago, but at the health outcome measures in comparison with other, comparable countries. We should challenge ourselves with the fact that although cancer mortality rates are better here now than they were 10 years, they are significantly—not merely statistically—worse in Britain than in France, Germany, Italy and Spain. The latter is possibly the most telling, because that country's national income is significantly lower than ours.

We should not simply trade often meaningless party political anecdotes about health improvement, as we heard from the Secretary of State this afternoon: we should address the real consequences of the failure to use the resources supplied to her—she is now back in her place—that were not available to her predecessors.

I shall not detain the House with the catalogue of mismanagement that has already been discussed, including the record on MTAS or the huge increases in resources for primary care that have somehow delivered a diminution in the quality of out-of-hours care. As for the Secretary of State's record on mixed-sex wards, I am tempted to say that that is a subject on which she may regard imitation as the sincerest form of flattery, because she has made the speeches about how dreadful they are, as I did, and her record is exactly the same as mine. Mixed-sex wards still exist in the health service, and there is no effective plan to remove them.

The Secretary of State cannot conceivably be proud of the record on IT. In April, the Select Committee on Public Accounts published a report that stated:

> "The...patient clinical record, which is central to obtaining the benefits of the programme, is already two years behind schedule".

Most extraordinary of all—just listen to this, Mr. Deputy Speaker—it added:

> "The Department's investment appraisal of the Programme did not seek to demonstrate that its financial benefits outweighed its cost."

What is an investment appraisal about, if not demonstrating that benefits exceed costs? It beggars belief that we can be launching a £12 billion programme on the basis of an investment appraisal that did not set out to compare costs with benefits and show that benefits exceeded costs.

I promised to be brief. The charge against the Secretary of State is not that she does not care or that she is not committed, but that she has not delivered. That is the basis on which we Conservatives have used the device of this debate to demonstrate our belief that she should resign.

6.26 pm

Mr. Ian Austin (Dudley, North) (Lab): I am delighted to speak in this debate, which gives us the opportunity to set out some of the dividing lines between the parties on the health service, to examine some of the choices that the British people will face at the next election and to consider the Government's record on some of the issues.

The hon. Member for Welwyn Hatfield (Grant Shapps) said that he did not want to talk about his constituency, but I want to talk a little about mine because some of the things that we have seen in Dudley demonstrate well some of the wider improvements of the health service across the country. It is fair to say at the outset that none of the improvements in Dudley would have been possible without the leadership of the Secretary of State and her colleagues. That is why I am speaking against the Opposition motion today.

Dudley primary care trust has undertaken wide-ranging reforms to services in the community in the past few years. As a result, my constituents now receive in their own homes personalised, individual care that would previously have been found only in hospitals. New ways of working introduced by this Government mean that care is tailored more than ever to meet the specific needs of the individual patient.

There are new rapid-care teams, care staff working in the community with mental health patients and new nurse consultants working with those most likely to return to hospital most frequently. We are intervening earlier and working on ways of providing preventive care closer to home. When the impact of the work of those staff on just the first few patients was analysed, it showed that the length of their stays in hospital away from their families had been reduced by an average of one week. The most recent figures show that the strategy has slashed the average length of stay in hospital by almost a quarter.

There are new case managers, who ensure that patients who can be treated at home are not unnecessarily admitted to hospital and that those who are admitted return home more quickly. Such managers cut emergency admissions. Again, it is worth referring to the figures: the work of one manager alone meant that 88 people could be treated at home, away from hospital, in one eight-month period.

We are linking up health and social services in ways that could never have been dreamt of before. We are cutting out inefficiencies, speeding up treatment and reducing waiting times. Under the superb leadership of Rachel Harris at Dudley primary care trust, we have pioneered a new community heart failure team, which provides new services in health centres and clinics. As a result, emergency admissions caused by heart failure were reduced by 16 per cent. in the first year; a nearby PCT that did not then have a similar service saw its heart failure admissions increase by 10 per cent.

As I said earlier, services at our district general hospital, Russells Hall, have also been transformed. We have a brand-new £200 million hospital, developed under the private finance initiative, with more doctors and nurses treating more patients more quickly than at any time in history.

That is not to say that things are perfect—they never can be. We have problems with car parking, and infection rates always cause concern. Other issues of chiropody and audiology have been raised by constituents.

The truth is that none of the improvements I spoke about earlier would have been possible without the extra investment that the Government have put into the NHS, which the Opposition voted against, despite what the right hon. Member for Charnwood (Mr. Dorrell) said earlier. Whatever they say about their new-found commitment to the NHS, we must not let anyone forget that they constantly opposed that extra investment and would cut spending on the health service if they had the chance to do so.

Under the Labour Government, investment in the NHS has doubled and it will have trebled by 2008 to more than £90 billion. The NHS is receiving an extra £8 billion this year—the biggest cash increase ever. All that investment means that there are about 280,000 more staff, as we heard earlier. There are more staff than at any period, with 35,000 more doctors, 80,000 more nurses—

Lynda Waltho (Stourbridge) (Lab): And they are better paid.

Mr. Austin: As my hon. Friend says, we have the best paid nurses in Europe.

Furthermore, 116 hospitals have already been opened, or will be opened in the largest hospital building programme in our history, and 2,800 GP premises have been improved or refurbished.

Whatever the words of the Conservative motion, the Leader of the Opposition said that the extra investment needed to deliver those changes was "fiscal irresponsibility" and he committed his party to a new fiscal rule that, whatever they claim, means that they would spend less on the NHS than we will.

Tim Loughton (East Worthing and Shoreham) (Con): That is not true.

Mr. Austin: The hon. Gentleman may say it is not true, but his leader and the shadow Chancellor have promised to cut taxes every year under a Conservative Government through a so-called proceeds of growth rule. Their new third fiscal rule applied over the economic cycle would require spending cuts—if enforced this year—of £21 billion. *[Interruption.]* Opposition Members are chuntering away, saying that they disagree, but they do not need to take my word for it; the Leader of the Opposition admitted that implementing the rule would lead to dramatic cuts in public investment compared with Labour's plans. These are the right hon. Gentleman's words—not mine. He said that

"as that money comes in, let's share that between additional public spending and reductions in taxes. That is a dramatic difference. It would be dramatically different after five years of a Conservative Government".

In the Budget, the Chancellor announced that spending on public services will be £61 billion higher by 2007-08 compared to 2004-05 and that total additional expenditure on the NHS in the coming year will be £10 billion higher than this year—a 10 per cent. increase. The Opposition refuse to match our spending plans.

Mr. Lansley: As we supported the spending plans of the current Labour Government at the last general election, and those plans take us through to the end of this financial year, what spending plans is the hon. Gentleman talking about?

Mr. Austin: I am just a comprehensive schoolboy from Dudley, so the hon. Gentleman must forgive me if I cannot work things out, but as far as I can recall the Opposition voted against the national insurance increase that delivered extra expenditure for the health service. They voted against the increased expenditure for the health service that has been delivered and at the last election they did not promise to match us on the health service; they promised to take funds out of the health service to subsidise private care. They are not promising to match us—*[Interruption.]* If the hon. Gentleman wants to intervene again to tell me that the shadow Chancellor has committed the Conservative party to matching us on health spending, I shall be delighted to hear it, because he has not done that.

Mr. Lansley: I am grateful to the hon. Gentleman for giving way. The Labour Government's spending plans run only to the end of this financial year—that is, March 2008. We are indeed committed to matching those spending plans. If the hon. Gentleman has privy knowledge of the Chancellor of the Exchequer's plans beyond April 2009, we shall be happy to consider them.

[Mr. Lansley]

Mr. Austin: What I have knowledge of is the proceeds of growth rule, which commits the hon. Gentleman's party to spending less on public services than we would. He has not denied that the proceeds of growth rule would result in a Conservative Government spending less on public services than a Labour Government. As I said earlier, if that rule was introduced this year, it would mean that spending would be £21 billion lower than under the Government's plans. It would be lower still in every year after that. Let me put it another way: spending on the NHS accounts for almost a fifth of the Government's total managed expenditure, so cutting £21 billion from public spending would mean slashing £3.6 billion from the NHS. To achieve that, one would have to sack 100,000 nurses, 35,000 doctors and cut by a fifth the number of new hospitals, clinics and health centres.

All the talk about a new compassionate Conservative party that is committed to the NHS is exposed as the old empty rhetoric masking the same old Tory party. The Conservatives might not give us the details about where the cuts would fall, but every speech makes it absolutely clear. What do they mean when they talk about cutting back the big state or cutting the fat from public expenditure? They might not give us the details about which services they would slash to pay for the tax cuts or which bits of the big state they want to trim back, but the fancy photo calls, the so-called rebranding, the hospital visits, the fact that the Leader of the Opposition spent time in a school in Hull, and lived with what the Opposition patronisingly referred to as an ordinary family in Birmingham for a week, cannot mask the truth that this is the same old Tory party, running down the NHS because it is committed to the same old spending cuts.

The British people face a choice at the next election: record investment and reformed ways of working, transformed treatment, improved care and the aim of keeping patients at home and alive for longer under this party, or the same old Tory party with the same old package of cuts, charges, and privatisation.

6.36 pm

Tim Loughton (East Worthing and Shoreham) (Con): That was another good debate—at least until the last contribution—and another health debate in Conservative time. There was an unprecedented show of strength by Cabinet colleagues in feigned support for the Secretary of State's valedictory performance, but we have to acknowledge the unprecedented scenes for which she is responsible. Thousands of doctors have taken to the streets to march against the Secretary of State and her policies. Thousands of Worthing residents, who are not known for taking to the streets, marched against the Government and the Secretary of State's policy on health. Not so long ago, the Public Gallery erupted in applause at the suggestion that the Secretary of State might like to apply for her own job under the circumstances that she was forcing on doctors under the medical training application service—or at least she was until MTAS went pear-shaped.

The Secretary of State wants us to mention patients and staff. Those marching patients and staff are testimony to what she has achieved. They speak volumes. She talks about a 90 per cent. satisfaction rate among NHS patients. Back in 1994, there was a similar survey, with similar criteria, and what was the satisfaction rate? Surprise, surprise—it was 90 per cent. She wants to talk about the attitude of staff. Let me just remind her of some of the comments made this morning by midwives at the Royal College of Midwives conference at which she spoke. Rosemary Exton from Nottingham has been a midwife for 24 years and in the last year has seen "some real deterioration", including "reduced opportunities for training and development, increased risk, markedly so, desperate resources, and increased stress". Midwife Liz Stephens from London said this morning to the Secretary of State:

"I have never felt as demoralised about maternity services in the whole of my 30 years as I do now."

There is a rather long charge sheet behind the motion. I will give the Secretary of State the abridged version. When she was first appointed back in May 2005, she said:

"Over the next three months my priority is to spend time listening and learning from the real experts—patients and staff."

So, what did she do? From July 2005 to June 2006 she did not visit a single hospital outside London. She did not visit any of the Sussex hospitals—all of which are now threatened with closure or downgrading. In July 2005, she proposed merging primary care trusts and strategic health authorities, and the divestment of PCT provider functions. By November, that had been abandoned and she was forced to apologise. There have been three attempts at reconfiguration: the regionalisation of SHAs, the merger of primary care trusts and the regionalisation of NHS ambulance trusts.

The latest onslaught on the NHS locally is the reconfiguration that involves cuts masquerading as modernisation, as the Secretary of State knows. There are also the heat maps, and the 43 maternity units and the accident and emergency departments across all of Sussex and the rest of the country that are under threat on her watch. There is perpetual reorganisation, confusion and turmoil.

In the right hon. Lady's first speech to the House as Secretary of State she spoke of her aim

"to create a society based on fairness and social justice".—[*Official Report*, 24 May 2005; Vol. 434, c. 578.]

Since then, according to the *Health Service Journal*, health inequalities—the difference between the life expectancies of the richest and poorest—have become greater than at any time since the Victorian era. Let us consider the deficits under this Secretary of State's watch. In 2005, she promised to reduce the overall deficit, yet the turnout was £1.31 billion of gross deficit, which was the worst in NHS history at that time. Hospital trusts have had their financial planning plunged into chaos due to the withdrawal of the tariff. A Healthcare Commission report showed that nearly a third of hospitals had failed to balance their books. Seven out of 10 chief executives said that the care of their patients would suffer as a result of short-term financial decisions, while, according to the *Health Service Journal*, two thirds of them were closing wards.

Virtually no area of the NHS has been immune from the Secretary of State's incompetent meddling. The new dental contract has been described as a "shambles" by the head of the British Dental Association's general dental practice committee. Just last month, 85 per cent.

of dentists said that they believed that the new contract had not improved access to NHS dentistry.

Andrew Miller: Will the hon. Gentleman give way?

Tim Loughton: I will not.

We saw the shambles of the collapse of the home oxygen service in February 2006 under this Secretary of State's watch. There has been the mess of the GP out-of-hours service—at least the hon. Member for Carlisle (Mr. Martlew) acknowledged that it had been a mess—which has cost £242 million more than the Government intended and led to a reduction in productivity. The targets to halve the number of MRSA infections have failed dismally, and now C. difficile, which kills twice as many people as MRSA, is endemic throughout the health service and growing at a faster rate than ever.

Conservative Members' warnings of 20,000 job losses were derided by the Secretary of State, yet according to her work force planning department there will now be 37,000 job losses, which is 2.7 per cent. of the work force. There have been failures in public health on obesity, mental health, binge drinking and sexually transmitted diseases.

Mr. Jim Devine (Livingston) (Lab): Will the hon. Gentleman give way?

Tim Loughton: I will not.

The independent advisory group on sexual health and HIV found that substantial parts of the £300 million that had been set aside to improve sexual health had been raided by PCTs to cover deficits and that the money reached the front line in only 30 out of 191 PCTs. The ticking time bombs that are being built up under this Secretary of State could create catastrophic conditions in the future. Most recently, we have seen figures showing that a fifth of hospitals have failed to eliminate mixed-sex wards. Disgracefully, in the mental health service, 55 per cent. of acute hospitals now have mixed-sex wards. We do not need to repeat the debacle over the medical training application service. We should not be surprised about all that because the Secretary of State has form—she showed it when she was Secretary of State for Trade and Industry.

The Secretary of State has received a vote of no confidence from her own staff. An external survey for Whitehall showed that fewer than two out of 10 senior civil servants at the Department of Health believed that it was well managed, while only 4 per cent. thought that the Department was able to manage change well. If the right hon. Lady cannot successfully lead the 3,500 people in her Department, she cannot be trusted to lead the 1.4 million people working in the NHS.

A recent survey in *Hospital Doctor* showed that under this Secretary of State, 69 per cent. of doctors would not recommend a career in medicine. Some 56 per cent. of doctors believe that there have been no improvements in the NHS since 2002. According to an official survey by health service regulators, fewer than half of NHS staff would be happy to be a patient at their own hospital. What an indictment of the Secretary of State's policies over the past two years. A survey by *Health Service Journal* found that among NHS chief executives, the right hon. Lady was the least popular Secretary of State for Health in the past decade—and she had some competition.

The Secretary of State has no support in her Department, no support in the NHS and, apparently, no support from her Front-Bench colleagues. The chairman of the Labour party has protested against the closure of maternity services and the Secretary of State for Culture, Media and Sport has protested against the closure of 24-hour emergency clinics. The Minister of State, Ministry of Justice, the right hon. and learned Member for Camberwell and Peckham (Ms Harman), and the Chief Whip have protested against the closure of maternity services, as have the Minister for Local Government and the Health Secretary's departmental colleague, the Under-Secretary of State for Health, the hon. Member for Bury, South (Mr. Lewis). The Solicitor-General, Home Office and Work and Pensions Ministers, and Parliamentary Private Secretaries to Ministers at the Departments of Trade and Industry and of Health have all protested against the right hon. Lady's health policy, on her watch as Secretary of State for Health in this Government.

The right hon. Lady has lost the confidence of her Department. She has lost the confidence of junior doctors and the next generation trying to train for a career in the NHS. She has lost the confidence of the RCN and nurses. She has lost the confidence of midwives. And she has lost the confidence of the patients she is here to serve.

The right hon. Lady has taken the culture of "Not me, guv" to new heights. It is never her fault. In November 2006, she told the Health Committee that it was the fault of the NHS for employing too many staff. In March 2006, she blamed "clinical resistance" to change in the NHS for all the problems. Just last week, for MTAS she blamed the BMA, the royal colleges and the postgraduate deaneries—never herself—and today we have seen her blame African Governments for her Government issuing 50,000 work permits for African nurses working in the NHS. It is never the fault of the Secretary of State for Health, never the fault of her Ministers and apparently never the fault of her Department.

There has been a catalogue of departures by people around the Secretary of State. In March 2006, Sir Nigel Crisp departed, as did a Health Minister in the Commons and another in the Lords. Since June 2006, no fewer than six of the 14 board members at her Department have departed. Most recently, James Johnson, chairman of the BMA, fell on his sword after MTAS. Why? It is never the Secretary of State who takes responsibility.

The NHS budget is larger than the GDP of 155 member nations of the UN and it needs skill and expertise to run it, yet under the right hon. Lady's leadership the central management of the NHS has rapidly come to resemble one of the less distinguished banana republics. The Home Secretary has just announced a £3.5 million bonus scheme for his Department, which he described as "not fit for purpose"—a perverse system that rewards failure. The Secretary of State should take the leaf out of her own policy of seeking to implement payment by results and to link elements of GP pay to patients' satisfaction—but I fear that if she took that route, she would end up

[Tim Loughton]

a net contributor to the Exchequer, rather than taking the modest £1,000 reduction that our motion proposes.

This Secretary of State has taken complacency, incompetence, fantasy and the art of the patronising to new heights. She has exploited the good will and hard work of staff in the NHS, whose dedication has been in spite of her, not because of her. Their loyalty and patience have been and are being severely tested. Reducing her salary by £1,000 is poor compensation for two years of mismanagement. She is past her sell-by date. It is time that she gave the NHS a break. It is time for her to go.

6.48 pm

The Minister of State, Department of Health (Andy Burnham): The first responsibility of any Secretary of State for Health is to NHS patients. As much as we have obviously been hanging on every word uttered by Opposition Members this afternoon, I hope that they will not be too offended if I say that we set a little more store by the views of real patients treated in real NHS hospitals in the past 12 months. That is the ultimate verdict—the one that counts and the one on which every Health Secretary should be judged. So what is their verdict?

Let us start with the Leader of the Opposition's constituents: 94 per cent. said that the care that they got from their local trust last year was good, very good or excellent. The shadow Health Secretary's constituents were even more pleased: 95 per cent. of them said the same, with a full 43 per cent. saying that it was excellent. Just 1 per cent. said that the care they received was poor. The hon. Member for South Cambridgeshire (Mr. Lansley) is developing such a talent for whinging about the NHS that it would not surprise me if that 1 per cent. was him. The Healthcare Commission's figures record an improvement in patient satisfaction on last year. Those are the facts. They tell me that under my right hon. Friend's leadership, patient care is getting better in the NHS.

However, we are not so arrogant as to say that there are not real issues to be addressed in the health service. Many have been raised today. The hon. Member for North Norfolk and others talked about MTAS. We have acknowledged that there have been serious problems with the system and we have promised to learn the lessons from those problems. Interviews are taking place now, and I believe that today's ruling in the courts will allow us to map out a way forward. My right hon. Friend the Secretary of State will say more tomorrow, including on the issue of costs, which the hon. Member for North Norfolk mentioned. I hope that that will enable us to move the issue on.

The hon. Gentleman made a big attack on private finance initiatives in his speech. He may correct me if I am wrong, but are not his constituents benefiting from a new PFI hospital, and is it not the case that PFI allows more areas to get their new hospital at once? Is it not a case of the hon. Gentleman saying, "We've got ours; we're all right, and we'll cancel those other hospitals" including the Leeds children's hospital, which he was asked about, although he could not answer the question?

My hon. Friend the Member for North-East Derbyshire (Natascha Engel) made a powerful speech about the spectacular improvements in cancer care since the Government came to power. She was right to say that cancer affects every family in the country, including mine, which was affected by it only this year. One of the earliest targets that the Government set was on access to cancer services for people who have a suspected cancer. That is precisely the kind of target that the Opposition have been deriding and would remove. My hon. Friend was absolutely right to point to improvements in that regard.

We next heard from the Tories' self-appointed campaigner-in-chief, the hon. Member for Welwyn Hatfield (Grant Shapps). He began his speech by saying that money had been invested, improvements had been made and waiting times were down. I have only one thing to say to him: I thank him very much for his support this afternoon.

My hon. Friend the Member for Carlisle (Mr. Martlew) made important points about the NHS appointments process. He said that experience of politics and public life should not bar people from appointments, and I do not think that he will find any disagreement from Labour Members. He also said that services should be provided locally, and of course we agree with him on that, too. I can understand his frustration about the primary care trust changes, but they resulted in partnerships being more coterminous with local government, and that allows us to strengthen those partnerships across the country. On the issue of community action teams, he will know that a Cumbria-wide review is in preparation. The question of CAT services will be addressed as part of that review, which will be published in a few weeks' time.

My hon. Friend the Member for Dudley, North (Mr. Austin) tied the shadow Health Secretary up in knots on the issue of health funding. It was a pleasure to watch, and the shadow Health Secretary completely failed to address my hon. Friend's points. The shadow Health Secretary said that the Tories had committed to the spending plan and would have invested the same amount as the Government did, but he conveniently forgot about the patient passport idea proposed by the right hon. Member for Witney (Mr. Cameron). Had he forgotten about that?

Mr. Lansley *indicated dissent.*

Andy Burnham: The hon. Gentleman shakes his head; I think that he had forgotten. I am afraid that that idea would have taken money out of our national health service.

Next, we heard from the right hon. Member for Charnwood (Mr. Dorrell), who delivered a pious lecture, but a touch more humility might have been in order from that former Secretary of State for Health, because I have been reading his reviews from the time when he was Health Secretary. Let me read the headlines from his dying days in office: in January 1997, the *Daily Mirror* had the headlines "400 kids turned away from intensive care", and "two and a half days on a casualty department trolley". A third headline said, "You're off your trolley, Minister—NHS is in a critical condition". Those were the comments made when the right hon. Gentleman was Health Secretary. Those were the reviews, and these are the facts: when he left office, 286,000 people had been

waiting more than six months for NHS treatment and there was a large NHS deficit that was 1.5 per cent. of the total NHS budget. That is significantly larger than any deficit today. As I say, a touch more humility may have been in order.

The hon. Member for South Cambridgeshire came here to throw stones, but let us take a little look at his performance. He will remember that I told the House a few weeks ago that an NHS trust had accused him of scaremongering when he said that its local accident and emergency department was to close. In fact, no such thing was true. Last week, he went further and put his name to a pitiful press release that claimed that official Department of Health guidance could lead to half of all accident and emergency departments being axed. Let me be absolutely clear: there is no such official Department of Health guidance. That announcement was about as well worked-out as the one that came out the same day—that great Tory triumph—on grammar schools. It was good of the hon. Member for South Cambridgeshire to rush that rubbish out last Thursday to help the leader of his party out of a hole, but does he now accept that that embarrassing piece of tripe does not have any basis in fact whatsoever, so will he withdraw it? If you remember, Mr. Deputy Speaker, that is all part of the positive Tory NHS "yes" campaign which, in fact, is a nasty, negative campaign designed to scare the public and demoralise NHS staff.

Mr. Lansley: The Secretary of State confirmed earlier that she agrees with Sir George Alberti, as her aim is that accident and emergency departments across the country should have a catchment population of 450,000, with the implication that 92 A and E departments will close.

Andy Burnham: If the hon. Gentleman had been listening, he would know that my right hon. Friend had said that it was for specialist care. I repeat that there is no official Department of Health guidance on the matter.

How does the Labour Secretary of State's record compare with the record of Opposition Members? On my right hon. Friend's watch, waiting lists have fallen to their lowest ever level—not just a low level, but the lowest ever level. Just 352 people have been waiting for more than six months, and the figures are falling further still in every English constituency represented in the House. She has had the political courage to take hard decisions to put the NHS back in financial balance, and it is on that platform that she laid out plans to invest an extra £8 billion in the NHS this year. She is the first Secretary of State since the early 1990s to see MRSA rates fall after the inexorable rise that began under the previous Government, and that is something on which we want more progress. She has presided over continuing falls in death rates from cancer and coronary heart disease, thus saving lives up and down the country. Moreover, there has been no winter crisis on her watch.

I must tell the hon. Member for South Cambridgeshire that the House fell about when, in response to my hon. Friend the Member for Wolverhampton, South-West (Rob Marris), who asked why there had not been a winter crisis since 1999, he said, "Luck". I thought for one horrible moment that he was going to say "global warming", but he did not. Let us look at my right hon. Friend's achievements. We have the lowest ever waiting lists. Is that luck? No, it is not. We have the best cancer care that the country has ever seen. Is that luck? I do not think so. We have the best health care system in the English-speaking world, as judged by the Commonwealth Fund in a report this week. Is that luck? I do not think so. It is a record of which she can be proud. Waiting lists, infection rates, death rates from cancer and coronary heart disease—those are things that matter to the people who put us into office. They are the things on which every Secretary of State should be judged. It is a record of which she can be proud, and it is a record of which the Labour Government are proud. I urge the whole House to send those cocky Tories packing tonight.

Question put, That the original words stand part of the Question:—

The House proceeded to a Division.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I ask the Serjeant at Arms to investigate the delays in the Lobbies, starting with the Aye Lobby.

The House having divided: Ayes 219, Noes 282.

Division No. 129] **[7.58 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Butterfill, Sir John
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William

Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Johnson, Mr. Boris
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Oaten, Mr. Mark
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy

Tellers for the Ayes:
Mr. Robert Goodwill and Mr. Crispin Blunt

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bayley, Hugh
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burnham, Andy
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Darling, rh Mr. Alistair
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Drew, Mr. David
Dunwoody, Mrs. Gwyneth
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hillier, Meg
Hodge, rh Margaret
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howells, Dr. Kim
Hughes, rh Beverley
Hutton, rh Mr. John
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan

Keen, Ann
Kelly, rh Ruth
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meacher, rh Mr. Michael
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Sneigrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Usher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Michael Foster and Tony Cunningham

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments):—*

The House divided: Ayes 269, Noes 207.

Division No. 130] **[7.14 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, Ed
Banks, Gordon
Barlow, Ms Celia
Battle, rh John
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blizzard, Mr. Bob
Blunkett, rh Mr. David
Bradshaw, Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Bryant, Chris
Buck, Ms Karen
Burnham, Andy
Byrne, Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chaytor, Mr. David
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cook, Frank
Cooper, Rosie
Cooper, Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Davidson, Mr. Ian
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobson, rh Frank
Donohoe, Mr. Brian H.
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Etherington, Bill
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gerrard, Mr. Neil
Gibson, Dr. Ian
Godsiff, Mr. Roger
Goggins, Paul
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Hill, rh Keith
Hillier, Meg
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil

Hopkins, Kelvin
Howells, Dr. Kim
Hughes, rh Beverley
Hutton, rh Mr. John
Ilsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kidney, Mr. David
Knight, Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, Mr. David
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Lucas, Ian
Mackinlay, Andrew
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall, Mr. David
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McCartney, rh Mr. Ian
McDonagh, Siobhain
McDonnell, John
McFadden, Mr. Pat
McGovern, Mr. Jim
McGuire, Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, Mr. Tony
Meale, Mr. Alan
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, Edward
Miller, Andrew
Moffat, Anne
Moffatt, Laura
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, Mr. Jim
Murphy, rh Mr. Paul
O'Brien, Mr. Mike
O'Hara, Mr. Edward
Oiner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, James
Rammell, Bill
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, Joan
Salter, Martin
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Ms Angela C. *(Sheffield, Hillsborough)*
Smith, Angela E. *(Basildon)*
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Tipping, Paddy
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Truswell, Mr. Paul
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, Malcolm
Williams, Mrs. Betty
Winnick, Mr. David
Winterton, rh Ms Rosie
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Ayes:
Tony Cunningham and Mr. Michael Foster

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Mr. Alan
Bellingham, Mr. Henry
Benyon, Mr. Richard
Bercow, John
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Bottomley, Peter
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Brokenshire, James
Brooke, Annette
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Butterfill, Sir John
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clegg, Mr. Nick
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davies, Mr. Quentin
Davis, rh David *(Haltemprice and Howden)*
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Mrs. Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Evans, Mr. Nigel
Evennett, Mr. David
Fabricant, Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Mr. Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Goldsworthy, Julia
Goodman, Mr. Paul
Gove, Michael
Gray, Mr. James
Grayling, Chris
Green, Damian
Greening, Justine
Greenway, Mr. John
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John

Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Moss, Mr. Malcolm
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Osborne, Mr. George
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Pelling, Mr. Andrew
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Mr. Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swire, Mr. Hugo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Matthew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Viggers, Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Wallace, Mr. Ben
Waterson, Mr. Nigel
Webb, Steve
Weir, Mr. Mike
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willott, Jenny
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy

Tellers for the Noes:
Mr. Robert Goodwill and Mr. Crispin Blunt

Question accordingly agreed to.

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House believes that there is no need to reduce the salary of the Secretary of State for Health at a time when patient satisfaction is increasing, with nine out of ten in-patients saying their care has been good, very good or excellent, waiting times are at their lowest since records began, an extra 200,000 lives have been saved from heart disease and cancer since 1996 and investment in the NHS is being trebled by 2008.

PETITIONS

Seal hunting (Canada)

7.25 pm

Mr. Eric Martlew (Carlisle) (Lab): I rise to present the petition of the International Fund for Animal Welfare and concerned members of the public regarding Canada's commercial seal hunt. The petition is signed by Brenda King and more than 46,000 other UK citizens, and should be seen in the context of the further 144,000 postcards, text messages and letters presented to the Minister for Trade today, of another non-parliamentary petition by IFAW of 83,000 signatures, and of the more than 31,000 signatures on this matter presented last year by my hon. Friend the Member for Amber Valley (Judy Mallaber) on behalf of Respect for Animals.

The petition declares:

That the commercial seal hunt in Canada is unacceptably cruel and notes that all veterinary reports document this. The petitioners are concerned that over 1 million seals were killed in Canada alone between 2003 and 2005; and are further concerned that the UK provides a market for unnecessary seal products.

The petitioners therefore request the House of Commons to pass legislation to ban the trade in all harp and hooded seal products in the UK as a matter of urgency.

And the petitioners remain, etc.

To lie upon the Table.

Orchard Park Shopping Centre

7.26 pm

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): I should like to present a petition from my constituents in the Orchard Park and Greenwood ward in Hull, North, including the lead petitioner, Doreen Gritt, who are fighting for a better shopping centre in their local community. Several of the shops in the area are currently derelict, vandalised or contain very little stock.

The petition declares:

To the House of Commons, the Petition of the Residents of the Orchard Park Housing Estate, Kingston upon Hull, declares that the Orchard Park Shopping Centre is in need of redevelopment. The petitioners therefore request that the House of Commons urge the Secretary of State for Local Government and Communities to ensure that a redevelopment or refurbishment of the Centre takes place.

And the petitioners remain, etc.

To lie upon the Table.

Dentistry (vCJD)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

7.27 pm

Sir Paul Beresford (Mole Valley) (Con): I am delighted to have this opportunity to raise this rather complex and minor issue, except in the minds of dentists. That leads me to declare an interest: I am a very, very part-time dentist, but I take a considerable interest in endodontics. The reason for the debate is the letter sent by the chief dental officer for England last month to every dentist in England. I believe that a similar letter has gone out in the other countries of the United Kingdom. The letter stated that its intention was to

"clarify the situation with regard to decontamination and reuse of instruments, especially those used in endodontic treatment".

That covers an area quite a lot broader than might at first appear.

Advice was given in the letter on having high standards of decontamination, which is good, logical and appropriate. A new point was introduced, however, which stated that

"endodontic reamers and files are to be treated as single use."

The advice was intended to stop the transmission of variant Creutzfeldt-Jakob disease from carriers to non-carriers during endodontic treatment. To my surprise, it received a lot of coverage in the national media—it must have been a quiet day. As patients tend to scare easily, especially in relation to dentistry, a little reassurance might help.

Variant CJD is an exceptionally rare but fatal human disease of the brain and nervous system. It was first discovered in 1996 and is considered to have originated in humans through the consumption of cattle infected with bovine spongiform encephalopathy. By mid-2006, 265 people in the UK had either definitely or probably died from the disease. Iatrogenic transmission is considered to be a remote possibility via the prion protein on surgical—especially stainless steel—instruments. To add to the scare factor, I understand that in the last financial year more than 900,000 root treatments were conducted through the national health service in England alone.

As well as looking at a number of papers dealing with the subject, I discussed the situation with Professor Hugh Pennington, a renowned expert in the field. He pointed out to me, reassuringly, that occurrences of the condition appeared to be diminishing, and said that, at a guess, there were perhaps 200 carriers in the United Kingdom out of a population of 60 million. The chances of being preceded into the dental surgery by one of those 200 are therefore fairly remote.

Professor Pennington made further reassuring points. He said there was no convincing evidence that vCJD had been iatrogenically transmitted to humans by surgical instruments. He thought that surgery was under some suspicion, but that that applied only to surgery on the central nervous system. Moreover, there was no evidence of iatrogenic transmission through dentistry at any time in the United Kingdom or, indeed, the world.

As the Minister will know, the chief dental officer was concerned about the result of research involving mice and transmission from stainless steel endodontic instruments. That research prompted concern that the protein could be difficult to remove from stainless steel endodontic reamers and files, and hence could be iatrogenically transferred from one mouse to another. Professor Pennington considered that the normal dental wire brush cleaning, followed by autoclaving, would dramatically reduce the already tiny risk to any dental patient. However, the chief dental officer, acting on the precautionary principle, issued a warning.

As the Minister probably knows, endodontics—tooth root filling or, in layman's terms, taking out the nerve—are used as a means of preserving a tooth in its place in the jaw when it is dead or dying, or as a means of retaining or restoring a badly broken-down tooth. If the Minister does not follow that, the Chancellor will be able to explain, according to recent reports in the newspapers. The dentist locates the so-called nerve or pulp through the occlusal surface of the tooth using instruments such as diamond or tungsten carbide burs, often followed by stainless steel burs to locate the main pulp chamber. Further instruments, especially in the case of premolars and molars, are frequently used for location and opening of root canals.

Locating of the openings of the canals may be difficult and may involve specialist instruments, particularly endodontic Piezo ultrasound diamond and nickel titanium instruments. Traditionally, the cleaning of the canals is undertaken with stainless steel endodontic reamers and files. More recently, the profession has moved to the use of much improved rotary nickel titanium reamers. The manufacturers suggest that they should be used on up to 10 root canals—which is just as well, as they are expensive. The advised limit is intended to reduce the risk of file separation in the canal. The alternative treatment of teeth clinically requiring root canal treatment because of disease is, of course, extraction.

Interestingly, a report in the *British Dental Journal* at the end of last month about a research programme on dental treatment and the risk of vCJD, involving examination of patients carrying the disease, concluded

"We did not find a statistically significant excess of vCJD associated with dental treatments with the exception of extractions".

Most instruments used for extractions are stainless steel. Incidentally, so are most dental instruments, all of which at some time or other will be contaminated with blood and potentially, in some cases of dental surgery or scaling, with oral tissue.

To give the Department of Health its due, I understand that it has been funding a research programme seeking a new method of prion decontamination. Last week—the timing was brilliant—the research produced, through a collaboration between D-Gen & DuPont, a new prion disinfectant called Rely+On Prion Inactivator. Only DuPont could have come up with a name like that.

All those issues raise a number of questions. First, in the research on mice, was hypochlorite used, as in normal human etidodontics, as a lubricant and remover of protein tissue from instruments? Secondly, bearing in mind that stainless steel instruments are increasingly being replaced with nickel titanium, does the research on mice indicate that they as hard to clean of protein tissue as stainless steel? Thirdly, has use of the new prion inactivator been taken into account in

the decision, or can it [illegible]now? Fourthly, in view of other research, why have endodontic files been specifically selected when many other surgical instruments, including other endodontic instruments, could technically be just as vulnerable?

Fifthly, as national health service dentists keep asking, who will pay? Stainless steel reamers cost probably less than £10 a pack. The cost of nickel titanium kits varies between £35 and £60 a kit. We must also consider endodontic instruments that enter and touch vital pulp tissue. A dentist who frequently searches for root canals might use one, two or three ultrasonic cutters in doing so, and they cost between £70 and £85 each. Endo-access kits—to use the dental slang—which have stainless steel burs as well as tungsten carbide ones and which frequently hit the pulp because they have to go through to find the chamber, cost £40.

Finally, as Professor Pennington agreed, the risks are infinitesimal. There are very few carriers. Sterilization techniques massively reduce what is already a very tiny risk to virtually no risk, especially if the new prion inactivator is used. Hence questions have to be asked about risk assessment and whether proportionality should be applied to the precautionary principle. In essence what I am asking is, can we have another think?

7.36 pm

The Minister of State, Department of Health (Ms Rosie Winterton): I congratulate the hon. Member for Mole Valley (Sir Paul Beresford) on securing the debate, and I pay tribute to all the dentists for their co-operation in implementing what is an important measure as part of the Government's precautionary actions to ensure the reduction of variant Creutzfeldt-Jakob disease infection risks. The hon. Gentleman asked a number of questions on the research, and I hope he will accept that I do not know all the answers, but I would be happy to write to him with details on the procedures used in identifying the risk and other matters.

I can assure the hon. Gentleman that in April the chief dental officer and colleagues in devolved Administrations looked carefully into what action needed to be taken. That was informed by the preliminary findings of research that was in progress at the Health Protection Agency, and it was also based on precautionary advice from the Spongiform Encephalopathy Advisory Committee, which provides the Government with independent expert scientific advice on such matters as bovine spongiform encephalopathy, CJD and scrapie.

SEAC issued its position statement on dentistry and endodontic treatment in May 2006. At that point, it concluded that it was unclear whether vCJD infectivity could be transmitted via endodontic files and reamers, but that given the plausibility of such a scenario and the large number of endodontic procedures undertaken annually, it would be prudent to consider restricting these instruments to single use as a precautionary measure. In addition, previous Department of Health advice on minimising the risk of vCJD transmission that was published in 1999 stated that where instruments are difficult to clean, consideration should be given to replacing them with single-use instruments. Owing to the difficulty in decontaminating endodontic files and reamers, making those instruments single use would eliminate any potential risk. A number of dentists were already using single-use instruments for that reason.

The SEAC position statement in May 2006 also noted that there were uncertainties in respect of the scientific data and the assumptions underpinning the assessment of risk. The committee therefore recommended:

"Once the research is complete and/or other data become available, the risks should be reassessed".

Sir Paul Beresford: What concerns dentists is that although stainless steel endodontic instruments have been specifically picked out, other endodontic instruments are involved and once one goes to single use of those the cost goes through the roof.

Ms Winterton: I shall say more about costs and further work later.

The Department has now received some early findings from the Health Protection Agency from research on mice, which is still in progress. I will write to the hon. Gentleman with some of the details that he requested. The early findings suggest that infectivity can be found in several dental tissues and support the possibility that endodontic files and reamers could pose an effective route for transmission of vCJD. Therefore, the findings at this stage support SEAC's view that these instruments should be restricted to single use on a precautionary basis in order to reduce any potential risk of transmission.

After we had obtained the advice from the HPA, we considered that it would be prudent to act immediately on SEAC's precautionary advice to make endodontic files and reamers single use. That decision was supported by both the HPA and SEAC. The studies are ongoing and I will give the hon. Gentleman as much information as I can, but I have to say that some of the studies will be subject to peer review before publication. I am sure that he will appreciate the need for that added check.

The hon. Gentleman mentioned some of the concerns about cost implications for those dentists who were not already using single-use instruments. That is a complex area and one that we could not address fully when the announcement was made. The paramount concern at that point was to act swiftly and responsibly in terms of safeguarding public health. However, we have now analysed the cost implications in more detail and we will issue advice to primary care trusts this week on how to recognise some of those additional costs.

I am sure that the hon. Gentleman will accept that the data show that the incidence of root canal treatments is variable. Our figures show that a typical dentist carries out only about 25 root canal treatments a year. For those dentists, the additional costs, which I will detail later, will be marginal and could well be offset by other expenses moving in the opposite direction. We have to be clear about how to approach the issue of expenses that are paid to dentists. We cannot make adjustments every time for different costs that might occur for one instrument as opposed to another. It would be difficult to do that on a yearly basis, so there will be swings and roundabouts in the costs.

[Ms Rosie Winterton]

However, a minority of dentists carry out more treatments. About 10 per cent. of dentists carry out an average of 180 treatments a year. Even for those dentists, it is important not to exaggerate the additional costs. As the hon. Gentleman suggested, some of the cost estimates have tended to focus on the use of the more expensive nickel titanium instruments, but the evidence from suppliers is that stainless steel instruments make up some 70 to 80 per cent. of the market. Many cost estimates have also ignored the extent to which the previous multi-use instruments had to be replaced; and, importantly, following the announcement dental suppliers have responded swiftly by making single-use instruments available at much lower prices than before.

The Department of Health is also working with NHS Supply Chain—an NHS-based purchasing initiative—to enable NHS dentists to take advantage of the significant buying power of the NHS, which should also result in lower expenses across the board. Information from dental suppliers indicates that dentists have responded in a very professional manner to the announcement and are now ordering sufficient quantity of these instruments to enable them to be treated as single use.

Taking all those factors into account, our best estimate is that practitioners undertaking 25 treatments a year are likely to incur additional costs of about £80 on average per year. Practitioners undertaking 180 treatments a year will, we think, incur additional costs of about £1,000 per year. As I said, this week we will issue PCTs with advice that will recognise that the NHS needs to make arrangements to discuss those higher costs with contract holders.

Sir Paul Beresford: The key point is where we draw the line on what an endodontic instrument is. If we restrict the definition to reamers and files, the figures seem right. However, if we include other instruments involved in endodontics, including those that touch the potentially infected pulp, the prices are much higher.

Ms Winterton: We are preparing an expert risk assessment, involving those in dentistry decontamination and public health, on the potential risks associated with a range of different procedures. However, until that work is completed it will not be possible to be specific about what other measures we may need to consider. However, I have taken on board the hon. Gentleman's points, and it is important that we conduct that slightly wider risk assessment.

In conclusion, our primary concern in making the announcement was always to safeguard the health of patients undergoing treatment and to reassure patients that we would continue to place their safety at the heart of services commissioned by the NHS. As I said, we are now also working to ensure not only that we consider any further risks, but that there is a fair recognition of any significant additional costs faced by the profession.

As I said, I shall be happy to write to the hon. Gentleman about some of his more detailed questions on how the risk assessment was carried out.

Question put and agreed to.

Adjourned accordingly at thirteen minutes to Eight o'clock.

House of Commons

Thursday 24 May 2007

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

EDUCATION AND SKILLS

The Secretary of State was asked—

Looked-after Children

1. **Mr. David Jones** (Clwyd, West) (Con): What representations he has received on the Government's Green Paper on looked-after children. [138952]

The Secretary of State for Education and Skills (Alan Johnson): The "Care Matters" Green Paper set out for consultation a proposed package of reforms to transform the lives of children in care. Following a comprehensive consultation process, my Department published a summary of the responses that we received on 17 April. Those documents are available on the Government's "Every Child Matters" website. The Government will set out their firm proposals for transforming services for children in care in a White Paper this summer.

Mr. Jones: The Green Paper proposes the appointment of a body of specialist foster carers for children with complex needs. Given that there is a national shortage of approximately 10,000 foster carers, what resources does the Secretary of State propose to make available for the recruitment, training and retention of those specialist carers?

Alan Johnson: As was pointed out by Martin Narey, chair of Barnardo's, the issue of children in care is—curiously for a political issue—not about resources. Plenty of resources are going in—the problem is that children slip into care too quickly, are moved around too often and are pushed out too early at the age of 16. If we include the proposals that were in our consultation document in the White Paper and subsequently in legislation, we shall need to make more resources available. We recognise that if we are to have a more professional, better-trained body of foster carers, additional resources will be needed.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): I am a former chair of a local authority scrutiny panel that produced a report on the services available to young people in care. We found that co-opting young people in the care system was useful. What opportunities are there for young people who are currently in care to contribute to the direction and shaping of policy?

Alan Johnson: My hon. Friend has raised an important point about how we can involve children who are in care, as well as children who have been in care. Twenty-seven per cent. of the prison population were in care as children. As part of our consultation exercise, we have spoken to those people. I think it essential for the final proposals to be drawn up on the basis of the widest possible consultation not just with the public, but with children in care.

Mrs. Maria Miller (Basingstoke) (Con): My hon. Friend the Member for Clwyd, West (Mr. Jones) mentioned the chronic shortage of foster carers. Will the Secretary of State study kinship care programmes, such as the one run by Hampshire county council, to try to find ways of increasing the number of people who will offer loving homes to children in this position?

Alan Johnson: That is precisely the sort of scheme that we want to examine. The Hampshire scheme provides a very good service, and there are other schemes around the country whose services are excellent. We should learn from them and ensure that such services are spread more widely. We are taking a comprehensive, root-and-branch look at how we can transform the life chances of children in care, and we are obliged to take account of the very best practice.

Paul Rowen (Rochdale) (LD): The Secretary of State may be aware that the level of care provided by some companies, such as Green Corns in my constituency, have given cause for concern. What steps will he take to ensure that young people in care receive the level of care to which they are entitled?

Alan Johnson: I do not think we would have been able to embark on this stage of such a radical transformation for children in care without "Every Child Matters". That was the essential building block, and it is working very well in every part of the country. Local authorities, social services departments and others have done a tremendous job. We are not 100 per cent. there yet, but "Every Child Matters" is the foundation stone when it comes to tackling the problems that the hon. Gentleman has described.

Graduate Debt

2. **Mark Hunter** (Cheadle) (LD): What the most recent figure is for the average level of graduate debt on leaving university. [138953]

The Minister for Higher Education and Lifelong Learning (Bill Rammell): For students graduating in 2005, the average post-graduate repayment is estimated to be just under £8,000. Under the new system of student support introduced this year there are no up-front fees, and loans are repaid only when the graduate is in employment and earning at least £15,000 a year. We have restored non-repayable grants and introduced new bursaries paid by universities. Under

that fairer and more progressive system of student financial support, applications for next year are up by 6 per cent.

Mark Hunter: Last summer, the Secretary of State told the Education and Skills Committee that the 2009 review of the tuition fees policy

"could lead to us abandoning this policy altogether."

Can the Minister confirm that the impact of graduate debt will be a major factor in the review? If it is found to be damaging, might the Department reject the policy altogether?

Bill Rammell: My right hon. Friend the Secretary of State has made it clear that it is essential that we undertake the review. Our position on the issue has been consistent from the beginning and we will not pre-empt that review. We have to see the first full three years of operation. However, we need some consistency on the issue from all politicians from all political parties. The Liberal Democrats in government in Scotland have been supporting a system of postgraduate repayment that is no different in principle whatever from the system that we have in England.

Mr. Christopher Fraser (South-West Norfolk) (Con): Given the high level of student debt and the stiff competition for graduate jobs, what are the Government doing to promote and encourage modern apprenticeships as an alternative career path for young people?

Bill Rammell: The Government have tripled apprenticeships in the past 10 years, in stark contrast to the position in the 1980s and early 1990s, when apprenticeships almost disappeared. We are talking up apprenticeships and increasing the numbers, not talking them down, as Opposition Front Benchers consistently do.

Mr. John Hayes (South Holland and The Deepings) (Con): The university admissions body, speaking of debt, reports a large increase in suspected student loan fraud. There were 1,500 cases in 2006 and a BBC investigation uncovered fraud involving 200 stolen birth certificates, resulting in the loss of an estimated £1.2 million. The Minister knows that he has failed to respond to my call for a full investigation. I know that he is busy and that he has an excuse—he is calculating the deadweight cost of the train-to-gain scheme; working out how many apprenticeships do not have any workplace element, and making up excuses in case diplomas go horribly wrong. However, it should not be up to the media to investigate such systematic criminal activity. Will he bring to the House details of his internal inquiry, for there must have been one? How much does he expect fraud to be reduced as a result of tighter new rules? I cannot keep making excuses for him.

Bill Rammell: We have undertaken an internal inquiry. The estimate is that the level of fraud is 0.6 per cent. of the total. That level is unacceptable, but it is significantly better than in other areas of the benefit system. We have also tightened up the system. If the hon. Gentleman wants to give the impression that he is opposed to the current system of student financing and the system of postgraduate repayment, he may want to talk to his colleague, the hon. Member for Henley (Mr. Johnson), who said recently:

"We have junked the old Tory opposition to the variable fee. We have jettisoned our sour mealy mouthed and intellectually incoherent programme for government."

I do not think that that message has quite been translated across the Opposition Front Bench yet.

Child Asylum Seekers

3. **Mr. Anthony Steen** (Totnes) (Con): If he will take steps to ensure that unaccompanied asylum-seeking children are eligible for free state education until they reach 18 years of age. [138954]

The Parliamentary Under-Secretary of State for Education and Skills (Mr. Parmjit Dhanda): Unaccompanied asylum-seeking children are eligible for free state education.

Mr. Steen: Unaccompanied asylum-seeking children, and there are 3,000 of them most years, will not complete their full-time education if the Home Office reduces their discretionary leave from 18 to 17½ before they are deported. What will happen with their exams if they are pushed out six months early?

Mr. Dhanda: As I am sure you will understand, Mr. Speaker, I cannot answer questions on behalf of the Home Office on immigration policy, but I can reassure the hon. Gentleman that we are doing all that we can to support those children within the education system. That means, as I said earlier, ensuring that they have free entitlement throughout their time in schooling, up to the age of 18, including Learning and Skills Council-funded courses at levels 2 and 3, as would be the case for any other child in this country.

Miss Anne McIntosh (Vale of York) (Con): The Secretary of State referred to the "Every Child Matters" programme in connection with looked-after children. May I congratulate my hon. Friend the Member for Totnes (Mr. Steen) on his excellent campaign? This is a very large category of looked-after children, yet it seems to be dealt with by the Home Office. What assurances can the Minister give the House that that category of looked-after children are having the best possible outcomes, along with every other looked-after child and, indeed, every other child in this country?

Mr. Dhanda: The hon. Lady makes a fair point about the attainment of that group of looked-after children. While 56 per cent. of children typically manage to attain five good GCSEs, as she will be aware, that figure is about 11 per cent. for looked-after children and just 4 per cent. for unaccompanied asylum-seeking children, so there is more that we can do, and we are determined to do that. There is the ethnic minority achievement grant, for example, which is worth £178 million and will be targeted particularly at bilingual children. There are things that can be done at local level, too. Devon county council, in which the constituency of the hon. Member for Totnes (Mr. Steen) is located, is producing local literature targeting support for unaccompanied asylum-seeking children. The Department for Education and Skills has

provided guidance. We are also working closely with the Home Office to look at the interface between the unaccompanied asylum seekers grant and the care leavers grant. Work is ongoing between us and the Home Office.

"Youth Matters"

4. **Kitty Ussher** (Burnley) (Lab): How the Government plan to improve the participation of young people in decisions about local facilities following the Green Paper "Youth Matters". [138955]

The Minister for Children and Families (Beverley Hughes): Legislation introduced in section 6 of the Education and Inspections Act 2006 places new responsibilities on local authorities to secure young people's access to positive activities. The legislation also requires that, in securing access to positive activities, local authorities involve young people in local decisions about what those activities should be. In addition, extra resources of £115 million have been made available through the youth opportunity and youth capital funds, and it is a condition that those funds are spent directly by young people on schemes run for young people.

Kitty Ussher: I welcome my right hon. Friend's response. Does she share my admiration for the fact that Lancashire county council meets on a quarterly basis with the youth council to discuss all issues of policy relating to young people in the county? Is that something that she would like to see replicated in other parts of the country—and, indeed, nationally?

Beverley Hughes: I thank my hon. Friend for her question and for her general support for schemes for young people and their participation in them. A number of local authorities are establishing youth councils, as well as young mayors and youth cabinets, which is certainly one important way to involve young people in learning about the democratic process and decision making—and the limits on it—while also acquiring valuable and important experience around team work, co-operation, reliability and representation. Although this is not the only way of doing that, it is an important way, and I would certainly like local authorities to consider doing it more.

Sir George Young (North-West Hampshire) (Con): Is not the best way of improving the participation of young people in decisions about local facilities to encourage them to vote in and stand for local elections? Will she therefore commend Phil North in my constituency who, at the age of 21, stood for Test Valley borough council, defeated the leader of the Liberal Democrat group and is now ensuring that there is a strong voice for young people in the council chamber?

Beverley Hughes: I agree with the right hon. Gentleman that it would be great to see more young people of that age as proper representatives in our local democracies. I am sure that, whatever party they represent, they will provide a strong voice for young people.

Ann Coffey (Stockport) (Lab): The hardest to reach young people are not involved in youth or other formal organisations, but they are the very young people who we need to involve. We need to encourage them off the streets and into more positive activities. I am very concerned that they will not reap the full benefit of the youth opportunity funds, so will my right hon. Friend assure me that when she is assessing projects in Greater Manchester, she will take any action necessary to ensure that the funds are used in the way that they were intended to be used?

Beverley Hughes: Yes, I can assure my hon. Friend, who I know takes a great interest in these issues in her local area. I made it a condition on both the youth opportunity and capital funds that local authorities should work very hard to seek out the most disadvantaged young people, who can gain so much from the sort of positive activities that those funds will stimulate as well as from the process of decision making. We are just about to collate the data on the first year of operation of both those funds and I have asked for evidence of the extent to which disadvantaged children and young people have been involved. I will look at that very closely and will be happy to share the data with my hon. Friend.

Julia Goldsworthy (Falmouth and Camborne) (LD): What discussions have the Minister and the Department had with the Department for Communities and Local Government about the Sustainable Communities Bill, supported by the Government, which will ensure that young people have a much greater say not only on facilities provided for them, but on all the services provided at the local level?

Beverley Hughes: The whole question of sustainability and the role of local authorities in promoting it opens up, for me, yet another set of opportunities for children and young people that we are only just beginning to realise and appreciate. It is the question of the importance of place, green spaces and opportunities created around those developments for young people. We need to explore them much more fully and my officials are talking to officials in the DCLG precisely to that end. I welcome the point that the hon. Lady has made. It is important and we should look further into it.

Sir Nicholas Winterton (Macclesfield) (Con): This is an interesting question. Will the Minister tell the House what sort of facilities young people would like to see made available to them in the local authority areas in which they live? Her response should be interesting; I hope that it will be. Will she also tell us whether the provision of such facilities will attract any central Government financial resource?

Beverley Hughes: What I do not want to do is speak for young people, because adults tend to do that too often. I want local authorities and their local partners to have not just a one-off dialogue with young people about these funds, but an ongoing dialogue to enable them really to explore the local issues and find out what young people want in their area. The projects that have already sought and secured funds from the two pots of money that we have given out have been many and

varied. They have ranged from young people setting up their own voluntarily run youth centre to getting experience in hairdressing and beauty—those are examples from the Burnley projects that we have funded. There has also been a great deal of interest in media opportunities, art and animation. I urge any Member to go to their local area, ask about these projects and visit some of them. They will see the huge variety of things going on and the difference that they are making to many young people.

City Academies

5. **Mr. Henry Bellingham** (North-West Norfolk) (Con): When he next expects to meet representatives of local education authorities in East Anglia to discuss the city academy programme. [138957]

The Secretary of State for Education and Skills (Alan Johnson): I have no immediate plans to meet representatives of local education authorities in East Anglia to discuss academies. However, I am aware of the two academy projects under development in Norfolk. The schools commissioner has recently visited Norfolk and Suffolk to discuss secondary education provision in those areas.

Mr. Bellingham: Is the Secretary of State aware that Park high school in my constituency is now planning to relocate to a new site as a city academy? That move has the overwhelming support of the community, the governors and the teachers. The mood is very optimistic, particularly as the Royal Society of Arts has now come forward as a potential sponsor. Will the right hon. Gentleman give the proposal his full support? Will he also make it clear that Her Majesty's Government are as committed as ever to the city academy programme in spite of some of the cautious comments that have been made by some of his colleagues over the past few weeks?

Alan Johnson: We are as committed as ever to the city academy programme. I would like to help the Conservatives, while they are transforming their education policy to match ours, by explaining that the ambition to build more academies has to be matched by funding. I can assure the hon. Gentleman that we will give great consideration to the school in his area. Establishing 400 academies—one in every area of deprivation in the country—will also require funding. The problem with the Conservatives is that they will not be able to match that funding with their third fiscal rule and their commitment to tax cuts. The best way for the hon. Gentleman to ensure that he gets his academy is to keep Labour in government. Conservative Members have been trying hard to do that over the past couple of weeks, and we are very grateful to them.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Does my right hon. Friend acknowledge that 90 per cent. of the academies and specialist schools in East Anglia are members of the Specialist Schools and Academies Trust? The Education and Skills Committee took evidence yesterday from Sir Cyril Taylor, and what he and the trust are asking for is a full, healthy discussion about what we are doing in secondary education—not just in academies but in grammar schools. We are also grateful to the hon. Member for Havant (Mr. Willetts) for starting a very good discussion about the future of existing and intended grammar schools.

Alan Johnson: My hon. Friend has made a huge contribution to this area. The evidence submitted by Sir Cyril Taylor to yesterday's hearing was interesting, because he identified a need for academies to co-operate and co-ordinate their activities with other schools in their area. That was the one element of criticism in the National Audit Office report last year. Of course, academies have to take these things a step at a time. Sir Cyril also mentioned the importance of the 164 existing grammar schools forging links with failing schools nearby and making a contribution to lifting standards of education in the entire community. That is an important contribution to the debate.

Sammy Wilson (East Antrim) (DUP): The provision of books to the academies is important in the delivery of education, but does the Minister accept that the role played by grammar schools in East Anglia and across the UK is important in providing choice and good education opportunities? The party to my right has now embraced the Government's policy on city academies—doing a not-so-elegant somersault on grammar schools and using rhetoric with which the Sinn Fein Minister in Northern Ireland would be quite pleased—but will the Minister assure us that he will not use that change of heart as a smokescreen for launching further attacks on grammar schools?

Alan Johnson: The Conservatives are indeed a party to the hon. Gentleman's right; that was an accurate description. During the 10 years that we have been in government, we have given the assurance that we have no plans to get rid of any of the 164 grammar schools. We will not allow any new academic selection, and our admissions code made that absolutely clear. We have put in arrangements for parental ballots if local communities feel that they ought to move to a non-selective system. That is the way to ensure that local communities are happy with their education system and that we make progress in the 21st century. I do not believe that that involves the extension of grammar schools.

Sir Patrick Cormack (South Staffordshire) (Con): Will the Secretary of State not only do everything that he can to ensure that my hon. Friend the Member for North-West Norfolk (Mr. Bellingham) has his city academy, but will he invite the Leader of the Opposition to open it?

Alan Johnson: It depends on how the Leader of the Opposition takes this forward now. The hon. Member for Havant (Mr. Willetts) has made his mark and passages from his interesting speech resonated from "The Future of Socialism" by Tony Crosland in the 1950s. However, with all the knives out behind him, I am worried that he will not manage to make progress. If he does, he will be the Leader—[Hon. Members: "Oh!"] He might be the Leader of the Opposition. If he does, he will be the shadow Secretary of State for

Education for a long time to come. I very much hope that that will involve him in helping us to open 400 new city academies.

Mr. David Willetts (Havant) (Con): Of course we strongly support existing grammar schools and it is an excellent idea that they should co-operate more with schools that should benefit from their academic expertise. The Secretary of State is right; we have been focusing on how, in East Anglia and across the country, we can use education to improve social mobility in the large parts of the country where grammar schools do not exist. My hon. Friend the Member for North-West Norfolk (Mr. Bellingham) is rightly concerned because last week, for the first time, the Secretary of State said that there would be "a limit" on the number of academies. The very same week, the BBC reported that the Prime Minister said:

"In a few years time when all schools will be academies, we'll see a transformed education system."

So why is it that when the Prime Minister is leaving office, the Secretary of State is taking his foot off the accelerator and going cool on academies, when we on this side strongly support academies and do not see why there should be any limit on their number?

Alan Johnson: We are hardly taking our foot off the accelerator. There are 47 academies now. We have a manifesto commitment to have 200 academies by 2010 and we have just announced that we are to go on to build 400 academies. [HON. MEMBERS: "Higher, higher."] I will come to that in a second. Given that the specific intention of academies is to build them predominantly in areas where education has failed generations of children—in areas of deprivation—400 fits that bill. When we get to 400—it will take many years of a Labour Government with the right finance to get there—obviously we can look at where we can go further.

The hon. Member for Havant raised this important issue of social exclusion in a thoughtful speech and mentioned it in his question. He said that

"academic selection entrenches advantage, it does not spread it."

That is absolutely our view, but I have to tell him that it is not the view of his colleagues and it is not the view of the leader of his party. Here is what the right hon. Member for Witney (Mr. Cameron) said specifically in response—

Mr. Speaker: Order. I call Rob Wilson. [*Interruption.*] The hon. Gentleman wanted to ask a supplementary; I saw him standing.

Mr. Rob Wilson (Reading, East) (Con): I will ask a supplementary, which, as the question is about East Anglia, had better be about East Anglia. When the Secretary of State finally gets around to meeting the local authorities in East Anglia, will he explain to them in great detail why he has put the limit at 400? I simply do not believe that it is a question of funding. The Secretary of State has been so committed to the academy programme from the very start. Will he please explain to those local authorities and mine why we cannot have more academies?

Alan Johnson: Let me repeat: we have 47 academies. In 18 years of Tory rule the Conservatives managed to establish only 15 city technology colleges. That was a good idea, but the Tories could not match it with the funding—a pathetic performance. We now have 47 academies; we will have 200 by 2010, and we have announced that we will move to having 400. It is not our intention that every school should be an academy. Academies are an important part of local education provision, but there are many splendid schools that have turned things around. Stockwell park high school is not far from here; 70 per cent. of its children are on free school meals and more than 50 per cent. speak languages other than English. When we came into government, 11 per cent. of its children got five good GCSEs; it has now achieved a rise to 57 per cent. with a 41 per cent. pass rate in English and maths and 85 per cent. in science. Therefore, not every school needs to be an academy. Academies are needed in places where education has traditionally failed and where there is an input of children from deprived areas. They act as bastions around cities and have the effect of lifting education throughout the area. An announcement that we will go 200 beyond our manifesto commitment is hardly taking our foot off the accelerator.

Universities (Key Subjects)

6. **Andrew Rosindell** (Romford) (Con): What recent steps the Government have taken to ensure the maintenance of capacity in key subjects following the closure of departments in universities; and if he will make a statement. [138958]

The Minister for Higher Education and Lifelong Learning (Bill Rammell): We are allocating an extra £25 million a year through the Higher Education Funding Council for England to maintain capacity in key subjects, but the best long-term way of achieving that is to raise and stimulate demand and we are making genuine progress on that. The latest Universities and Colleges Admissions Service application figures show increases of more than 10 per cent. in many strategically important subjects, and last week I announced that we will launch a national campaign to promote careers in science and other key subjects to young people, parents and teachers.

Andrew Rosindell: I thank the Minister for that reply, but is not the real problem that children are not being enthused to study these subjects? What is he doing to ensure that children throughout the country—especially those in the maintained sector—are being encouraged to study languages and sciences at school in sufficient numbers to make university departments viable?

Bill Rammell: With regard to modern foreign languages, the most important change that we can make is the commitment that we have made to roll out a modern foreign language in every primary school by the end of the decade; that can transform the situation. With regard to science subjects, we are making changes to the science curriculum to make it more stimulating and engaging. We are introducing a statutory entitlement to a course of study leading to two science GCSEs and we are making triple science more

accessible and available from 2008. Backed up by the significant investment that this Government have introduced, we have a way forward on this issue.

Kelvin Hopkins (Luton, North) (Lab): While I welcome what my hon. Friend said about the Government's current plans, is it not time to introduce a high degree of central planning in the provision of university courses so that we make sure that we have sufficient engineers and scientists in particular for our long-term economic needs and we do not leave things to the vagaries of short-term market forces?

Bill Rammell: The key is not the number of science departments but the number of science students, and the fact is that we have 130,000 more science students today than we had 10 years ago. I disagree with my hon. Friend in that I think it would be wrong for central Government to dictate what subjects are taught in which universities. That would run counter to the policy of allowing universities to play to their strengths, which has led to us having one of the best higher education systems in the world. However, we do not stand back. We have invested an extra £25 million to promote the strategic subjects, and we expect institutions to work with the funding council when considering a closure to ensure that the numbers are rolled out elsewhere regionally and there is not a drop in capacity. As I have said, we are doing an immense amount to stimulate demand from students, which is the key to this issue.

Sarah Teather (Brent, East) (LD): The closure of university science departments is likely to have an impact on the recruitment of science graduates for teaching. With that in mind, how are the Government progressing in meeting the Chancellor's pledge in last year's Budget to recruit an additional 3,000 new science graduates for teaching?

Bill Rammell: As I said earlier, applications for science subjects next year are up by more than 10 per cent. That demonstrates that we are fulfilling that demand. Driven by the extra support—including bursaries and golden hellos—delivered by the Government, we have seen a 30 per cent. increase in applicants for teacher training in science subjects over the past 10 years. We are genuinely making real progress on the issue and I wish that, just for once, the Liberal Democrats would recognise that fact.

David Taylor (North-West Leicestershire) (Lab/Co-op): But one in three physics departments at universities have closed or merged in the last five years. Is not one of Britain's greatest post-war scientists, Sir Harry Kroto, the winner of the Nobel prize for chemistry in 1996, right when he says that he holds the vice-chancellors responsible, in that they bleat about freedom but divert money earmarked for the sciences into soft courses, thereby eliminating science departments in favour of trendy cheap courses that train students for non-existent jobs. Is he not right?

Bill Rammell: I respect my hon. Friend's views on many issues, but I fundamentally disagree with him on this point. The key to the issue is the number of science places and we have increased the number of places for physics—the issue he raises—in the past 10 years and applications are going up. If he honestly believes that sitting in Whitehall dictating to university departments what subjects and areas they should teach is the way forward, I do not agree.

Mr. Nigel Evans (Ribble Valley) (Con): Surely the problem has to be attacked at both ends. It is strange that media studies are so popular, while science and language courses are removed from universities. The Minister is right that we need to enthuse youngsters to study science and languages. Last Friday, I visited the excellent Clitheroe royal grammar school in my constituency and saw the new language block that has just been completed. I do not care who opens it—the Secretary of State, who would be delighted to do so, or the shadow Secretary of State—*[Interruption.]*—but it will open in September. Even better, the school will open the facility to the community so that members of the public can learn foreign languages.

Bill Rammell: I think that every hon. Member will have heard the implicit rebuke of the Leader of the Opposition's position on grammar schools. I agree with the hon. Gentleman that we need to do more to set out the opportunities that exist when young people engage in science subjects. We need to get across much more clearly the substantial additional graduate earnings premium that goes with undertaking the study of science. The really radical change in the study of modern languages that we are making is ensuring that by 2010 every child in every primary school can study a modern language.

Mr. Boris Johnson (Henley) (Con): I agree with much of what the Minister says about not dictating to universities, but does he agree that a fundamental problem is that the league tables posit a false equivalence between crunchy subjects, such as maths, physics, chemistry and modern languages, and other subjects in which it may be easier to get an A, with the result that the former are increasingly ghettoised in the independent sector? The result is that at Bristol university, some 48 per cent. of students doing modern languages are from the independent sector. Is it not time for the Minister to join us and stimulate the uptake of those subjects in all schools, boost applications to universities and help to keep university departments open by giving core academic subjects proper weighting in the league tables?

Bill Rammell: It is the hon. Gentleman catching up with us, rather than the other way round. The change that we are making in the league table to demonstrate the proportion of youngsters taking a GCSE in a science subject will be a significant step in the right direction. However, an area in which we agree is that the problem is fundamentally about stimulating student demand. The changes that we are making to the curriculum, the guarantee of two science GCSEs, the increased accessibility to triple science and the 250 after-school science clubs that we are rolling out are all part of the way forward. I hope that the hon. Gentleman will support us in taking that programme forward.

Extended Schools

7. **Ms Karen Buck** (Regent's Park and Kensington, North) (Lab): If he will make a statement on funding for extended schools. [138960]

The Minister for Schools (Jim Knight): Since 2003, the Government have invested £840 million to support the development of extended schools. The Government are determined to sustain that investment to enable all children to access extended services. More funding will be available over the next spending period, including an additional £217 million in 2010-11, to enable the most disadvantaged children and young people to access at least two hours a week of free after-school activities and activities during the school holidays.

Ms Buck: Extended schools can be of genuine benefit to children, parents and communities, but is it not true that the implied offer of wrap-around services, before and after school, with a range of activities, cannot be provided in schools such as those in my constituency for £10 per pupil per year? Some 1,000-pupil secondaries with very high levels of deprivation have received a derisory £6,000 for the whole year to provide extended school services. Will my hon. Friend investigate the way in which local authorities top-slice the Government grant for extended schools, and will he look again at how we fund extended schools in deprived areas that cannot sustain a charging policy so that they can provide a meaningful extended schools offer?

Jim Knight: I am very grateful for my hon. Friend's support for extended schools and her acknowledgement of their effectiveness. She has been assiduous in her representations to the Minister for Children and Families and myself on the ability of children from deprived backgrounds to access extended services. We take seriously what she said about top-slicing, and it is something that we are happy to investigate. Of the nearly £180 million made available to local authorities in the last financial year, Westminster received £545,000, which includes capital funding and funding to a specific school as a full-service extended school. Of the £346,000 remaining, £263,000 was devolved to schools and £111,000 retained by the local authority. If my hon. Friend thinks that that is too much top-slicing, I am very happy to work with her on that.

Mr. Nick Gibb (Bognor Regis and Littlehampton) (Con): Activities that take place in extended schools include homework clubs and remedial lessons in reading. Such remedial lessons would not be necessary if we got the teaching of reading right in the reception class in the first year of primary school. The Minister will be aware of research that shows the effectiveness of synthetic phonics in the teaching of reading. Following the Rose review and the changes to the national curriculum, what plans does the Minister have to assess synthetic phonics teaching in our primary schools? Will he ask Ofsted to assess the training given to teachers in the use of synthetic phonics and their teaching methods?

Jim Knight: A thorough assessment was carried out by Jim Rose, and only reported in March 2006. It follows significant improvements in key stage 2 in English over the past 10 years, and the number achieving the national standard has increased from 63 per cent. to 79 per cent., which means that 95,000 pupils a year have improved their reading. We commissioned the Rose review because we need to do better. We are in the process of undertaking the sort of training that the hon. Gentleman raised, and we will certainly make sure that that is effective, alongside the national reading campaign, "Every child a reader", and initiatives that I shall discuss when I respond to the question tabled by my hon. Friend the Member for Coventry, South (Mr. Cunningham).

Kerry McCarthy (Bristol, East) (Lab): I greatly welcome the rolling-out of the extended schools programme, which has made a genuine difference, particularly in the disadvantaged areas of my community, where some children live in overcrowded accommodation and do not have access to computers at home. However, head teachers have expressed concern that some parents view the programme as a glorified babysitting service. What more can be done to engage parents so that they take an interest in what their children do during those extra hours at school?

Jim Knight: The wrap-around child care from 8 am to 6 pm is just one part of the extended schools programme. There are five different aspects to the programme, including catch up and stretch and parental support. That component is something that needs to be developed to achieve exactly what my hon. Friend rightly raised.

Personal, Social and Health Education

8. **Annette Brooke** (Mid-Dorset and North Poole) (LD): Whether he plans to reform personal, social and health education. [138961]

The Minister for Schools (Jim Knight): The Qualifications and Curriculum Authority is currently reviewing the secondary curriculum, including personal, social and health education, and we expect to receive its final advice on 5 June.

Annette Brooke: I thank the Minister for that answer. Given the Government's reluctance to make personal, social and health education compulsory, will he indicate how his Department will actually evaluate attempts to drive up quality? Obviously, content is important but I am sure he agrees that the quality of delivery is variable. What time will he set for improving the quality of that most important subject?

Jim Knight: The hon. Lady is right; quality is important. We are asking the QCA to report to us on that and we look forward to its recommendations. In the context of whether the subject is compulsory, it is important for the hon. Lady to understand that all five of the "Every Child Matters" outcomes are inspected by Ofsted. Part of that reporting includes how the school is doing on economic and personal well-being, so if schools are choosing not to teach PHSE, or not at a high enough quality, that will be identified by Ofsted. We want to make sure that PSHE is working well; we are investing in it and improving the amount of training in it. We are embedding SEAL—the social and

emotional aspects of learning—in PSHE, which is proving successful in primary schools and will be rolling out to secondary schools, as well.

John Bercow (Buckingham) (Con): Given that a recent online survey of no fewer than 2,200 university students undertaken by the Terrence Higgins Trust, in conjunction with the National Union of Students, found that 10 per cent. of those university students did not know how to put on a condom correctly, 16 per cent. mistakenly supposed that putting on two was safer than putting on only one and that fully 25 per cent. wrongly imagined that other forms of contraception could equally well protect them from sexually transmitted diseases, does the Minister agree that we need to work harder and do more to bolster sex education, and that there is an increasingly compelling case in the national interest for making it compulsory?

Jim Knight: The hon. Gentleman makes a good case, but sex education is already compulsory in schools as part of the national curriculum, and in most cases it is delivered through PSHE. An increasing number of schools are deciding to provide on-site health advice as part of the extended services they offer, which we were talking about earlier, and we are certainly keen to see that develop.

Vulnerable Children

9. **Ms Sally Keeble** (Northampton, North) (Lab): What assessment he has made of the effectiveness of children's funds in supporting vulnerable children. [138962]

The Minister for Children and Families (Beverley Hughes): The national evaluation of the children's fund reported in March 2006 and produced separate reports on five distinct groups of vulnerable children. Those groups of children were disabled, refugee and asylum seeker, black and minority ethnic, Gypsy Traveller and those at risk of committing crime and antisocial behaviour. The report showed that the children's fund was facilitating good progress in addressing the considerable scale and complexity of the needs faced by children in those most vulnerable groups.

Ms Keeble: I am grateful to my right hon. Friend for that response. The children's fund in Northamptonshire is little known, but it has done outstanding work, particularly in tackling truancy and meeting the needs of minority children. Can my right hon. Friend tell me whether that funding stream will be continued, and whether it will continue to be ring-fenced for early intervention so that it can maintain the good work it is doing already?

Beverley Hughes: I understand why my hon. Friend asks that question. As she knows, the children's fund goes to children's fund partnerships in about 100 local authorities. In the remaining 50 authorities, the fund is already pooled in the local area agreement of local authorities and their partners. Although the funding will continue, from 2008 it will be pooled in local area agreements in all local authorities, but I reassure my hon. Friend that I want to ensure that it remains identifiable as a distinct funding stream so that expenditure on important preventive services, in which the voluntary and community sectors have a particular role to play, will still be transparent. If people are concerned about the way the money is being spent locally, they can challenge it.

Further Education Funding

10. **Anne Moffat** (East Lothian) (Lab): If he will make a statement on extending further education funding to support 17 to 19 year olds. [138963]

The Parliamentary Under-Secretary of State for Education and Skills (Phil Hope): Further education funding is available in England to support all young people aged 16 to 18 to undertake learning free of charge. Financial support is also available for those learners in the form of the education maintenance allowance. We are also extending free study to young adults aged 19 to 25 to study for their first full level 3 qualification from this September, supported by an expanded adult learning grant for those learners.

Anne Moffat: What plans do the Government have to extend the modern-day apprenticeship scheme for people in that age group and beyond it? Congratulations to the Government are in order for introducing it. I remember, Mr. Speaker, that when I was first elected to this place, I got some bad advice from a junior Whip, and you gave me a row when I made a contribution. I came over and apologised, and asked what I had done wrong. You said to me, "You took advice from the apprentice, not from the journeyman." That has stuck with me. The modern apprenticeship scheme represents a good working class principle, and credit for that worthy scheme should be given to the future deputy leader of the Labour party.

Phil Hope: My hon. Friend is right to suggest that the modern apprenticeship scheme has been remarkably successful. As an apprentice to the Secretary of State, I learn a great deal. We have trebled the number of those apprentices which, as my right hon. Friend suggested earlier, was dealt a devastating blow by the Conservatives. We want to provide better alternative pathways for young people—as well as an academic pathway, there is a pathway through an apprenticeship and through the new diplomas that we will introduce, which will ensure that more 16 to 19-year-olds stay in full-time training and education.

SOLICITOR-GENERAL

The Solicitor-General was asked—

Legal Advice (Publication)

19. **Mr. Andrew Robathan** (Blaby) (Con): Whether he has discussed with the Minister of State for Justice the constitutional implications of publishing legal advice from Law Officers to the Cabinet. [138944]

The Solicitor-General (Mr. Mike O'Brien): Yes. It is a long-standing view of Governments that Law Officers' advice is privileged and confidential, like other legal advice. A disclosure is made only in exceptional circumstances.

Mr. Robathan: Since we last discussed the matter in February, the Minister of State, Ministry of Justice, the right hon. and learned Member for Camberwell and Peckham (Ms Harman), turns out to be a front runner in the deputy leadership contest for the Labour party, which may mean that she could become Deputy Prime Minister. That raises some important constitutional issues. As the hon. and learned Gentleman knows, she believes that the Law Officer's advice on Iraq should be published. *[Interruption.]* The right hon. and learned Lady has said it in public. We know that she has said that she believes that the Attorney-General's advice on Iraq should be published. The hon. and learned Gentleman knows that full well. What is the stand on collective responsibility? What is the Government's policy on the matter, and does he think it will change at the end of June?

The Solicitor-General: The position of the Government is very clear. It has been stated repeatedly. It is that confidential legal advice is important because it allows candour between the lawyer and the client—in this case, Ministers. Without it, the lawyer may be tempted to temper his advice, when frankness is required. It is in the public interest that there should be good, frank legal advice. That is why there is a long-standing convention. However, collective responsibility is not a gag on all public discussion or debate by Ministers. It requires acceptance of Government policy. My right hon. and learned Friend accepts Government policy but has generated some ideas about the future. We will see how they evolve.

Mr. Dominic Grieve (Beaconsfield) (Con): The Solicitor-General knows that I broadly share his views about the difficulties of publishing Law Officers' advice, but he cannot escape the Government's collective responsibility on the issue as he has tried to do. If it is under discussion whether Law Officers' advice should be published in future and a Government Minister is stating that publicly, ought not the House to have an opportunity of understanding the direction in which the Government are moving and to debate an extremely important issue, otherwise collective responsibility collapses, the House is left at sea as to the Government's intentions, and the public begin to wonder whether there is any coherent and cohesive government taking place?

The Solicitor-General: Hyperbole ill becomes the hon. Gentleman, who is not often given to it, but I fear he has ventured into that area on this occasion. It is clear what the Government's policy is. It has been set out repeatedly, not least by myself from the Dispatch Box, and Government policy remains as it was under previous Governments. If the hon. Gentleman wants a debate, the Opposition have the right to nominate various debates. If he wants a debate on this topic, let him have one. It can take place in Opposition time. As far as the Government are concerned, we are clear what our position is. It is that we will stand by these conventions. It is right and proper that the Prime Minister indicated a few months ago that Ministers would have a wide ranging look at policy to review it and to generate discussion and ideas. The Minister of State, Ministry of Justice, my right hon. and learned Friend the Member for Camberwell and Peckham has merely generated a few ideas. The hon. Gentleman should not get so wound up and anxious about it.

Simon Hughes (North Southwark and Bermondsey) (LD): The Solicitor-General knows that it is obviously right that confidentiality should be the presumption on advice from Law Officers to Ministers, but will he accept that when Ministers come to Parliament and pray in aid that advice in support of a case that they are seeking to win—for example, to justify intervention in Iraq—that changes the game, which is an argument for opening up that advice? Will he accept that when the Constitutional Affairs Committee produces its report on Law Officers, we should debate how Law Officers are appointed, how they are accountable and how public the advice is that they give either to Parliament or to Ministers?

The Solicitor-General: It is obviously a matter for the business managers when and where we have debates. The Constitutional Affairs Committee is examining the issues, including the role of Law Officers, and we await its report with interest. The Government view remains the same on advice, and I can do no better than quote Lord Kingsland, who said this in the other place:

> "It would not, of course, be appropriate for Parliament to see the advice that the Attorney-General gave to the Government. Inevitably, any responsible Attorney-General is bound to have to assess all the arguments, some of which might be contrary to the final position that he takes. If that document should become public, it is as sure as night follows day that there would be a very big dispute about its merits. Nothing could be more damaging to the confidence of the soldier who is about to fight."—*[Official Report, House of Lords,* 1 May 2007; Vol. 691, c. 1026.]

That summarises the Government view. Setting out the basis on which the Attorney-General has reached a view is fine, which is what we have done in the past, but we need to consider giving all the legal advice with a great deal more caution.

Antisocial Behaviour (Prosecutions)

20. **Michael Fabricant** (Lichfield) (Con): What steps the Crown Prosecution Service is taking to improve prosecution rates in cases of antisocial behaviour by young people; and if he will make a statement. [138945]

The Solicitor-General: No full data are available in relation to the various different offences of antisocial behaviour, as distinct from other offences alleged to have been committed by young people. Overall last year, 121,648 cases were prosecuted against young people. Subject to the gravity of the offending, the CPS usually prosecutes a youth after he or she has had a reprimand or warning.

Michael Fabricant: Whether it is the leafy lanes of Lichfield or the back streets of Glasgow, Mr. Speaker, there is no question but that antisocial behaviour is very disturbing to neighbourhoods. The Solicitor-General will know that only half of those who breach antisocial behaviour orders are prosecuted with

custodial sentences. What can the Solicitor-General do to ensure that there is a real deterrent to prevent ASBOs from being breached in order to maintain calm and pleasant neighbourhoods?

The Solicitor-General: The issue is important, and I am glad that the hon. Gentleman supports the Government view on tackling antisocial behaviour. He has rightly said that it is important that those orders should be complied with, and magistrates have powers to deal with young people, and indeed others, who breach ASBOs. Some breaches are serious and merit a serious remedy, but others are less serious. It is important that such matters are dealt with, but it is also important that the response of the courts is proportionate. The CPS takes proportionality into account when it decides how to respond to a breach in a particular case.

Fiona Mactaggart (Slough) (Lab): Has the Solicitor-General looked at north Liverpool, where Judge Fletcher in the community justice centre is providing a model that should be followed elsewhere in order to tackle the prosecution of antisocial behaviour cases?

The Solicitor-General: I have not only looked at the data on that but have been up there and spoken to Judge Fletcher, who appears to be doing an excellent job. The community court system in north Liverpool, which brings all the agencies together at considerable expense, is difficult to remodel elsewhere. However, the pilot seems to be working very effectively, so we must look at it with a great deal of care to see whether there are lessons that we can learn for the future.

Justine Greening (Putney) (Con): We have already heard about the breach rates for antisocial behaviour orders. Community sentencing is particularly important for young people because two thirds of them will receive such a sentence if successfully prosecuted. Fifty per cent. of intensive supervision and surveillance programmes, which many young people get put on to when they are prosecuted, are also breached, but all that happens is that those 50 per cent. get put back on to the programme. Are not the Government successfully teaching young offenders that they can flout the law and nothing will happen to them, and is not that part of the problem as regards the growing numbers of young people who are being prosecuted?

The Solicitor-General: The hon. Lady is entirely wrong. She should have listened to what I said to the hon. Member for Lichfield (Michael Fabricant)—that the courts have the powers to deal with these issues, but they need to do so proportionately. Some breaches are very serious and need to be dealt with as such; others are not so serious and need to be dealt with as such. It depends on the circumstances. Trotting out such statistics obscures rather than clarifies the real issues that face the courts on a day-to-day basis. Instead of criticising the way in which the courts deal with these issues, she should bear in mind that they have a very difficult job to do and some very difficult judgments to make. Criticisms of the sort that she makes are not worthy.

Prosecution Policy

21. **Harry Cohen** (Leyton and Wanstead) (Lab): What assessment he has made of consistency of prosecution policy between the Army Prosecuting Authority and the Crown Prosecution Service. [138946]

The Solicitor-General: Both the CPS and the armed service prosecutors will apply the same evidential test—namely, whether there is enough evidence to provide a realistic prospect of conviction—and then decide whether there is a public interest in prosecuting. In the case of the armed service prosecutors, that includes the service interest.

Harry Cohen: The Army Prosecuting Authority dropped a case against British soldiers, despite lots of evidence having been on worldwide TV, saying that it had happened more than six months before. It claimed in its press release that the same applied to the civil authorities. Can the Solicitor-General confirm that if a thug beats someone up and lies low for six months, he will not be prosecuted despite the evidence? Is that the law, or has the Army Prosecuting Authority got it wrong?

The Solicitor-General: The Army Prosecuting Authority has to look at the evidence before it and decide whether a prosecution is able to take place with witnesses who can give effective evidence to secure that prosecution. If the evidential test is not passed, the prosecutors will not take the case forward; if it is passed, they can take it forward. They will then have to consider public interest issues. My hon. Friend appears to be talking about the evidential test. I am happy to discuss the issues with him further, but it seems from what he says that the evidential test was not passed.

Royal Assent

Mr. Speaker: I have to notify the House, in accordance with the Royal Assent Act 1967, that Her Majesty has signified her Royal Asset to the following Act:

Justice and Security (Northern Ireland) Act 2007

Control Orders (Absconders)

11.33 pm

Mr. Dominic Grieve (Beaconsfield) (Con): *(Urgent Question)*: To ask the Secretary of State to make a statement on the three individuals subject to control orders who have disappeared and whose whereabouts are unknown.

The Secretary of State for the Home Department (John Reid): On Monday night, three British citizens absconded from their control orders. The control orders were imposed on them because it was believed that they wanted to travel abroad for terrorism-related purposes. Their control orders included obligations requiring them to surrender any travel documents and report each day to a local police station, and two of the individuals were required to phone a monitoring company each night. These two individuals failed to call the monitoring company on Monday evening. All three of them failed to report to the police station on Tuesday morning, as required by their control orders.

Public safety is my top priority. Therefore I am not at all complacent about the risk that those individuals pose: they are dangerous and we can take nothing for granted, even though the Security Service's assessment is that they are not considered at this time to represent a direct threat to the public in the United Kingdom.

Locating those individuals is obviously an operational matter for the police, and a significant investigation is under way. On police operational advice yesterday morning, and to assist the investigation, I approached the High Court to lift the anonymity orders for the three individuals. That was agreed by the High Court late yesterday afternoon. As a result, the police were able to make a public appeal as part of their ongoing investigation.

I have never hidden from the House the fact that there are limitations and problems associated with the legal framework in which we must operate. As hon. Members know, I have consistently made it clear that control orders are far from being the best option. In my view, they are not even the second best option for tackling terrorist suspects. However, the Government operate under the constraints imposed upon us by Parliament, the courts and the law.

Under our existing laws, control orders are as far as we can go. That is especially the case for British citizens who want to travel abroad. Before the control order legislation in 2005, with all its inadequacies, the Government had no counter-terrorist power to attempt to prevent even that.

Unfortunately, within the limits of the existing legal framework, it is very difficult to prevent determined individuals from absconding. Nevertheless, I intend to do several things. First, I am already appealing to the House of Lords in several other control order cases about the interpretation of article 5 of the European convention on human rights on deprivation of liberty. We will consider other options—including derogation—if we have exhausted ways of overturning previous judgments on the issue.

In the next few weeks, I will outline further measures to combat terrorism, which we propose to include in a new counter-terrorist Bill. I have always believed that the security of the nation and the protection of our

[John Reid]

people is not only the first obligation of Government, it is, and should be, the highest priority of every party in Parliament. I therefore hope that when we introduce the proposals, we can achieve a national consensus which places national security above party politics.

Mr. Grieve: May I first apologise on behalf of my right hon. Friend the Member for Haltemprice and Howden (David Davis), who is away attending the Prison Officers Association annual conference?

The Home Secretary conveys the impression that the failure is the result of limitations and problems not of the Government's making. But is it not the case that many problems are entirely of the Government's making? The Home Secretary pointed out that these individuals are British nationals. On that basis, will he explain why it was being suggested yesterday that part of the blame lay with the House of Lords decision in the Belmarsh case, which was irrelevant because it applied only to foreign nationals? Was that not simply a piece of propaganda?

If those individuals have left the country unchecked to fight abroad, as appears to be suspected, is it not the case that they have been helped by the lack of adequate border controls, especially embarkation controls—a subject that has consistently been raised in the House, and about which the Government have taken no adequate action?

The control order powers that the Government obtained from Parliament in 2005 were extensive. May I remind the Home Secretary, in the light of his comments, that the House, including the Opposition, supported the powers, but fell out over whether there should be a sunset clause in the measure, not over the principle of control orders?

If those individuals are deemed so dangerous that their photographs are circulated, why were they not subject to greater restrictions, some of which, including tagging, could have been imposed without having to derogate from article 5? What lessons have the Government learned from the previous case in which three individuals absconded when placed under control orders?

The Home Secretary has hinted that draconian new powers are needed, yet the existing powers extend to house arrest, if the Government decide that there is such an emergency that that is justified. It is for the Government to determine whether there is a state of emergency. Is the Home Secretary saying that he will come to the House and say that there is an emergency in which the state is threatened? If so, when will he do that? Is it not the case that unless he does that, there is no possibility whatever of imposing derogating control orders, as they would simply be in breach of the Human Rights Act 1998 and the European convention on human rights?

It was suggested this morning that the Government might seek an extension to the 28-day pre-charge detention period. Will the Home Secretary confirm that that is completely irrelevant, because pre-charge detention can take place only when it is thought that there is an arrestable offence with which a person can be charged? The fact that the people in question are subject to control orders is a sign that they could not be arrested. Also, is it not a key failure that the Government have done absolutely nothing to bring forward measures that might facilitate bringing such individuals to justice? We have heard nothing whatever about allowing the use of intercept evidence, which might be a way forward. The fact that the Government now believe that the individuals may have committed criminal offences for which they ought to be tried is a clear indication of the Government's failure to take action on that point.

John Reid: I have rarely heard an Opposition spokesman wriggle so obviously. There was not one suggestion on how we might counter terrorism; every point was aimed at excusing the Opposition's record on this issue. Let me be straight with the hon. Gentleman on the point that he mentioned about the limitations placed on us, and the fact that we were limited in what we tried to do. His party voted against the Prevention of Terrorism Act 2005, and against new control orders to tackle suspected terrorists who cannot be prosecuted or removed from the country. It voted against measures to make it an offence to glorify terrorism. The hon. Gentleman voted against the extension to 90 days of detention without charge for terror suspects. I could give a list of the measures that we brought before the House to strengthen our attack on terrorism and his party voted against. So high is the Opposition's emphasis on homeland security that 77 days after they sacked their shadow homeland security Minister, they still have not appointed a replacement. That is a measure of what is happening here.

We will continue to bring before the House measures that we regard as necessary for the safety and security of the nation. I will continue to attempt to persuade the Opposition parties to move towards a national consensus on national security. I spent yesterday trying to do that with the Opposition Home Affairs spokesman, the right hon. Member for Haltemprice and Howden (David Davis), and the Liberal Home Affairs spokesman, the hon. Member for Sheffield, Hallam (Mr. Clegg). I identified areas where I hope that we can carry the matter forward, but one thing is certain: when the hon. Member for Beaconsfield (Mr. Grieve) cast doubt on the fact that the threat to the life and liberties of the people of this country is higher than ever before, and is at the level of a national emergency—*[Interruption.]* He does nothing to help the fight against terrorism. Rather than scoring little party political points, perhaps he should join the fight.

Mr. Speaker: Order. I remind the House that this is a question session. I think that hon. Members should calm down and try to get to the facts; that is the important thing.

Mr. John Denham (Southampton, Itchen) (Lab): When we consider the new counter-terrorism Bill, will my right hon. Friend reflect on two lessons from our experience so far? First, when we passed the control order legislation we left too much scope for interpretation by the courts, and that disappointed many of us who supported that legislation. Secondly, any new measures need to be the subject of the widest possible discussion across the country. Not many

people understand the criteria according to which 17 out of the hundreds of people about whom we are concerned have been selected for control orders, while others have not. The maintenance of confidence in the measures that we need to take must be a matter for full discussion in the country as a whole.

John Reid: I have some sympathy with the first point made by my right hon. Friend, who I know has followed these matters with great interest. I also have sympathy with the argument that we should allow maximum time and room for discussion in an attempt to build a consensus. That is why I have promised that elements of the new counter-terrorism Bill will be brought forward to be discussed by the Home Affairs Committee, which he so ably chairs. It is also why I spent yesterday outlining some of those measures to the right hon. Member for Haltemprice and Howden (David Davis), who speaks on these matters for the Conservative party, and to the Liberal spokesman. I truly hope that we can maximise the effort that we make in that direction.

In addition, I have some sympathy with what my right hon. Friend the Member for Southampton, Itchen (Mr. Denham) had to say about judicial interpretation of these matters. When I arrived at the Home Office, I found myself questioning how a control order could be placed on a suspected terrorist for only 18 hours, because that left six hours in which that suspect was free to go about his work. I was overruled by the courts, and told that the problem was that under our existing legal conventions, 18 hours was too long. As a result, I had to reduce the period to 14 hours.

Let me be quite straight with the House, and say that these problems cannot be solved by charging more people, as some Opposition Members claim. Where there is sufficient evidence to charge people, we always do charge them. That is not the problem—*[Interruption.]* Just to mutter on about it is to avoid the question. The problem arises when we have information that is short of the threshold level that would allow people to be charged, but which suggests that they might be prepared to commit crimes that could result in the wholesale destruction of human life. We face a new form of conflict and threat: unless we are prepared to look at it in new ways, rather than just apply the old adages, we will never counter it adequately.

Mr. Jeremy Browne (Taunton) (LD): I apologise, Mr. Speaker, on behalf of my hon. Friend the Member for Sheffield, Hallam (Mr. Clegg), who is attending the same conference as the Conservative shadow Home Secretary.

Miss Anne McIntosh (Vale of York) (Con): The shadow Home Secretary!

Mr. Jeremy Browne: All parties in this House are committed to protecting our national security—and today's revelation is further worrying evidence of the limitations and ineffectiveness of control orders. Initially, the Government said that they would be a temporary measure, so will they now commit to implementing a more effective alternative? Will their forthcoming review of terrorism laws include a proper examination of the use of control orders, and of the role of the private monitoring companies that the Home Secretary mentioned a moment ago? Will he respond to concerns that the limited application of control orders is a result of restricted police resources rather than the product of any legal considerations?

Finally, will the Government now consider seriously proposals made by the Liberal Democrats and others to allow intercept evidence in court, so that more terrorist suspects can be properly brought to trial?

John Reid: Let me deal first with the question of intercept evidence in court. We have been looking at that for a considerable time, and both Opposition Front-Bench teams know that the disadvantages so far outweigh the advantages that what they are suggesting meets with complete opposition from our security and intelligence services. They are the front line, charged with the national security of this country. Consistently, time after time, they have made it clear to both Opposition Front-Bench teams that they are opposed to that approach. When those who speak for the Opposition parties make that proposal, they should admit that they are disagreeing with those who are primarily charged with the nation's security.

Secondly, even those of us who have been around long enough to become hardened to pieces of cynical political opportunism find it very difficult when the Liberal Democrats tell us that we are not being hard enough on terrorism. I merely remind the hon. Gentleman that he voted against the control orders that he now complains are not sufficiently strong, because he thought they were too strong in the fight against terrorism. The Liberal Democrats opposed control orders. They voted against the new offence of acts preparatory to terrorism, and against a panoply of other measures.

Let us be straight, and let us be honest. Let us try to build a consensus, not in terms of what we argued about last year but in terms of an appreciation of a threat to the people of this country that is greater than anyone here can imagine. That description was given not to me but to the outgoing director general of MI5, Dame Eliza Manningham-Buller, who was charged above all with countering terrorism in this country.

There is a very serious threat—and I am the first to admit that the means we have of fighting it are so inadequate that I spoke this morning of our fighting with one arm tied behind our backs. The answer is not to tie another arm behind our backs but, through national consensus, to find a way of freeing all our abilities to fight terrorism. I have already embarked on an attempt to build a national consensus. As I said earlier, if we can do that, no one will be happier than me and no one will be better protected than the people of this country.

Mr. Andrew Dismore (Hendon) (Lab): I have great sympathy with my right hon. Friend, because the control order regime is clearly a very imperfect way of trying to deal with the problem, but I hope that he will not adopt the route of derogation. He said that he saw control orders as not even the second-best option. Perhaps he will tell us what he thinks is the best option. Does he agree with the Joint Committee on Human Rights, which I chair, that the best option is

[Mr. Andrew Dismore]

prosecution? We are concerned about the fact that the existing control order detainees are not subject to continual review to establish whether there is enough evidence to prosecute them. Last summer we recommended a series of ways of making prosecution easier, one of which was the conversion of intelligence into evidence through the use of intercept. I heard what my right hon. Friend had to say about that, but the police, the Director of Public Prosecutions and the Attorney-General have said that they consider it an important weapon that would significantly strengthen their ability to prosecute. I hope that before my right hon. Friend presents his proposals he will give serious consideration to the Committee's recommendations, including that one.

John Reid: I repeat that we always want to prosecute when there is a level of evidence that is sufficient to reach the threshold for prosecution. That is self-evident, but it is not the question. The question is: how do we tackle terrorist suspects when we do not have a sufficient threshold of evidence to charge, but have sufficient information to be alerted, through the intelligence and other services, to the fact that they may be preparing to commit an act of wholesale human destruction? No Government and no party in this House can ignore that.

My hon. Friend asked me what we would like to do. I do not need to pluck measures out of the air; I can point to measures that we have already presented to the House, which the House has rejected although the Government wanted them. We wanted to deport foreign terrorist suspects, but were prevented from doing so by the courts' interpretation of article 3 of the ECHR and particularly by the Chahal judgment, an outrageously disproportionate judgment stating that we cannot deport a terrorist suspect if there would be any threat to him if he were sent abroad. We must have regard to that, but we are prohibited from having regard to the threat that will be posed to the other 60 million people in the country if he remains here. That is outrageous.

We sought to detain foreign terrorist suspects pending their deportation under part 4 of the Anti-Terrorism, Crime and Security Act 2001, but the House of Lords ruled against us in 2004. We then introduced the control order regime in 2005. The Tories voted against it, and court judgments have subsequently weakened it. There is no need to tell me that we have an inadequate apparatus with which to fight terrorists. I know that. We have been asking for more, and the people who are the first to complain publicly that measures are too weak to tackle terrorism are the very people who are first in the queue to weaken every measure that we introduce.

Mr. John Maples (Stratford-on-Avon) (Con): I think that we all acknowledge that the Government are in a very difficult position. It is ridiculous that we cannot either deport foreigners or detain them. I understand that one of those decisions, the one about deportation, results from the Chahal case—which, incidentally, concerned India, not Algeria or Libya—and that the decision about detention results from the Human Rights Act 1998. Is it not within the collective power of the Government and the House of Commons to remedy those problems, by amending the Human Rights Act and/or—because the Chahal case flows directly from the European convention—by seeking either a derogation from or an amendment to the convention? It is within our power to do those things, rather than blaming the courts for their interpretation of the law. We can change the law.

John Reid: The Chahal judgment took place under the Conservative Government. That is worth noting—*[Interruption.]* It is worth noting because those who claim that our problems stem from the Human Rights Act—*[Interruption.]* If Conservative Members listen a little, they may learn. Those who claim that our problems stem from the Human Rights Act miss the important point that the crucial Chahal judgment not only preceded the Human Rights Act, but preceded the Labour Government.

Many of the problems with which we are grappling are due to a disjunction between the inherited legal conventions that were formulated, with great sincerity and admirable morality, in the middle of the last century, and the realities of today's conflict. That difficulty cannot be solved merely by lawyers legally interpreting the inherited legislation. It must be solved by politicians—as the hon. Member for Stratford-on-Avon (Mr. Maples) pointed out—addressing the disjunction; otherwise we will not overcome it.

I have said that we will consider a range of measures, but let me also say to the hon. Gentleman—who made a substantial point—that when we try to change and strengthen the law in the House, it would help if his party supported us, because that too is part of the struggle against terrorism. I am trying to build consensus not only on the particulars of each case that we bring here, but on the generality of addressing the disjunction between the inherited legal conventions and the reality that we face.

Rob Marris (Wolverhampton, South-West) (Lab): I ask my right hon. Friend to think again about intercept evidence, which is used in other countries. I also ask him to consider the interviewing of suspects after they are charged, which is currently not allowed, to increase the possibility of a successful prosecution. I must say that I am disappointed in the hon. Member for Beaconsfield (Mr. Grieve). He is usually very constructive, but on this occasion he did not really propose anything, except the possibility of our using intercept evidence. The difficulty we face is that it is very difficult to balance the rights of the few against the rights of the many, and I salute my right hon. Friend for what he is trying to do to build consensus in this place. May I also suggest that, if he has not done so already, he should talk to retired members of the judiciary about proposed legislation to establish whether we can "get a heads up" in advance on what might be acceptable to the serving judiciary? Of course, he can only do that by talking to members of the retired judiciary, some of whom are down the Corridor.

John Reid: I entirely accept that we should speak to a range of people, including retired members of the judiciary, but at the end of the day this is a matter for politicians. It is not a matter for judges or lawyers. They are a vital tool in interpreting existing laws, but it is for politicians to address the historical disjunctions

that arise because of changes in the world. It is for them to address the law of conflict as it currently exists and its inadequacies in terms of the nature of today's conflict, the law of peace and the disjunction between it and the nature of today's peace—for we currently have something between war and peace—and the nature of the threat that we face.

In considering those issues in general, we must also consider measures in particular. My hon. Friend mentioned some of them. I will certainly consider measures such as post-charge questioning, and I will attempt to build a consensus, but let me briefly make two points. First, it is clear to me personally that, strategically and in the long run, the disbenefits to this country of using intercept evidence in court, with all its implications, outweigh the benefits. This country is not like any other country in terms of our intercept capabilities and its importance to us. Secondly, I say to the whole House that if we ever reach the stage of mass destruction—if a plane, or two planes, come down over the Atlantic, or something horrendous like that happens—the people of this country will not ask us why we introduced measures to strengthen the fight against terrorism; they will demand to know why, given all the signals and signs and indications that this was coming, the House did not act immediately and unanimously, with consensus, to strengthen all our laws against terrorism. That is the question that will be asked of us.

Patrick Mercer (Newark) (Con): I completely agree with the Home Secretary that this must go beyond and above party politics. Given that, why does he not act and introduce a proper and effective border security force that would help to seal our borders? It would not completely eradicate the problem, but it could be done and it must go beyond merely putting passport inspectors into uniform.

John Reid: I thank the hon. Gentleman. First, we have doubled the resources going into border enforcement. We have increased the powers and we are introducing new powers for those who operate on our borders. We are introducing new technology. We are demanding that there be biometric visas, starting next year with 100 out of the 200 countries. I hope that we shall get the hon. Gentleman's party's support for that.

Secondly, although it is not sufficient in itself, an absolutely necessary element of the fight against terrorism, fraud, crime and illegal immigration is ID cards management and biometrics. I hope that, even at this stage, the Opposition parties will come to their senses on that.

Thirdly, I have refocused the whole of the Home Office on all those challenges: on mass migration and the need to tackle illegal immigration, on fair and effective immigration, on international crime, on fraud and all the elements that go with it—which latterly have been linked to mass migration and to terrorism—and on the fight to counter terrorism. I am doing all those things, and on top of that I want to try to build national consensus. Therefore, I look forward to working with the hon. Gentleman, and—who knows?—in this new emollient spirit, having failed to replace him, the Conservative party might even reappoint him.

Fiona Mactaggart (Slough) (Lab): Does the Home Secretary accept that public confidence in the operation of our anti-terrorist laws is important? The escape of three people who were under control orders will shake that, but may I urge on him two steps that would help to renew and to strengthen public confidence? I urge the first on Opposition Members: that we renew the agreement across the House, because when the Government have attempted to take difficult anti-terrorism measures the split with the Opposition has undermined public confidence. Secondly, I urge him to resist the siren calls for derogation from the Human Rights Act because public confidence depends on the knowledge that Britain maintains the highest human rights standards in fighting terrorism.

John Reid: On the first point, I entirely agree with my hon. Friend—she might be surprised to know that I agree with her on the second point, too. Much preferable to derogation from or abandonment of the European convention on human rights is a willingness and understanding across Europe—I think that such understanding is growing rapidly among Interior Ministers—that we have to build on the convention to ensure that it not only enshrines all those sentiments that were formed, correctly and understandably, in the middle of the previous century, but incorporates the problem that we face today.

Let me put it simply. The European convention on human rights was intended to defend the individual from the unparalleled destructive capacity of the fascist state. That is what gave rise to it. People did not envisage at that time that the state and the community might now be under threat from the unparalleled destructive capacity of fascist individuals working in networks. That is what we face today. The arbitrary imposition of one's will on another by destructive power is fascism, whether it emanates from Europe or any other area. We now face a historical development that requires all of us to build on the European convention on human rights, strengthen it and ensure that the most fundamental of all rights—the right to life and to protection of that life—without which no other right—

Mr. Speaker: Order. I must stop the Home Secretary.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): The Home Secretary talks about this being a matter for politicians and, indeed, for Parliament. On parliamentary scrutiny of control orders, may I draw his attention to the recently published Joint Committee on Human Rights report on the renewal of control orders? Our first recommendation stated:

> "In our view, a debate on a motion to approve an affirmative resolution is a wholly inappropriate procedure for renewal of provisions of such significance. To fail to provide an opportunity to amend the legislation is also, for the second year running, a serious breach of commitments made to Parliament. Parliament is being deprived once again of an opportunity to debate in detail and amend the control orders regime in the light of experience of its operation".

Therefore, will he give an undertaking that there will be an opportunity for politicians and for Parliament to debate the detail of the regime so that we can try to avoid some of the problems that he is facing?

John Reid: There will be two opportunities. The first will arise in or around July, when I think the order must be renewed. Secondly, I guarantee to the hon. Gentleman that the scope of the counter-terrorism Bill, although it will not in itself achieve the promised consolidation—that will be done afterwards—will be sufficiently wide to raise all matters that would have been raised under a consolidation Bill. Therefore, there will be two opportunities to have those discussions.

Mr. Julian Brazier (Canterbury) (Con): I welcome the Home Secretary's announcement that he is examining the possibility of a derogation from article 5. He rightly says that one case arose before the domestic legislation was introduced, but the fact remains that France, Germany and even Holland are able to deport foreign terrorist suspects. This country has, so far, failed to deport any.

John Reid: The hon. Gentleman is wrong on both counts. First, it is not true that we have failed to deport any. We have, as it happens, deported quite a lot of people, including foreign national prisoners—thousands of them. Secondly, it is not true that in France, Italy or wherever it is easy to deport people. Only last week, I spoke to the former Italian Prime Minister, Giuliano Amato, who is now the Interior Minister, and shared with me his problems in doing that. I know from my many discussions with Nicolas Sarkozy that that is the position in France, too. Indeed, the issue of immigration was an elemental part of the campaign when he was elected President. I have also discussed the matter with German Interior Minister Schäuble. All those countries have the same problems, but they have different legal systems. The different legal system in France permits it to detain people under inquisition for much longer than is allowed here, which is one of the reasons we raised the possibility of longer detention here. The hon. Gentleman's party voted against it.

Several hon. Members *rose—*

Mr. Speaker: Order. We now move on to the business question.

Business of the House

12.7 pm

Mrs. Theresa May (Maidenhead) (Con): May I ask the Leader of the House to give us the forthcoming business?

The Leader of the House of Commons (Mr. Jack Straw): The business of the House for the week commencing 4 June will be—*[Interruption.]*

Mr. Speaker: Order. Leave the Secretary alone. The right hon. Member for Wells (Mr. Heathcoat-Amory) was not pleased about not being called. There is other business, including Back-Bench business. Do not complain if you do not get called, because you do well.

Mr. Straw: The business of the House for the week commencing 4 June will be as follows:

MONDAY 4 JUNE—Second Reading of the Legal Services Bill [Lords].

TUESDAY 5 JUNE—Consideration of Lords amendments to the Corporate Manslaughter and Corporate Homicide Bill, followed by a debate on Darfur on a motion for the Adjournment of the House.

WEDNESDAY 6 JUNE—Opposition Day [13th allotted day]. There will be a debate on an Opposition motion. Subject to be announced.

THURSDAY 7 JUNE—Second Reading of the Rating (Empty Properties) Bill.

FRIDAY 8 JUNE—The House will not be sitting.

The provisional business for the week commencing 11 June will include:

MONDAY 11 JUNE—Opposition Day [14th allotted day]. There will be a debate on an Opposition motion. Subject to be announced.

I should also like to inform the House that the business in Westminster Hall on 7 and 14 June will be:

THURSDAY 7 JUNE—A debate on the report from the Communities and Local Government Committee on coastal towns.

THURSDAY 14 JUNE—A debate on the report from the Science and Technology Committee on drug classification.

I should like to make two other brief announcements. I have issued a written ministerial statement today regarding oral statements and notice being given on the Order Paper. It widens the criteria for giving notice of oral statements. I am grateful for the agreement of the right hon. Member for Maidenhead (Mrs. May), the shadow Leader of the House, and the hon. Member for Somerton and Frome (Mr. Heath). We aim to ensure that notice on the Order Paper is given wherever possible, following my office's notification to the House. The Government retain the freedom to make statements without prior notice.

Lastly, following the Modernisation Committee's recommendations on the legislative process, which the House accepted, the Legal Services Bill has been selected for a pilot to evaluate the impact of tabling explanatory statements to amendments in Public Bill Committees. Guidelines for Members wishing to table explanatory statements with their amendments are available from the Public Bill Office.

Mrs. May: I thank the Leader of the House for providing the future business and for his other announcements.

The Home Secretary has just told us that the Government will introduce a new counter-terrorism Bill, but we were told in the Queen's Speech that there would be a criminal justice Bill. None has been forthcoming, so will the right hon. Gentleman tell us whether the Prime Minister designate has dropped the Bill?

In response to the urgent question, the Home Secretary just reported that three terror suspects subject to control orders had absconded, which means that a third of those under control orders are now missing. My hon. Friend the Member for Beaconsfield (Mr. Grieve) asked the Home Secretary a number of very specific questions about control orders legislation and related matters, but the Home Secretary did not answer a single one of them, preferring to talk about where the blame lies for the particular problems that the Government face. I acknowledge that the Home Secretary said that the debate on the counter-terrorism Bill would be wide ranging, but I believe that it would be beneficial to have a full debate in Government time before that Bill—in other words, a debate not on a Bill, but on the operation of control orders. May we have such a debate?

That is not the only problem to which the Home Secretary has admitted this week. The number of Britons with serious overseas convictions that the Department has failed to process is four times higher than the Home Secretary previously admitted to Parliament. They include people convicted of murder, manslaughter and sexual offences, some of whom have since worked with children. May we have a debate on the protection of the public?

A year ago, the Home Secretary took up his new position. He described his new Department as "not fit for purpose", said that he would fix it in 100 days, harassed the Prime Minister to make him security supremo, divided the Department into two and then announced his resignation two days before the division came into effect. Following this week's latest fiascos, may we have a debate on whether the Home Secretary will leave his Department "fit for purpose"?

It is reported that the first the Lord Chief Justice heard about the division of the Department and the creation of the Ministry of Justice was when he read a newspaper article by the Home Secretary. Lord Phillips says that the judiciary could rule that the Lord Chancellor is in breach of his statutory duty to protect the independence of the courts and that we need "a fundamental review". The Justice and Home Secretaries might soon be on the Back Benches, but may we have a debate on the Ministry of Justice?

On Tuesday, the Government announced a two-month delay in the introduction of home information packs, which will start in August, before the "consultation" ends. Only a quarter of the required assessors have been trained, four-bedroom houses are being sold as three-bedroom houses with a games room and one in 10 people think a HIP is a sexually transmitted disease—*[Laughter.]* Meanwhile, the Secretary of State for Communities and Local Government and the Minister for Housing and Planning cannot agree on whose fault it is, so may we have a debate on ministerial responsibility for this farce?

Five out of six of Labour's deputy leadership candidates want to be Deputy Prime Minister, but I read that the Leader of the House has his eyes on the job. I understand, however, that the Education Secretary says that that will happen "over my... dead body"—that is the censored version of the quote. The Chancellor's camp says that there might not be a Deputy Prime Minister

"because Prescott has made such a mess of it".

May we have a debate on the Deputy Prime Minister's role?

Amidst all this mess, the Prime Minister is clinging to his job like David Brent, saying that there are

"things I am right in the middle of".

He is obviously looking to his legacy, but right now, is not his legacy a property market in confusion, a Home Office in shambles and the Department of Health in crisis?

Mr. Straw: The right hon. Lady's HIP joke was genuinely good, so progress is being made.

John Bercow (Buckingham) (Con): Don't sound so surprised!

Mr. Straw: It seems that the hon. Member for Buckingham (John Bercow) is surprised as well. If I have achieved anything over the past year, it is to raise the standard of humour that we get from the right hon. Lady.

The criminal justice Bill is in hand. As for specific questions on control orders, I usually have a lot of time for the hon. Member for Beaconsfield (Mr. Grieve), but I thought that he gave a lamentable performance in which he could not bring himself to make any constructive points. Presumably, he had been ordered by the powers-that-be in his leader's office to try to mix it. I thought that my right hon. Friend the Home Secretary, who is rarely accused of brevity, answered all the questions put to him. There will be every opportunity to put those questions again when the counter-terrorism Bill is debated.

There has been a significant improvement in the performance of the Home Office over the past year. Inevitably, the Opposition have to make these points, particularly when they get to the mid-way sag—having enjoyed a boost in the polls, they discover that it is all running away, as I recall from when we were in that position—but I can provide the right hon. Lady with some therapy for that feeling. She has many more Opposition days left. I have already criticised her side for wasting good Opposition time, but if she wants to table debates and motions criticising particular Ministers, she is welcome to do so. On both occasions when the Opposition have done so, they have not proved very successful, but that does not mean that the right hon. Lady should not try again.

As for the introduction of the Ministry of Justice, the Constitutional Reform Act 2005 lays specific duties on the Lord Chancellor and the Secretary of State for Justice in respect of the protection of the judiciary. The

[Mr. Straw]

current Lord Chancellor, Lord Falconer, has that as his highest priority. Frankly, I do not see the right hon. Lady's difficulty.

On the right hon. Lady's peroration, which was not quite as good as her joke, I would say that once again the Conservative party is not quite where the public is. The Conservatives have been trying to make an awful lot of hay about what I regard as the sensible handover period. Meanwhile, it seems that 55 per cent. of the public today—I cite opinion polls only where they are to our advantage, and I do not wish to depart from that practice—believe that the Prime Minister is "absolutely right" to stay on until 27 June, while fewer than a third believe that he should not. The truth is that, as well as the things that often happen in government, we have shown great energy this week, with a new planning policy—applauded by many, including the CBI—announced on Monday; an energy policy essential to safeguarding our energy supplies, about which Conservative Members cannot make up their minds; and, very shortly, an excellent waste strategy, which includes dealing with waste by the Opposition, to be announced by my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): If my right hon. Friend had been in the Chamber last Friday, he would know that I had four minutes to introduce my private Member's Bill, which would have guaranteed a package of measures for young people aged between 16 and 18. Of course, at the end of the four minutes, the Government Whip shouted "Object"—[Hon. Members: "Ah".] May we have a debate on how best to support young people aged 16 to 18 and on what we should do about the large number who are not in employment, education or training—the NEETs? It should be a priority: the Government have done so many good things in education and skills, but we really need some urgent action on this issue.

Mr. Straw: I understand my hon. Friend's great frustration. I have to say, quite separately, that, having thought about it, I do not think it is possible to change the basic procedure for dealing with private Members' motions. I am looking at whether there is a better way of responding to the major issues raised in private Members' Bills from both sides of the House, whether or not the text of the Bill can be fitted into legislation. There will be an opportunity for a wide-ranging debate in the next Session when we introduce our proposals to raise the education leaving age to 18. Meanwhile, I will certainly look for opportunities of the kind that my hon. Friend suggests.

Mr. David Heath (Somerton and Frome) (LD): On the urgent question that we just heard, the Leader of the House will know that the Serious Crime Bill contains provisions introduced by the noble and learned Lord Lloyd of Berwick to allow for the admissibility of intercept evidence. I know that the Leader of the House is strongly against that, and that the security services have expressed serious reservations. The right hon. Gentleman will know, however, that senior police officers and the prosecuting authorities support the admissibility of such evidence. May I ask him in all seriousness not to introduce the Bill in this House until there has been an opportunity for serious talks between the parties and with others on how we can create a regime under which that evidence is admissible, so that we can get more successful prosecutions? It should be used not in every case but in those where it is appropriate.

Has the Leader of the House seen the evidence submitted by the Lord Chief Justice to the Constitutional Affairs Committee on Tuesday, revealing the depth of disquiet among the judiciary about the introduction of the Ministry of Justice, and opening the possibility that the Lord Chief Justice might make a formal statement to Parliament under section 5 of the Constitutional Reform Act 2005? How would such an occasion be managed in this House? When we return, may we in any case have a statement from the Ministry of Justice about its relationship with the judiciary?

May we have a debate on the regulation of financial services? The financial ombudsman is apparently receiving 1,000 complaints a week from the public about bank charging, there is clear evidence of high street banks bullying those who complain, and there has still been no action on the Cruickshank report. Such a debate could also cover the monopoly position of a small number of accountancy firms undertaking corporate audit—another serious issue.

Lastly, may we have a statement on bonuses? If the Home Office feels that the shambles that it has created over the past year is worth £3.6 million in bonus payments to staff, perhaps we should have a statement on what bonuses have been paid in the Department of Health, given the requirement for the Secretary of State to apologise to the House sometimes once and sometimes twice a week, or in the Department for Communities and Local Government, given the fiasco on HIPs, or in the Treasury, given the introduction of a tax credit system that has cost more than £9 billion in fraud and administrative failure. What exactly are we paying bonuses for?

Mr. Straw: Intercept evidence is an important issue, and I am happy to pass on the hon. Gentleman's suggestion about talks between the parties. Indeed, confidential discussions on the issue have already taken place with the other parties. No one who wants to see more criminals, especially terrorist suspects, convicted of crimes of which they are guilty wants to see good evidence unnecessarily excluded from the courts. There is no ideological issue about the reluctance of the Government and the intelligence agencies to have intercept evidence adduced in court. Indeed, we supported the previous Conservative Government's arrangements to ensure that evidence from planted microphones—intrusive surveillance arrangements—could be adduced in court. The problem is to determine whether the disadvantages, which I promise the hon. Gentleman are huge, outweigh the advantages.

I have discussed this matter endlessly with Lord Lloyd, ever since he recommended a separate regime for terrorist suspects seven or eight years ago. I do not happen to think that his proposals are workable, but I am as open minded about this as anyone else, as are my right hon. Friends the Prime Minister, the Foreign Secretary and the Attorney-General. If we could find a way through this, we would. I am not saying that I

know best because I was responsible for the agencies involved. I promise the hon. Gentleman that, having examined the issue with enormous care, I have yet to find a safe way through that would not threaten our security in many other ways. I am not saying that that is the best judgment; it is currently my judgment, and I am open to arguments to the contrary. Either Opposition party could be in government at some stage, and it is important that they should not impale themselves on promises that they cannot deliver.

The hon. Gentleman mentioned the Lord Chief Justice. My noble Friend Lord Falconer and I, and all of us who know the noble Lord Phillips and his colleagues in the judiciary, have the highest regard for them, and for the importance of maintaining their independence. If a statement is made under section 5 of the Constitutional Reform Act—I hope that there will not be—I will consider urgently with my right hon. Friend the Chief Whip the ways in which it could be replicated here.

I note the hon. Gentleman's request for a debate on bank charges. He also mentioned bonuses. Home Office staff do one of the most difficult jobs in the civil service. It is the nature of what might laughingly be called its customers—prisoners, asylum seekers and others—that they do not actually want to be its customers. We should not have a go at its staff, who are doing a very difficult job. If bonuses help to raise the morale of people who have volunteered to do that difficult work, so much the better. Sadly, Ministers are not eligible for bonuses; otherwise, we would all be putting in for them. This is not a proposal for the Chancellor of the Exchequer; it would not have his support. Patient satisfaction with the health service has never been higher, and the United Kingdom now ranks top overall in relation to the comparative health care systems in Australia, Canada, Germany, New Zealand and the United States.

Mr. Jim Devine (Livingston) (Lab): May we have a debate in Government time on the role of the management of Tesco? In my constituency today, Tesco drivers are on strike for the first time ever because the company has unilaterally tried to reduce their terms and conditions and derecognised their trade union. On Monday evening, it sent taxis scuttling round my constituency issuing redundancy notices to its own staff. Will my right hon. Friend join me in saying to the fair-minded people of Britain that, when they go shopping tomorrow, they should boycott Tesco and support—

Mr. Speaker: Order. A question should be about the business of the week after the recess. Hon. Members should not make statements like that against any organisation.

Mr. Straw: I take full note of my hon. Friend's great concern about this matter, and I will look for an opportunity for him to debate it.

Stewart Hosie (Dundee, East) (SNP): Yesterday, BP pulled out of a £500 million project to develop a carbon capture and storage system at Peterhead. It was to have been based on what would have been the world's first hydrogen refinery, with the waste carbon dioxide being pumped into the decommissioned Miller field. BP has pulled out because of the delay in the Government-sponsored competition to decide who should build the project. At Scottish questions on 27 February this year, the Secretary of State for Scotland said on behalf of the Government:

"We will reach a decision within months—in the course of the year."—[*Official Report*, 27 February 2007; Vol. 457, c. 749.]

On the same day, the Minister for Science and Innovation, when warned of the risks of delay, said that the Government's plans were

"not incompatible with the Miller field decommissioning time scale."—[*Official Report, Westminster Hall*, 27 February 2007; Vol. 457, c. 247WH.]

It would appear that that is not now the case. With the announcement in the White Paper that the competition will not now be launched until November, BP has pulled out of the project. Will the Leader of the House ensure that we have a debate in Government time, with the Secretary of State for Trade and Industry here to explain why the Government have effectively sabotaged this project, and the 1,000 construction jobs that went with it, why they took no heed of the warnings about the dangers of delay, and what might yet be salvaged from this mess?

Mr. Straw: There has been no sabotage, as the hon. Gentleman calls it, of the project: none whatever. Carbon capture remains an important part of the Government's overall strategy, as it does that of industry. On his basic point, I shall certainly look at whether we can have a debate on the matter.

David Taylor (North-West Leicestershire) (Lab/Co-op): It is now four years since the Proceeds of Crime Act 2002 came into force. Has the Leader of the House seen the annual report of the Assets Recovery Agency for 2006-07, which reveals that £125 million was recovered last year—Lamborghinis, racehorses, luxury mansions and so on? May we have a debate after the recess on how we can move further and faster with the ARA to deprive career criminals of their millionaire lifestyles?

Mr. Straw: I will certainly look at that. I would like to applaud the agency for its work. Inevitably, there were birth pains, but now it is doing extremely well in recovering assets.

Mr. Greg Knight (East Yorkshire) (Con): May we have a debate on surveillance and camera use in the United Kingdom? Is the Leader of the House aware of the recent comments from Ian Redhead, the deputy chief constable of Hampshire, who has questioned the installation of CCTV cameras in areas of low crime and called for a full review of the rules surrounding the use of speed cameras? At a time when these concerns are increasing, why are the Government relaxing the rule concerning the deployment of speed cameras? Could it be that this has more to do with revenue-raising than road safety?

Mr. Straw: The right hon. Gentleman's last point is wrong. All of us who have been caught by speed cameras—that includes me, in 1993—are jolly irritated at the time.

Mr. Nigel Evans (Ribble Valley) (Con): How fast were you going?

Mr. Straw: I was doing 48 mph. I was irritated about it at the time. Nonetheless, we have to recognise that the introduction of speed cameras has greatly helped road safety and reduced deaths. On the wider issue, the matter is the subject of an inquiry by the Home Affairs Committee and I suggest that the right hon. Gentleman put forward evidence.

Keith Vaz (Leicester, East) (Lab): May we have a debate as a matter of urgency on the report that has just been published by the regulator into the allegations of racism on Channel 4 during "Big Brother"? My right hon. Friend will have noted the comments of Channel 4, which offered no apology, no condemnation of racism and no resignations. Does he agree that this is a very serious issue—the first time that the regulator has applied this sanction to a public sector broadcaster—and that it is very important that we have a debate on the issue?

Mr. Straw: It is. Given the fact that this is the first time that the regulator has found in this way, the board of Channel 4 needs to consider the overall implications of allowing such material to be broadcast and what that does for its reputation and that of the UK.

Andrew Rosindell (Romford) (Con): Does the Leader of the House agree that the Whitsun recess gives him an ideal opportunity to get his toolbox out and to carry out the much awaited repairs to the roof of Portcullis House, to ensure that the flag of our country can fly there for the first time? Does he agree that 2 June, the anniversary of Her Majesty's coronation, would be an ideal time for the flag to fly for the first time?

Mr. Straw: Yes, I agree and I thank the hon. Gentleman for raising the matter again. I am promised that I will not need to get my toolbox out, as the work has already taken place. I threatened the powers-that-be here that the hon. Gentleman and I would go up there and put up the flag. I am also promised that the first occasion on which the flag will be flown is on the 54th anniversary of Her Majesty's coronation on 2 June.

Ms Diana R. Johnson (Kingston upon Hull, North) (Lab): May I ask for an early debate on the rules that local authorities must follow when disposing of shares? This is in relation to the decision of the Liberal Democrat-controlled council to sever any links it has with Kingston Communications, after 100 years, without public discussion, debate or consultation.

Mr. Straw: I find the approach of the Liberal Democrat-controlled Hull city council quite extraordinary. I know for certain that were the Liberal Democrats in opposition there and a Conservative council had done that, they would be raising Cain about this. It is utterly irresponsible and takes no proper cognisance of heritage and the unique contribution that Hull Telecommunications —now Kingston Communications—has made to the city of Hull.

Sir Nicholas Winterton (Macclesfield) (Con): I fully support my hon. Friend the Member for Romford (Andrew Rosindell), but may I turn the attention of the Leader of the House to this House and the way in which it operates? He will be aware that the Committee that he chairs with some panache is to report shortly on the role of the Back Bencher and the use of non-legislative time. Will he give me and the House an assurance that a debate on the subject will take place in this House while he is Leader of the House? As the right hon. Gentleman chairs the Committee, it is important that he should lead off the debate and guide the House in terms of making it more relevant to the people of this country and to Back Benchers.

Mr. Straw: I cannot give him that assurance because, like lunatics in prison in days of old, Ministers of the Crown serve entirely at Her Majesty's pleasure and we have no idea when that pleasure is going to come to an end.

Mr. Tom Watson (West Bromwich, East) (Lab): May we, with as much Government time as is necessary, debate the future of grammar schools?

Mr. Straw: Yes. Last week, I promised the right hon. Member for Maidenhead (Mrs. May)—I am sorry that she did not return to the matter—an opportunity in Government time to debate Conservative policy. We will do anything we can to facilitate wider debate by the Conservatives and we will lay on Government time. I remind the right hon. Lady that, in 2001, she spoke out in this House against "a vendetta" against grammar schools. I hope that she is applying the same strong language that she used back in 2001 to her own leader, who seems to have adopted quite gratuitously a vendetta against grammar schools.

Mr. Christopher Fraser (South-West Norfolk) (Con): Network Rail has confirmed recently that serving prisoners are carrying out maintenance work on Britain's railways. My constituents use the railway line that goes through Potters Bar, the scene of the devastating crash in 2002, so railway safety is a key concern to them. Will the Leader of the House give time for a debate on this important policy because we need reassurance that safety standards are being maintained and respected on all our railway lines?

Mr. Straw: I will certainly pass on the hon. Gentleman's concerns to my right hon. Friend the Secretary of State for Transport. Notwithstanding the fact that there have been some terrible railways accidents, including the one at Potters Bar, we heard yesterday from Ian McAllister, the chairman of Railtrack, that the recent period has been one of the safest on record; so it should be. Railtrack and everybody else—

Sir Nicholas Winterton: Network Rail.

Mr. Straw: Apologies. Network Rail and all the others working in the industry have safety as their first priority.

Martin Salter (Reading, West) (Lab): My right hon. Friend will be aware of early-day motion 1540:

[That this House notes that the House of Commons guidance note Freedom of Information and Members' Correspondence with Public Authorities published in December 2005 makes it clear that a public authority may be required to release a copy of hon. Members'

correspondence if it receives a relevant request even though constituents may not be aware of the risk of material being disclosed; believes that it is absolutely essential that constituents are able to contact their hon. Member on a confidential basis; supports measures to protect from disclosure correspondence from constituents and their representatives to hon. Members and from hon. Members on behalf of constituents and their representatives to public authorities but believes that all other matters relating to the administration of the House, including hon. Members' allowances, budgets, use of contractors, purchasing policy and other matters, should be subject to public disclosure on an annual basis; and calls upon the Leader of the House to table a motion to this end to be voted upon by hon. and right hon. Members.]

It supports the protection of constituents' correspondence with their MP from disclosure under the Freedom of Information Act, but also calls for the annual publication of all matters relating to the administration of this House, including MPs' allowances. Will he table a motion at the earliest opportunity, enabling hon. Members to vote on this matter?

Mr. Straw: I certainly recognise my hon. Friend's wish, which is shared by the whole House, to ensure that whatever happens in respect of the protection of MPs' correspondence, the publication scheme in respect of Members' allowances and expenses continues. I shall give serious consideration to his suggestion and consult the Opposition parties about the matter.

Sir George Young (North-West Hampshire) (Con): Is not the reason why 55 per cent. of the country wants the Prime Minister to stay that they do not want the Chancellor of the Exchequer to take over? Following the question from my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton), the Chancellor has said that when he is transubstantiated into Prime Minister, he wants to strengthen Parliament, which I welcome. May we have an assurance from the Leader of the House, who is also the Chancellor's campaign manager, that there will be no unilateral changes? Will he also assure us that any plans for strengthening Parliament will be fully debated and that the next Prime Minister will not do what the last one did and introduce unilateral changes that had the effect of weakening Parliament?

Mr. Straw: I do not think that the changes that have been made have weakened Parliament, but we can debate this matter. Meanwhile I will send to the right hon. Gentleman transcripts of a series of lectures that I have given on the subject, in an attempt to introduce some balance. *[Interruption.]* They are entertaining reading on balmy summer nights with a drink.

Being consistent with my policy of quoting opinion polls only when they are in our favour, may I draw to the right hon. Gentleman's attention a survey which showed not only that 55 per cent. of the public wish the Prime Minister to stay on until 27 June but increasing support for my right hon. Friend the Chancellor's takeover of that post—which will be not a transubstantiation, but a translation?

Mr. David Winnick (Walsall, North) (Lab): Regarding the possible future progress of the private Member's Bill debated last Friday, did my right hon. Friend hear the Information Commissioner say on the radio today that his office has not received a single complaint from Members of Parliament about correspondence? Bearing in mind the fact that the amendment that has since been tabled to the Bill will not satisfy opponents of it such as me, may I suggest that the best possible way forward is for the Bill which, unfortunately, was agreed to last Friday should not be further debated but be buried? Does my right hon. Friend also agree that the decision taken last Friday was a collective blow to the reputation of this House?

Mr. Straw: I know that my hon. Friend feels very strongly about this matter, as do some Opposition Members. I have read the record of the debate. The issue of MPs' expenses, which has attracted a lot of attention in the newspapers, has been the subject of further consideration by the Bill's promoters and supporters. The Bill has now passed to another place, and what it does about it is entirely a matter for it. I note the Information Commissioner's remarks, but all I can say is that, as people who follow business questions will be aware, last October or November the hon. Member for North Thanet (Mr. Gale) and one of his Kent colleagues drew the House's attention to the matter of the possible publication of confidential correspondence issued on behalf of constituents.

Mr. Nigel Evans (Ribble Valley) (Con): I see that the Secretary of State for Health is present, and I am glad about that as I wish to ask for a debate on the postcode lottery. The Leader of the House knows that I have used business questions as an opportunity to raise the issue that some of my constituents have not been able to access certain cancer drugs although they are made available in other health trusts. Today, *The Sun* reports the story of Corporal Nick Lock who, sadly, has stomach and liver cancer. His health trust says that he cannot have access to the cancer drugs that he needs in order to give him at least a chance of survival, yet the same drug is made available in Scotland. Why are drugs being made available in one part of the United Kingdom yet being denied to people in other parts of the UK?

Mr. Straw: All of us have personal contact with people suffering from cancer so all of us understand how distressing the issue of the availability of such drugs is. However, I have two points to make. First, the differences between Scotland and England and Wales are not to do with a postcode lottery. It is a consequence of devolving power over health matters to Scotland, which is bound to do some things differently; otherwise, there would have been no point to devolution. We do other things that are then quoted against Scottish politicians. That is part of the nature of devolution.

Secondly, I cannot comment on the case the hon. Gentleman raises except to offer the greatest sympathy to the patient, but I can say that, overall, the effectiveness of cancer treatments and the likelihood of survival have greatly increased in England and Wales because of investment and improvements in medical science here.

Mr. David Anderson (Blaydon) (Lab): May I draw my right hon. Friend's attention to early-day motion 690 on the regulation of private military security companies?

[Mr. David Anderson]

[That this House welcomes the recent War on Want report entitled Corporate Mercenaries which examines the role of mercenaries and private military security companies (PMSCs) in conflict zones around the world; shares its concerns over the exponential growth of PMSCs since the invasion of Iraq; notes that PMSCs work alongside regular soldiers providing combat support in conflict situations, yet remain unregulated and unaccountable leaving open the potential for human rights violations; further notes that problems posed by proliferation of PMSCs were highlighted in a Green Paper in February 2002 that originated in a request from the Foreign Affairs Committee but that almost five years later there is still no United Kingdom legislation regulating PMSCs; believes that self-regulation by the industry is not appropriate in this instance; and urges the Government to move towards binding legislation to control the PMSC sector as an urgent priority.]

Is my right hon. Friend aware that, in Iraq, for every British soldier there are six private soldiers? Is it not now time for there to be a Foreign Office statement—an update of the Green Paper of 2002—on whether we will ever regulate these people?

Mr. Straw: I agree with my hon. Friend and I will try to arrange an update.

Justine Greening (Putney) (Con): The Leader of the House will recall that I recently asked in business questions for a debate on young people and social mobility. I subsequently applied for a Westminster Hall or Adjournment debate on that topic, but I seek his advice—I was unable to secure it, because the topic of socjal mobility cuts across several Government Departments and therefore also cuts across ministerial remits. Additionally, no ministerial remit has a specific responsibility for social mobility. Eventually, the best I could do was to have a debate entitled, "Young People and Social Exclusion", which was handled by the Cabinet Office. Can the Leader of the House give me any advice on how we can debate in this place this important topic which cuts across several Departments?

Mr. Straw: The hon. Lady raises an important point. I will arrange to meet her to talk about how we can have more effective so-called cross-cutting debates, and I will make an announcement to the House.

David T.C. Davies (Monmouth) (Con): May we have a debate on the Human Rights Act 1998, which after the latest Home Office debacle seems to be nothing more than a charter for criminals, terrorists and lawyers of sybaritic tastes, many of whom appear to be well connected with members of the establishment?

Mr. Straw: I cannot promise the hon. Gentleman a debate on the Human Rights Act, but I would like to arrange a debate in order to explain a few things to him. First, that Act was welcomed by the Opposition on Third Reading after I, as Home Secretary at that time, had secured a number of amendments to it. Secondly, the problems that have now arisen, which are often labelled Human Rights Act problems, relate to our being signatories to the European convention on human rights, and nobody proposes that we should abrogate our signature to that. To disabuse the hon. Gentleman still further, let me tell him that it was drafted by a Conservative lawyer, David Maxwell-Fyffe, who later became Lord Kilmuir, a distinguished Conservative Lord Chancellor. It was Britain under a Conservative Government which, quite correctly, led the way in getting every country of the Council of Europe signed up to that.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. We have two statements this afternoon and other business, so we must now move on.

Modernising Medical Careers

12.47 pm

The Secretary of State for Health (Ms Patricia Hewitt): I wish to make a statement about modernising medical careers. In my written statement to the House on 15 May 2007, I announced the plans for making offers in the first round and the principle behind the further round of the modernising medical careers specialist recruitment. I welcome yesterday's decision by the High Court in the judicial review brought by Remedy UK while, of course, acknowledging the criticisms that the judgment contains. I also welcome the decision of Remedy UK not to appeal against the judgment. I will consider the comments of Mr. Justice Goldring on costs.

I well understand the uncertainty that problems with the medical training application system have caused junior doctors and their families. We need to ensure that we learn the lessons from what has happened, which is why I asked Sir John Tooke to establish an independent review. The membership of that review has now been agreed, and I have placed a copy of Sir John's announcement in the Library.

Following the court's decision, I am pleased to say that offers for the extended first round of specialist recruitment will start today. Interviews for the current round should be completed by the end of this month and all initial offers for hospital specialties will be made locally by the postgraduate deaneries between now and 7 June.

Successful candidates might receive more than one offer. They will be able to wait until all their offers are received, allowing them to consider their options before making a decision on which to accept. Initial offers must be accepted or declined before midnight on 10 June. Following that deadline, training places that have been declined will be re-offered to the next highest-ranked appointable candidates. Those additional offers will be made from Monday 11 June until Wednesday 20 June.

At its meeting on 9 May, the review group agreed a set of principles upon which the continued recruitment of specialist medical trainees this year would be based. These principles are fully supported by the deaneries, NHS employers—and, of course, the Department of Health—and are set out in a letter of 22 May that was sent to all applicants, a copy of which I have also placed in the Library. That further recruitment round will be locally planned and managed.

Although there will not be a national allocation and matching system for appointments, MTAS will continue to be used by deaneries for administration and monitoring. As in the extended round 1, applicants will be provided with information on the competition ratios for each post to assist them in deciding where to apply. The number of posts available in the further recruitment round will, of course, depend upon the outcome of round 1, but will be substantial.

In particular, the Douglas review group has stressed that there are fewer ST3 posts available at the moment than should be expected for the number of doctors well advanced in their specialist training. Following the review group's recommendations and with its full agreement, we will be creating 200 additional run-through training programmes for those doctors who have already invested several years in training for their chosen specialty. For example, it is proposed that 20 new posts will be added to the 100 already available this year in cardiology, 19 new posts will be added to the 30 already available in neurology, and so on. We are in discussion with the review group and the appropriate royal colleges to finalise the details, which will take into account the needs of the NHS, as well as junior doctors.

I have already told the House that we will support junior doctors during this further appointment process, including especially those whose current contracts come to an end within it. We are working with strategic health authorities to ensure that all applicants currently in NHS employment will continue to have employment while they progress through the next round. In addition to the extra run-through programmes that I have announced, we have also accepted the recommendation of the review group to create further additional training opportunities for those junior doctors who are appointable to specialist training, but for whom training opportunities may not otherwise be available this year. For those who have successfully completed the MMC foundation training programme and who demonstrate their ability to progress, there will be new training programmes through one-year fixed term appointments. We are asking PMETB to expedite the approval of both the extra fixed-term and run-through programmes. There will also be a range of sponsored training programmes available to enable doctors either to get an additional year's experience in their chosen specialty or to choose to gain experience in a different specialty, thus giving them all a better chance to apply and secure a training programme next year.

The strategic health authorities will manage the process and work with trusts, deaneries and royal colleges to determine the types of opportunities that they will make available. All those posts will be based on local service requirements and future work force planning needs. Funding to support those training opportunities will come from the Department and SHAs.

At the end of the further recruitment process, there will remain a number of applicants who have been unable to demonstrate this year that they are suitable for the specialist training programmes. Many will remain in their current service posts while others will be able to apply for the non-training service posts vacated by those moving into training posts. SHAs and trusts will work together to match doctors to posts across each region.

I believe we now have the right way forward both to give junior doctors the support and opportunities they need, and to ensure that the NHS has the right doctors in place to continue providing excellent care to patients. The result is that there will be more junior doctors in specialty and GP training than ever before. I am extremely grateful to Professor Douglas, the medical royal colleges, the BMA and other members of the review group for their help and support in resolving this difficult situation.

Mr. Andrew Lansley (South Cambridgeshire) (Con): I am grateful to the Secretary of State for advance sight of the statement and for coming to make a further

[Mr. Andrew Lansley]

statement on those matters. The Secretary of State said that she welcomed the High Court judgment and acknowledged the criticisms made by Mr. Justice Goldring. At the very least, she might have had the good grace to accept them. He said, for example, that

"the fact the claimant"—

Legal Remedy UK—

"has failed in what was accepted to be an unprecedented application so far as the law is concerned does not mean that many junior doctors do not have an entirely justifiable sense of grievance."

They certainly do. He continued:

"The premature introduction of MTAS has had disastrous consequences. It was a flawed system".

He also says that

"the shortlisting process was flawed. The application form was unreliable as a measure of ability...the algorithm needed to govern the allocation process under MTAS did not work".

Not least as a result of the judgment, the Secretary of State has had to accept many of the criticisms that the Opposition have made over the past two months. She will also have to accept—not least because Professor Douglas and his review group have recommended them—some of the remedies that we called for. For example, in the statement she essentially said that additional training posts would be available. She will recall that that is precisely what I called for from the Dispatch Box on 19 March. The Secretary of State and her colleagues disparaged that call. Time has been lost and that is a lamentable further failing after the original failings of the MTAS scheme.

I wish to ask the Secretary of State some further important questions. Can she confirm that it is not her intention to seek costs from Legal Remedy UK? That would be a deplorable act after all that it has gone through. Secondly, she has announced how many additional run-through training posts are to be made, but she will know that what is even more significant is how many temporary training posts are able to be added. How many posts will be in round 2? She says that the number will be substantial. The word "substantial" is often used and Mr. Justice Goldring was right yesterday when he said that—as the Secretary of State said on 13 March—it is very important that a "significant" number of posts are available in round 2. In the Department's evidence to the High Court it was said that there would be unfilled posts from round 1, posts that were held back from round 1, and new posts. Can the Secretary of State tell us how many new posts there will be in round 2 and how many posts have been held back from round 1? I know that she will not be able to tell us how many unfilled posts there will be from round 1, but can she explain why, both in her evidence to the High Court and in the letter to applicants sent out yesterday, it continues to be the Department's view that the offer and re-offer process will enable the units of application—the deaneries—to fill as many training posts as possible? Surely the objective of round 1 is not to fill as many training posts as possible, but—as she said on 13 March—to fill training posts wherever the interviewers are satisfied that they have an eminently qualified candidate; otherwise, round 2 will not have as many posts as it should.

Back in late April, the Department appeared to believe that there were between 500 and 1,300 foundation programme graduates who were at risk of not attracting either specialist training one posts or fixed-term specialist training posts. Do I gather from the Secretary of State's statement that it is now her intention to ensure that every suitably qualified foundation programme graduate, which I hope is virtually all of them, will find a training post, and that the numbers will be brought down virtually to zero?

Can the Secretary of State tell us what she might further do to help hospitals with their problems at the beginning of August? It is virtually impossible for many hospitals to advertise and attract candidates for service posts starting on 1 August in circumstances in which so many junior doctors have no idea whether they will get training posts. Round 2 will extend beyond August, perhaps all the way to November. It is therefore vital that as many as possible of those posts be converted to training posts, even if they are temporary training posts or, as the letter to applicants says, a process will follow in which PMETB tries to progress the posts into ones that it recognises for training purposes. What will the Secretary of State do to try to help trusts to fill posts in circumstances that are becoming increasingly difficult?

How can all this be achieved in circumstances in which, in several regions, the MPET budgets, which were cut last year, also face cuts this year? We know from SHA board papers that £136 million will be cut from MPET budgets. Surely that was always intended to be a one-year cut in the education and training budget. If it carries on, it will prejudice the delivery of all of those objectives.

We have arrived at the point at which the Secretary of State comes to the House to report what Professor Douglas tells her should happen this year and, for the future, what Professor Sir John Tooke and his review tell her will happen. To all intents and purposes, the Secretary of State is now merely a cipher for the profession. Frankly speaking, that is a better solution than has been the case in the past, because the Secretary of State has so completely failed. If she would only admit that, as Mr. Justice Goldring said yesterday, the process has been a disaster, that would serve her rather better.

Ms Hewitt: I have learned never to be surprised by the hon. Gentleman's inability to welcome developments—in this case a very good package of support for junior doctors. Of course, it would have been much better if it had been in place from the beginning, but it gives junior doctors better support than the NHS has provided in the past.

On the issue of costs for yesterday's judicial review, of course I will consider that with sympathy. *[Interruption.]* I do not know whether the hon. Gentleman wants to hear my answers to the specific points that he raised. Public funds are involved, and I am not going to make a snap decision.

The hon. Gentleman asked how many round 2 posts there will be. He also acknowledged that we do not yet know how many posts will be filled in round 1, so the final total number of posts available in round 2 will depend on how many are filled by well qualified candidates in round 1, following the decisions of the

deaneries and the interview panels. However, the round 2 posts will also include the 200 new run-through posts for the more senior junior doctors recommended by the review group and specifically welcomed by Professor Douglas.

On the issue of those graduating from the two-year foundation programme, any graduate from that programme who is ready to progress with their training will certainly have a training opportunity.

The hon. Gentleman asked what will happen in August. There are a number of options for hospitals to ensure that they have the right number of doctors continuing in post to support the care of patients. The detailed plans are being worked on by the hospital trusts with the support of the strategic health authorities.

On MPET, I remind the hon. Gentleman that there is more than £8 billion of additional growth money for the NHS this year, some of which is going into the training budgets that are now the responsibility of the NHS within each region. It is for the strategic health authority in each region to manage that budget, taking into account the fact that in many regions, including my own, the east midlands, there have not been particular difficulties with the recruitment round this year. There have been substantial difficulties in some parts of the country, but the picture is not uniform, so the management of the budget and the answers to any problems are much better worked out at regional and local level.

David Taylor (North-West Leicestershire) (Lab/Co-op): The Secretary of State told the House a moment or two ago that she wanted to support through the further appointment process those junior doctors who were most vulnerable—those whose current contracts come to an end during that process. How many such people are there?

The Secretary of State said that a number of applicants will have been unable to demonstrate that they are suitable for this year's programme, and they will remain in current service posts. Does she fear that if the MTAS merry-go-round cranks up again in 2008, some of the people in those service posts will act as a logjam, blocking next year's would-be trainee consultants?

Ms Hewitt: My hon. Friend raises two important points. On the first issue, of supporting junior doctors who continue to apply through the second recruitment round, we will, as I have said, ensure that those who are currently in NHS employment and whose contracts come to an end will be able to continue in NHS employment.

On the second issue, of those who at the end of this year's process have been unable to demonstrate that they are suitable for specialist or GP training posts, it is important to remember that through the service posts—the non-training posts—doctors continue to make an invaluable contribution to the NHS. Securing a training programme that may lead to employment either as a consultant or a GP is not the only way for a doctor to have a valuable and fulfilling career in the NHS, and we welcome the contribution of those doctors in the service posts as well as those who proceed through their training to become consultants and GPs.

Norman Lamb (North Norfolk) (LD): I, too, am grateful to the Secretary of State for advance sight of the statement. I am sure that she acknowledges that yesterday was something of a hollow victory and I trust that she is not feeling triumphant about the outcome of the case, particularly in light of the judge's criticisms of what has happened to date. I shall have another go: the right hon. Lady said in her statement that she acknowledges the criticisms, but does she accept them?

The Secretary of State said that she would consider further the question of costs, and I am grateful for that. Will she give a time scale for that? Obviously, junior doctors are concerned that they may face a substantial bill. When are they likely to know? I urge her not to pursue costs against them.

Today, I have written to the National Audit Office to ask it to investigate the cost-effectiveness of MTAS and the costs incurred in the Remedy programme. Does the right hon. Lady support that proposal? It seems to me to be entirely appropriate. Does she agree with the suggestion that Professor Tooke's review group should work closely with the NAO? Will she ensure that Professor Tooke's review and all the relevant documents are published?

The Secretary of State referred to the fact that there appears to be a breach of contract on the part of the contractors. Is she considering legal action against them and termination of the contract? She said that MTAS will continue to be used for monitoring and administration. Will she explain what that means and how it will continue to be used by the deaneries?

The judge referred to the fact that there were possible individual employment law claims. What assessment has been made of the risks of that and how we can ensure that there are not claims? Obviously, we want to try to avoid unfairness as far as possible.

Time will be tight between offers being made and accepted. What practical help is being given to applicants and deaneries to ensure that they can handle the potentially huge number of inquiries during that tight time scale? Can the Secretary of State give any update on the time scale for round 2? We have heard that it could drag on until November. Does she expect that to happen?

The right hon. Lady referred to the 200 additional run-through training posts. Is that it, or could there be more? She did not give a number for the one-year fixed-term specialist training appointments. Can she give any indication of the likely number of those additional appointments? Will she also reflect on the fact that this may simply be postponing the problem? If there are not sufficient consultant posts at the end of the process, will we not have a crisis further down the track? What is the latest assessment of how many junior doctors will be unemployed this summer? There has been a clear acknowledgement that there could be some.

This experience has been a horror for junior doctors, and I am sure that the Secretary of State has not particularly enjoyed it either, but it is important that

[Norman Lamb]

everyone now works together to achieve the best possible outcome. Is she willing to meet Remedy UK to try to start building bridges, get it on board and find a unified way forward?

Ms Hewitt: The hon. Gentleman has asked a number of questions; let me deal with them all in turn. I have always accepted that the implementation of this move to the new specialty training system has been inadequate in many respects and has caused needless distress and anxiety to junior doctors, for which I have apologised on a number of occasions.

I will make a decision on costs as quickly as possible, but, as I said, public funds are involved and I need to consult on that issue before making a decision.

The hon. Gentleman asked about a possible NAO review of MTAS. That is a matter for the NAO itself. Sir John Tooke will make his own decisions because he is leading an independent review, but I have placed in the Library a copy of his statement about how he will work.

What I have also done, as I mentioned to the House on an earlier occasion, is ask the Cabinet Office and the Office of Government Commerce to conduct a separate review of the MTAS procurement process. Once we have that report, we will be able to make further decisions as needed about the contract. I will take a view on that when we see the report, which may include commercially confidential information.

As for the way in which MTAS will be used, as I said, the postgraduate deaneries want to be able to continue to use MTAS, including for monitoring purposes. For instance, it is important, given many of the criticisms made of the original shortlisting process, that we are able to track the success rate in securing training offers and appointments for those who were shortlisted and interviewed in round 1a, and those who were not shortlisted but were guaranteed an interview in the remainder of the extended round 1. The initial indications—and that is all they are, as we said in our evidence to the court—are that the overall quality of candidates in the first round was extremely high. However, the deaneries will want to track and monitor that through MTAS.

The hon. Gentleman asked about employment law claims, and he raised, too, the important issue of junior doctors' fears of unemployment. The best way to deal with those fears and avoid employment law claims is to ensure that we make the job offers—as I said, those will start today—enable doctors who receive offers to decide which ones they want to accept, and then ensure that those who progress to round 2 and are in NHS employment continue in such employment. The hon. Gentleman asked about the time scale for round 2. As we have already told applicants—and this is very much at the request of the deaneries and the hospital trusts—that will start in June, immediately after the end of round 1, but it will continue, if necessary, through November, because it will vary in different specialties and different parts of the country.

The hon. Gentleman asked for the number of additional training opportunities over and above the 200 run-through posts that I have just announced. It will depend on how many junior doctors emerge at the end of the process, having been found fit to progress with specialty training but without a training opportunity this year. There will be as many as are needed for that group, funded in the way that I have already described.

The hon. Gentleman asked what will happen next year, and whether there will be sufficient consultant posts. We have already seen over the past 12 months an increase of about 3,500 doctors employed in the NHS, so there has been a further increase in the number of doctors in that period. The number of consultant posts will depend on what the service needs to care for patients. There has always been stiff competition for consultant posts, particularly in the most popular specialties, and it is absolutely right that that should continue so that the NHS can appoint the best people to those immensely important leadership posts.

The hon. Gentleman ended by saying that it is essential that everyone work together to ensure that the solution that has now been put in place is properly implemented. There was a meeting with representatives of Remedy UK before the application for judicial review, and the Department is now seeking an early meeting with the Academy of Medical Royal Colleges, the British Medical Association and Remedy UK. I am meeting the BMA myself this afternoon.

Laura Moffatt (Crawley) (Lab): Now that the dust has settled, does my right hon. Friend agree that the focus should be on ensuring that the original principles of the new system of modernising medical careers can give us all confidence that the very best in the NHS will get the jobs that they deserve? We should bear that very much in mind as we go forward, to make sure that it is a successful scheme which gives the public confidence that there are no shenanigans in the background giving people jobs that they do not deserve—and this is the way to do it.

Ms Hewitt: My hon. Friend makes an extremely important point, and I entirely agree that we now need to ensure that the principles of modernising medical careers are effectively implemented. Those principles include open, transparent competition for training opportunities with agreed national standards. Thanks to the work done on modernising medical careers, we have a system that will be fair to junior doctors, but that will ensure, too, that the NHS can get the right doctors and the best people in the right jobs to go on giving the best possible care to patients.

Peter Bottomley (Worthing, West) (Con): May I thank the Secretary of State and the Department for helping the judicial review to be heard without delay? It was held with unprecedented speed, and the Department played a part in that. May I ask her to try to arrange for both the claim and the submissions by director Nicholas Greenfield to be posted on the Department's website or on some other one, so that those with an interest can see the arguments, together with the judgment?

The Secretary of State spoke about the attention that she will give to the judge's remarks, so I will not go over them now. However, will she give some indication of how many posts are likely to be available in round 2,

especially in the less popular specialties and areas of the country? What estimate can be made, either now or in the run-up to 1 August, of how many essential posts in hospitals are unlikely to be filled, and whether there will be a great informal hiring system to try to make sure that patients do not suffer?

Finally, since last year, Dr. Gordon Caldwell of Worthing and others, including Richard Marks, the London anaesthetist, have tried to engage with the problems, which are now accepted by the Department. People involved in the process, whether they said that it could be improved or that there were dangers, or whether they helped to run it—I pay tribute to them for their diligence and dedication—ought to get together. Will the Minister meet Dr. Gordon Caldwell, perhaps his father, Bob Caldwell, who is rather good at algorithms, and Richard Marks? I am not sure whether John Marks is still alive—

Mr. Deputy Speaker (Sir Michael Lord): Order. I think that the House has enough questions to work on for the time being.

Ms Hewitt: Thank you, Mr. Deputy Speaker. I am grateful to the hon. Gentleman for his comments, as he has taken a very close interest in this matter. I should like to place on record my appreciation of my officials, who worked exceptionally hard to ensure that the evidence was put before the court so that the judicial review hearing could be expedited. I will look specifically at the hon. Gentleman's point about making all the submissions available.

I have already dealt with the issue of the number of jobs in round 2. There is real confidence among the postgraduate deaneries that, as I said, a substantial number of posts, including those 200 very good new run-through posts, particularly in the most popular specialties, will be available in round 2.

On the issue of hospital staffing in August—again, we have discussed that on other occasions—hospitals are used to planning for the normal changeover of junior doctor rotation in August. Obviously, they have to step up those plans this year, but they are doing so with the support of the strategic health authorities. We expect hospitals—and the chief executive, David Nicholson has made it clear that he does so, too—to ensure that patients continue to be cared for properly and safely. As part of the process of learning lessons from what has happened and ensuring that the whole system works properly in future, we will engage with as many people as possible and ensure that those lessons are learned. As I have said to the hon. Gentleman before, if he gives me details of particular individuals who would like to contribute, we can ensure that the review group or officials meet them.

Mr. Nigel Evans (Ribble Valley) (Con): We are shortly to have a statement about how the Government want to charge people according to how much rubbish they put out. I suspect that the Department of Health will face a hefty bill, judging by the rubbish that has come from it in recent months. Why has this shambles been allowed to drag on for so long? What time scale has the Secretary of State given herself to look at whether Remedy UK will face a legal bill, and what time scale does she think Sir John Tooke requires to publish his report?

Ms Hewitt: I have already dealt with most of those points. As for the Tooke review, Sir John said that he will publish an interim report in September that will be subject to widespread consultation, but it will be up to him to decide when he publishes his final report.

Mr. Christopher Fraser (South-West Norfolk) (Con): A junior doctor in my constituency told me that the chaos of U-turns and compromises announced by the Government has left him facing a brief interview, which, he says, gives him 30 minutes to save his career. Does the Secretary of State accept that that is no reassurance that he and thousands of others have a future in the NHS?

Ms Hewitt: The interview that was guaranteed to every candidate, including those who had not been shortlisted in the initial round 1, gives everybody the opportunity to be interviewed for their first-preference job, but that is not the end of the matter. Phrases such as "one opportunity to save my career" and "make or break" simply do not reflect reality—

Mr. Fraser: They feel that.

Ms Hewitt: The point that I want to make to the hon. Gentleman, and through him to his constituent, is that any applicant who does not secure a training post in round 1 will be able to make as many applications as they want for the substantial number of posts that will be made available through round 2. As I have said, we are taking steps to ensure that applicants in NHS employment whose contracts come to an end during round 2 will be able to continue in NHS employment while they try to secure a training opportunity in round 2. I have already dealt with what happens to people at the end of round 2.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): It is right that there should be an increased number of training posts, but they will be run-through posts to nowhere if there is no expansion in the number of consultant posts in order that those who are being trained can be provided with jobs at the end of the process. It is not only service that dictates the number of consultants, but policy—national policy to provide trainers for those extra people, the European working time directive and the consultant-led service. Will the Secretary of State undertake to get a national grip on the increased number of consultant posts needed to provide those policy outcomes and careers for all the junior doctors who are dedicating themselves to training?

Ms Hewitt: The hon. Gentleman raises an important point, but he is in a little danger of turning the situation on its head. The number of consultancy posts depends on the needs of the service, although of course that is in the context of the working time directive, national service frameworks, National Institute for Health and Clinical Excellence guidelines, and so on. It also depends on what individual hospitals judge they require and what the specialist royal colleges and

[Ms Hewitt]

associations recommend. All those factors have to be taken into account to ensure that in every part of the country the NHS gives patients the best possible care. That will determine the number of consultant posts and the number of training opportunities and non-training junior doctor posts, which will continue to make a valuable contribution to the NHS. As I said earlier, there will continue to be stiff competition for consultant posts, which is how it should be.

Justine Greening (Putney) (Con): I am sure that many of the junior doctors in my constituency who contacted me because they are concerned about this whole process will welcome the announcement of additional training posts. Will the Secretary of State clarify where the funding of those training posts will come from? She said that it would come from the Department and SHAs, but will it be from existing budgets or will additional funding be found for those posts? What is her estimate of the total cost of funding those additional training posts?

Ms Hewitt: I am grateful to the hon. Lady for welcoming the announcements that I have made. The funding will come from the existing budgets of SHAs and the Department. I am not making a claim on the reserves. I always find it entertaining when Opposition Members who voted against extra funding for the NHS ask for extra funding for something else. I stress this point to her: because of the difficult decisions we have taken over the past 12 months, the NHS as a whole is not only back in financial balance but will have a surplus in the financial year that has just ended, putting it into a much better position to deal with those extra funding needs. We shall not know what the cost will be until we know the number of applicants who have been assessed as ready to progress to further training but for whom training opportunities are not currently available. What I have indicated is that there will be funding for the number of additional opportunities required for those candidates.

Waste Strategy

1.24 pm

The Secretary of State for Environment, Food and Rural Affairs (David Miliband): With permission, Mr. Deputy Speaker, I would like to make a statement about the Government's waste strategy for England, which I am publishing today.

Each year we generate about 100 million tonnes of waste from households, commerce and industry combined. Most of it currently ends up in landfill, where biodegradable waste generates methane, one of the most powerful greenhouse gases, which accounts for about 3 per cent. of UK greenhouse gas emissions. Meanwhile much valuable energy is used up in making new products that are later disposed of, thereby also contributing to climate change.

We need, therefore, not only to recycle and reuse waste but to prevent it in the first place. The waste strategy published in 2000 delivered a step change in performance. Twenty-seven per cent. of household waste collected by local authorities in 2005-06 was recycled or composted, compared with 7.5 per cent. 10 years earlier. Recycling of packaging waste doubled to 56 per cent. in the same period. There was a fall of 9 per cent. in waste being landfilled between 2001 and 2005, and household waste is now growing much more slowly than the economy as a whole, at only about 0.5 per cent. per year.

Despite that progress, England's waste performance still lags far behind much of Europe. Other countries landfill far less, and recycle and recover energy from waste much more. However, all countries face a challenge in reducing the growth of waste; and it is waste reduction that produces the greatest environmental benefits.

The strategy published today sets out national standards, while increasing local flexibility over how to achieve them. It provides a range of tools for individuals, businesses and local authorities to do the job. Our key objectives set out in the strategy are simple: less waste, more reuse and recycling, more energy from waste, and less landfill. Each part of society can play a part in achieving those objectives.

We set out three steps in the strategy. The first is for producers and retailers to help prevent waste, and take greater responsibility for ensuring that waste is recycled. We have identified key materials where waste can be reduced or recycled, including paper, plastics, glass, wood, aluminium, textiles and food. To achieve that, we are establishing voluntary agreements with the industries concerned to reduce and recycle waste. For example, there are more than 350 million pieces of unaddressed direct mail every year, so we have agreed with the Direct Marketing Association to develop an opt-out service for mail of that sort and will consider an approach where people get direct mail—addressed or unaddressed—only if they choose to receive it. We will also reduce the environmental impact of carrier bags by 25 per cent. over the next 18 months—equivalent to 3.25 billion fewer bags a year, or the greenhouse gas emissions of 18,000 cars—and work for the end of free, single-use carrier bags.

The reduction and recycling of packaging is an important symbol of change. The Government will take action in two areas. First, in consultation with

industry, we will seek further to minimise the amount of packaging used; for example, by setting optimal packaging standards for certain products, so that producers will be expected to use the lightest weight packaging wherever possible. In addition, I am writing today to Commissioner Dimas urging the European Commission to review the provisions of the EU packaging directive so that member states' authorities can take more effective enforcement action against clear cases of excessive packaging. Secondly, we need further to increase the rate of recycling of waste packaging. Subject to analysis, the Government will propose higher recycling targets for the period beyond 2008 and I have also written to the commissioner about that.

The second step to achieving the objectives is investment in infrastructure. Our aim is to ensure investment in facilities that collect sort, reprocess and treat waste by local authorities, businesses and the third sector. Alongside kerbside recycling, we want to stimulate the provision of much better recycling facilities in places of public access, so I am delighted that many operators of airports and railway stations, as well as the royal parks, have signalled their support for a drive to make recycling easier in places under their management. We will also establish a "zero waste places" initiative to develop innovative and exemplary waste practice. Through the private finance initiative, enhanced capital allowances and the proposed banding system for renewable obligation certificates, we intend to support a variety of energy recovery technologies.

We expect energy from waste to account for about 5 per cent. of municipal waste by 2020, compared with 10 per cent. today. That includes anaerobic digestion, which creates energy from food and other natural waste. According to the early evidence, the separate collection of household food waste on a weekly basis results in higher levels of recovery; up to 20 local trials on best practice in that respect are being undertaken.

The third sector—the voluntary sector—has a significant role to play in waste management and in achieving social and environmental objectives. The Waste and Resources Action Programme will therefore be developing a new programme to build further capacity in third sector organisations to enable them to maximise their contribution.

The third step is to use incentives and regulation to divert waste from landfill and encourage recycling. In his Budget in March this year, my right hon. Friend the Chancellor of the Exchequer announced a substantially higher and faster rate of increase for the landfill tax escalator, which is to rise by £8 a tonne per year until at least 2010-11. Partly as a result, we now expect to see levels of commercial and industrial waste falling by 20 per cent. by 2010, compared with 2004. Also, we are considering with the construction industry a target to halve the amount of construction waste going to landfill by 2012. A number of European countries have imposed landfill bans on particular types of waste. Subject to additional analysis, we intend to consult on further restrictions on the landfilling of biodegradable waste or of recyclable materials.

This strategy empowers local authorities to make the right decisions for local circumstances in consultation with their local population. However, they are currently banned from providing financial incentives for waste reduction and recycling, even though elsewhere in Europe this has been an important contributory factor to higher recycling rates. We do not believe that a new tax-raising power for local authorities is the right way forward. However, in response to calls from the Local Government Association, I am launching today a public consultation on proposals to allow revenue-neutral financial incentive schemes to reduce and recycle waste.

Local authorities will be able to decide whether to develop schemes that reward in cash people who reduce waste and recycle at the expense of those who do not. Good recycling facilities need to be the foundation of such schemes; and any authority introducing a scheme will have to provide a good kerbside recycling service, as well as taking steps to tackle fly-tipping and avoid unfair impacts on disadvantaged groups. In the end it is for voters at local elections to pass judgment on such schemes, as against the alternatives.

We are confident enough of the measures that we are putting forward to set new and higher national targets for recycling, composting and recovery of household and municipal waste. We intend to achieve at least a 50 per cent. average household recycling rate by 2020, as compared to 27 per cent. in 2005-06. Subject to further analysis we will be proposing higher recycling targets for packaging for the period beyond 2008. Government must play their part: the central Government estate has targets to reduce waste by 25 per cent. and recycle 75 per cent. of waste by 2020.

We expect the combined impact of our policies to be a reduction in global greenhouse gas emissions from waste management of at least 9.3 million tonnes of carbon dioxide equivalent by 2020 compared to 2006. This is equivalent to taking 3 million cars off the road for a whole year. These savings are before allowing for the additional carbon benefits from waste prevention. Action on waste can make an important contribution to tackling climate change and other environmental objectives. More and more people are concerned about living in a throwaway culture. This strategy gives people the tools to make a difference. It makes environmental sense and it makes economic sense. I commend it to the House.

Mr. Peter Ainsworth (East Surrey) (Con): It is a little ironic that a Government who have become a byword for wasting time and money have made such a hash of waste policy. Under Labour, as the Secretary of State almost acknowledged, Britain has become the dirty man of Europe. Yes, recycling rates have increased, but we are still faced with a growing pile of rubbish, and some three quarters of household waste is still dumped in landfill sites where it contributes to climate change. In France the corresponding figure is 38 per cent. and in Germany it is just 20 per cent. Why cannot we do better?

The Secretary of State says that household waste is growing at just a half a per cent. a year, but that represents less than 10 per cent. of the overall problem. Overall waste is increasing by 3 per cent. a year. Much of the pressure to improve our performance comes from the European Union. The Waste Strategy 2000 promised that in future the Government would meet the requirements of EU legislation "fully and quickly". Shortly afterwards we had the fiasco of fridge mountains.

[Mr. Peter Ainsworth]

Since then we have had delays and confusion over the waste electrical and electronic equipment directive and the end of life vehicle directive. The next one, I bet, will be a crisis over the new requirements to recycle batteries. Watch this space.

The huge media coverage that the issue of waste has attracted reflects real public concern. People know that there is a problem and they want the Government and local councils to help them solve it. I fear that there will be at best widespread disappointment at the Secretary of State's statement today, and at worst a degree of alarm. Where the public, councils and industry were looking for and expecting at last some certainty, they will find vagueness and indecision.

The Secretary of State says that he will "consider an approach" to cutting junk mail. I wonder how that differs from the Waste Strategy 2000 pledge to

"develop an initiative on junk mail"?

He suggests increasing packaging recycling rates, but only "Subject to analysis". After a year of reviewing the position, how much more analysis do we need? He says that he is "considering with the construction industry a target" to reduce waste sent to landfill. How much more consideration can be justified?

Finally, the right hon. Gentleman announced a "public consultation" on waste charging. What exactly does he mean by allowing councils to reward in cash people who reduce waste and recycle at the expense of those who do not? I think he means fining people. I am not in favour of fining people; I am in favour of rewarding people who do the right thing. The Government will not succeed by bullying, whether bullying local councils by imposing new burdens without providing the means to pay for them, bullying households with threats of fines, or bullying communities by handing decisions over the siting of new waste incinerators to an unelected national quango.

The Secretary of State says that he expects energy from waste to account for 25 per cent. of municipal waste by 2020. Can he say what proportion of energy from waste he expects to come from anaerobic digestion, and what proportion from mass burn incineration? Does he agree that in a properly structured waste hierarchy incineration should be a last resort, and that it should always, wherever possible, go hand in hand with high levels of energy and heat recovery? Why is he not taking the opportunity to set standards to ensure that that happens?

The Secretary of State has been tentative where he should have been decisive. He wants a voluntary arrangement with the industry to reduce hugely unpopular and unnecessary packaging, but a system of fines for households struggling to cope with waste packaging that they did not want in the first place. Where are the measures to tackle fly-tipping? Where are the incentives to help people do the right thing? Instead of a clear, straightforward strategy to deal with the rising tide of waste in this country, we have been offered yet more consultations—more dither. The Secretary of State has laboured and brought forth a mouse, or possibly, as some newspapers would have it, no doubt in the light of the concern about fortnightly collections, a rat.

David Miliband: That was an extraordinary performance. If only the hon. Gentleman could have seen the faces of those on the Back Benches behind him as he was giving that performance, he might have reconsidered.

I know that it is customary to send copies of a statement to the Opposition parties, and of course I did that in the time-honoured fashion. One would think that if I sent the hon. Gentleman a copy, he would be able to read out what I had actually said. From what he said about junk mail, I can only conclude that he had not read what I said. For his benefit, let me say it again. He claimed that we had said that we were considering further action on direct mail. He obviously neither read nor was listening to what I said five minutes ago. This is what I said: "For example, there are over 350 million pieces of unaddressed direct mail every year so we have agreed"—not considered to agree—"we have agreed with the Direct Marketing Association to develop an opt-out service for mail of that sort". That is an agreement.

Chris Huhne (Eastleigh) (LD): It already exists.

David Miliband: No, it exists only for addressed mail. Two thirds of direct mail is unaddressed. That is why I gave the figure of 350 million pieces of unaddressed mail. Two thirds of the total direct mail does not have an opt-out service. That is a new agreement.

The hon. Member for East Surrey (Mr. Ainsworth) claimed that this country was the dirty man of Europe, with 27 per cent. household recycling. We inherited a rate of 7 per cent. from the Conservatives. The quadrupling of household recycling in the UK in the past 10 years is the fastest improvement of any European country.

The hon. Gentleman said something extraordinary. He said that recovering energy from waste should be a last resort in the waste hierarchy. That is an incredible thing for him to say, and it is important that the House understands the implications of what he has said. He is right to say that there is a waste hierarchy, and prevention is the best option. However, the last resort is landfill, because landfill produces greenhouse gases that are so dangerous in a world of climate change. For him to say that energy from waste is a last resort demonstrates that he does not understand the issues.

This is the cheek of the hon. Gentleman—he complained that there is nothing on fly-tipping. That is from the party that voted against the provisions on fly-tipping in the Clean Neighbourhoods and Environment Act 2005. We do not need to legislate on fly-tipping, because we did it two years ago, when the hon. Gentleman voted against the provision.

On waste charging, the hon. Gentleman said—this is a very important moment in politics—that parties on both sides of this House say that they believe in devolution, local empowerment and local authorities being able to make their own decisions about what is right in their areas. On the Labour Benches, we not only say that, but do it. That is why I have said today that it is right for local authorities to have the power, if they so choose, to introduce a scheme that does not raise local taxes but rewards those who do the right thing. The hon. Gentleman has come out against that principle today. This is an important day to see the

difference between rhetoric and reality on the Conservative Front Bench. On this side of the House, we are proud to say that accountability should come through local voters, and it is for local voters to pass judgment whether they like the schemes that local authorities choose to introduce or not.

The hon. Gentleman has referred to bullying. I can conclude only that there has been some bullying on the Conservative Front Bench. I have here a press release issued yesterday by the hon. Member for Brentwood and Ongar (Mr. Pickles), who speaks on local authority issues for the Conservative party.

Chris Huhne: Not today.

David Miliband: The hon. Gentleman has chosen not to be here today. He preferred to get his press release out, perhaps to pre-empt the statement by the hon. Member for East Surrey, who said that there has been bullying. Under the headline "Join the winning team", which must be ironic, the Conservative party has denounced the decisions made by 68 councils on bins. I am prepared to wager now that the majority of those councils are Conservative councils. It is significant that the Conservative party has refused to disclose the names of those 68 councils, but when we know the names, I will defend their right to make decisions that they believe are in the interests of local people.

The hon. Member for Brentwood and Ongar has warned that new stealth taxes are being proposed, but he is wrong, because today's statement includes no new tax-raising powers. Far from the prediction that families would be quivering in fear as a result of the changes, we have the Opposition spokesman quivering in fear of other Conservative Front Benchers, while people in the country can look forward to the day when they can make decisions for themselves.

Dr. Alan Whitehead (Southampton, Test) (Lab): Contrary to what we have heard today in certain quarters, I warmly welcome the White Paper. Will my right hon. Friend reflect on the ends and means issue in relation to climate change and the carbon content of waste, because one should have an eye on the means as well as the ends when supporting or not supporting that particular White Paper? What provisions has he made in that context specifically to enhance the effective use of the carbon value of biomass waste through waste management protocols and arrangements for co-firing—not incineration—where suitable residues are available? In that context, does he agree that there is the remaining problem of when waste is not waste and becomes a resource for further use? Has he made provisions and considerations in the White Paper to resolve that particular problem?

David Miliband: My hon. Friend is an acknowledged expert in this area. He knows that we need to see today's announcement in the context of yesterday's significant announcements about renewable obligation certificates and the higher valuation given to anaerobic digestion, which is known as biomass. It is only in the past 12 months, since I entered this job, that I realised that there is an argument about when waste is waste, and I assure my hon. Friend that we will develop clear protocols to address the definitional problems. I know that he has raised anaerobic digestion before, and the Environment Agency is proceeding with due speed to get that definition done, so we can make progress.

Chris Huhne: The Secretary of State is right to point out the considerable improvement under this Government, although he has perhaps underestimated the extent to which we still have to catch up, given the state in which the recycling industry and waste collection were left by the previous Conservative Administration. Britain is still the dirtiest rich country in the European Union. Every British person throws away 0.5 tonnes of waste each year, which is 15 per cent. more than 10 years ago when this Government were first elected.

Will the Secretary of State confirm that on the internationally comparable figures we still have the third worst recycling record of all the old EU members? Shamefully, only Greece and Portugal have worse records. The Netherlands and Germany recycle three times as much as we do on the latest figures, and even if the Government were to meet the target that they set in the documents issued today, we would still be recycling substantially less than either Germany or the Netherlands. The statement says: "We intend to achieve at least a 50 per cent. average household recycling rate by 2020". The current rate in Germany is 58 per cent. The Government need to be far more ambitious. Will they commit to achieving the best standards in the EU within 10 years, instead of achieving the worst?

We need to work on every aspect of the problem. Will the Secretary of State help to curb excess packaging by introducing a right to return at retailers? Will the Government recognise that trading standards officers are under-resourced to prosecute users of unnecessary packaging? And will they ensure that a central agency can also take on the task? It is no use just buck-passing to discussions with Commissioner Dimas, as the Secretary of State has attempted to do today.

Will the Government argue for an EU-wide colour coding scheme for recyclables, so that householders know whether their council collects such material, which will put further pressure on councils to expand recycling? Will they encourage weekly collections of food waste, which is set to provide 17 per cent. of Germany's electricity by 2020? Will they boost reuse schemes for bottles and other products, perhaps even with a German-style "help yourself day", in which people leave things outside their houses that they want to give away? Will they trial a plastic bag tax, as in the Republic of Ireland, to encourage the provision of reusable bags?

We agree that local councils need to have the freedom to tailor waste collection to the needs of their areas, including the ability to give discounts for good recycling. That is a welcome enabling power that will encourage experimentation. However, will the Government recognise that there should be clear incentives on all authorities to recycle more by passing on the cost of the landfill tax and the current limits on landfill, which is not currently the case in two-tier authorities? When I have raised that point in the House, Ministers have pooh-poohed it, but 17 per cent.

[Chris Huhne]

of the English population, which is 8.4 million people, live in two-tier authority areas. A district authority responsible for—

Mr. Deputy Speaker (Sir Michael Lord): Order. Perhaps the hon. Gentleman will finish with one more question.

Chris Huhne: What steps will Ministers take to align the incentives on districts and councils?

David Miliband: I shall try to be brief and to follow your injunction, Mr. Deputy Speaker. Anyone listening carefully to the hon. Gentleman would realise that he supports our announcement today, and I thank him for that. I agree with him that we must do much better. We have the third worst record on landfill as opposed to the third worst record on recycling, but his basic point is a good one. It is worth pointing out in that context that sometimes people think that if one obtains more energy from waste, one is bound to have less recycling. The countries with the least landfill in Europe also have higher levels than us of both energy produced from waste and recycling. We must—excuse me for saying this—dig ourselves out of the hole left by the Conservative party on recycling. I certainly do not underestimate the catching up that we have to do.

The hon. Gentleman is concerned about the lack of prosecutions in respect of packaging; he mentioned trading standards officers. I am happy to correspond with him further about that. He rather pooh-poohed the idea that it was sensible to involve the European Commission. In fact, all our evidence is that the vague wording of the packaging directive is a significant hindrance to effective prosecution. That is the reason for engaging with the rest of the European Union, which is a sensible approach.

The hon. Gentleman talked about a plastic bag tax. We should remember that all disposable bags are important in terms of their environmental impact: the carbon content of paper bags is often higher than that of plastic bags. I hope that that was shorthand on his part.

On two-tier areas, I agree that there are significant issues in 34 counties of England where district councils collect and county councils dispose. That is why we have made provision in the Local Government Bill for joint waste authorities. Although the hon. Gentleman is not smiling about that, Members behind him are nodding vigorously.

Bob Russell (Colchester) (LD) *indicated assent.*

David Miliband: Thank you very much.

The joint waste authority arrangement, which will only be entered into unanimously by local decision, is the right way to get the sort of alignment that the hon. Member for Eastleigh (Chris Huhne) is talking about.

Mr. Elliot Morley (Scunthorpe) (Lab): I warmly welcome the waste strategy. I am sure that my right hon. Friend shares my concern that my local council, North Lincolnshire, received the worst rating in the country in terms of satisfaction with its waste collection service. He is right that people pass judgment on their local authorities. I am sure that he would want to join me in welcoming the new Labour administration elected this May, which has pledged to consult local people about improving waste collection, options and costs. It is extraordinary that the official Opposition seem to be against consultation and engaging people in this debate.

I have two quick points. First, will my right hon. Friend consider the possibility of phasing out plastics that cannot be recycled? Secondly, anaerobic digestion is a very welcome development. Farm facilities such as pig units would like to invest in such facilities and could incorporate waste food. Will there be measures to support such investment?

David Miliband: I am sure that the whole House recognises that my right hon. Friend speaks with considerable authority on this subject. The short answer is that I am happy to consider his proposals on plastics. On anaerobic digestion, there are significant capital and other allowances. The renewables obligation announcement made yesterday by my right hon. Friend the Secretary of State for Trade and Industry gives a clear financial boost to anyone thinking about investing in anaerobic digestion. There are 3,000 such facilities in Germany but fewer than 100 in the UK. I am determined to help British farmers to exploit that big opportunity.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. May I ask for crisp questions and crisp answers?

Mr. Michael Jack (Fylde) (Con): Fylde borough council recycles at 40 per cent.—a tremendous achievement. It would like to do better but wonders where the additional resources will come from, bearing in mind that the Secretary of State's strategy acknowledges the rising cost to local authorities of improving their performance and the fact that his Department's Gershon savings are predicated on local authorities reducing their expenditure. How does the strategy address that?

On commercial waste, the authority would like to offer recycling for that waste stream but is inhibited by the county council and cannot charge for it. What does the strategy say about overcoming that problem?

David Miliband: As ever, the right hon. Gentleman makes two good points. On the second, he is right to say that the Berlin wall that seems to exist between commercial waste and municipal waste does not make sense. I am not suggesting that he has not gone through the whole document yet, but I assure him that it contains clear measures to make it easier for local authorities and commercial operators or premises to be brought together and for local authorities to play a bigger role in that respect.

The right hon. Gentleman is right to say that the strategy does not set out the Department's spending patterns over the next three years—that will be done in the spending review in the autumn in order to take forward our proposals.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): My right hon. Friend probably knows that I have been involved in this matter for a long time in connection with an all-party group that knows a lot about it. I assure him that there will be much more all-party support for the measures announced today than he might think given what has been said so far. Does he agree that it is a question of getting the balance right between recycling, generating energy from waste and all the other ways that we can treat waste? The document is right about that. If we get the balance right, do not get carried away by fashions and fads—as with packaging, for example—and carry on with good national leadership, stressing innovation and getting local determination, we will win this battle.

David Miliband: I am surrounded by authorities on this matter from all parts of the House. I agree that it is a matter of balance, not of fads, and that comes through in the document. I would point out to the House the consensus that has emerged across local government, environmental groups and the business community. As ever, they do not say that the strategy is the best thing since sliced bread and award 10 marks out of 10 to the Government, but there is unanimity among them that it represents a significant step forward. My hon. Friend is an important part of that consensus; it is a pity that Opposition Front Benchers have not chosen to join it.

Mr. David Curry (Skipton and Ripon) (Con): A key part of the document is the ability to apply incentives and levies on those who do not recycle. Fiscal neutrality at the level of every local authority will be quite a big ask in the case of some local authorities; it will depend very much on the sociology of their areas. How does the Secretary of State envisage local people deciding whether they want to apply the scheme? Will there be a local referendum? If the vehicle for payment, incentives and fines is the council tax, how will that affect people on benefits, particularly council tax benefit? If he wishes to visit Chateau Curry at any time he will see a very good state-of-the-art compost heap.

David Miliband: I look forward to seeing the chateau and the moat as well as the compost heap.

There is a detailed consultation on the choice that we are giving to local authorities. Because we want to give them choice, we are not prescribing the way in which they consult, but elections are obviously the ultimate form of consultation. The right hon. Gentleman is right to say that this is an important decision that a local authority would want to enter into only after careful thought, but we think it right to give them the ability to do so. He will see from the details that we do not propose a rebate scheme through the council tax system. We have kept the scheme separate from council tax. I am told by those who know more than I do that council tax is complicated enough as it is, so it will sit in parallel and not add to the complexity.

Ms Sally Keeble (Northampton, North) (Lab): I welcome the statement but remind my right hon. Friend that the waste collection service is probably the single most important universal service that most households get and pay for through their council tax, and Labour Members know to our cost that it is a politically sensitive one. What guidance will he provide to local authorities to ensure that in their consultations they do not just listen to what the majority say but provide a flexible service? My local authority makes fortnightly collections, which, while they work for some people, make life a complete nightmare for many others. *[Interruption.]*

David Miliband: As my right hon. Friend the Member for Scunthorpe (Mr. Morley) pointed out, Conservative authorities have felt the pain of voters' anger.

Surely my hon. Friend and I agree that this is a matter of local choice and implementation. It would be wrong for me to say that I believe in devolution and then tell every local authority—urban, rural or suburban—exactly how they should do their waste collection. It must be right for authorities to choose how to do it and then gain the plaudits or suffer the consequences. We have presented new evidence today about food waste and the benefits that can come from collecting that separately. Different parts of the country do this in different ways. Alternate weekly collection has caused difficulties in some areas but has not given rise to the same concerns in others. That is local democracy and local politics, and it is important that we should defend that.

Mr. Andrew Robathan (Blaby) (Con): Besides fly-tipping, the other great scourge of the countryside is litter. The Secretary of State will know that Bill Bryson, the newly appointed president of the Campaign to Protect Rural England, and Jeremy Paxman have great concerns about this, but so have all our constituents. We all accept that it is partly a matter of education, but is there anything in the strategy that will assist local authorities not only to pick up litter but to prevent it?

David Miliband: In the gentlest possible way, I remind the hon. Gentleman that we debated the Clean Neighbourhoods and Environment Act 2005 in the House at great length. It gave local authorities a wide range of powers, and no one has subsequently claimed that we need new or additional powers. The simple answer is therefore that today's announcement proposes no addition to the 2005 Act.

I am pleased that the hon. Gentleman recognises the importance of litter. I ran into, and have written to, Bill Bryson, and I look forward to meeting him to discuss his new role in the CPRE. Jeremy Paxman's figures are, as I think that he himself would admit, anecdotal. The independent survey evidence suggests that the amount of litter is reducing. I do not minimise the significance of litter for people, the image that it gives of the country or the spirit that it fosters. The hon. Gentleman used the right word when he said that "culture" is important, as well as laws. I thoroughly agree with him that we must get the culture right.

Mr. Deputy Speaker: I call Keith Vaz. I beg your pardon—I call David Taylor.

David Taylor (North-West Leicestershire) (Lab/Co-op): This is the first time that I have been mistaken for my near colleague, Mr. Deputy Speaker, and I am flattered.

Mr. Deputy Speaker: The right hon. Member for Leicester, East (Keith Vaz) clearly decided not to continue standing to be called.

David Taylor: My right hon. Friend the Secretary of State deserves congratulations from hon. Members of all parties on the White Paper. I am sure that those who serve on the Select Committee on Environment, Food and Rural Affairs will be impressed by the rapidity with which he has got to grips with his brief on such an important subject.

For revenue-neutral incentives to reduce or recycle waste, there will be a need for some form of technology to ensure efficiency. Computer chips in bins will be part of that. Will my right hon. Friend assure the House that the story that some of the more excitable tabloids are enthusiastically peddling—that the chips will track every last baked bean can, gin bottle and *Focus* leaflet that are put into bins—is way off the mark, and that they will contain only an address and possibly some sort of weight indicator?

David Miliband: The short answer to my hon. Friend is yes. He is right that the idea that cameras are buried in the chips to spy on beans—

Mr. Nigel Evans (Ribble Valley) (Con): And *Focus* leaflets.

David Miliband: I am not sure whether those are biodegradable, or how much hot air they contain.

Tom Levitt (High Peak) (Lab): They are rubbish before they start.

David Miliband: As my hon. Friend says, they are rubbish even before they go through the letter box. We do not need a definition of waste to know where to put our *Focus* leaflets.

My hon. Friend the Member for North-West Leicestershire (David Taylor) has raised a serious point. Although the document makes it clear that some local authorities may want to use the modern technology, that is not a requirement to introduce a financial incentive scheme. Simple bin-based or sack-based schemes are perfectly usable. The technological solution is a separate issue and not a requirement of the financial incentive schemes. I am sure that the Select Committee on Environment, Food and Rural Affairs will want to consider different methods of applying the schemes in due course. However, it is right that we do not prescribe from the centre one way of organising the financial incentives. Local authorities should get the gain and take the blame.

Mr. David Heath (Somerton and Frome) (LD): May I point out that at least *Focus* leaflets, unlike some others, are non-toxic?

I warmly welcome the Secretary of State's announcement about making it easier for local authorities to deal with small-scale commercial waste; that is long overdue. In many rural areas such as mine, fly-tipping is a genuine and growing problem, not only for people who enjoy the countryside but for landowners who end up with a bill. The White Paper makes some suggestions about better prevention, detection and enforcement action, and making existing legislation more usable and effective. What ideas has the right hon. Gentleman to prevent fly-tipping at source?

David Miliband: I am grateful to the hon. Gentleman for the content and tone of his remarks. Prosecutions for fly-tipping have doubled. That could mean either that there is much more fly-tipping or that the authorities are getting better at prosecutions. I agree that the courts have an important role to play in taking fly-tipping seriously. Few things disfigure an area—urban or rural—more than fly-tipping. We need to try to work with local authorities, and give them the right range of powers and the support from the centre from all parts of Government. We have set out some ideas in the document, about which I would be happy to correspond or talk to the hon. Gentleman further. Fly-tipping is a scourge that penalises the vast majority for the benefit of a tiny minority. That is why we believed that it was right to raise that subject as a foundation of waste policy in every local authority in the country.

Tom Levitt: Will my right hon. Friend assure hon. Members that he will ensure that there are no unnecessary regulatory barriers to the use of waste as a form of energy locally? Accepted technologies now include using tipped car tyres and fuel substitution using innovative fuels in the cement industry. Will local, community-based combined heat and power programmes have their regulatory burden minimised?

David Miliband: My hon. Friend makes an important point, because he links policy on waste, planning and housing, especially new housing. I agree with everything that he said. We are determined to ensure that the sort of regulatory barriers that got in the way in the past no longer exist.

Mr. Philip Hollobone (Kettering) (Con): I am proud to be a member of Kettering borough council, which has increased its recycling rate from 4 per cent. in 2003 to 46 per cent., and climbing, now. There are two specific problems in Kettering. One is maggots and the other is fruit and vegetable peelings. Will the Secretary of State tell the House what the DEFRA guidelines are on preventing outbreaks of maggots, with alternate weekly collections in hot summer weather? Will he also confirm that the DEFRA guidelines on fruit and vegetable peelings are that even from uncooked fruit and vegetables, the waste now has to go into the non-recycling bin?

David Miliband: I do not recognise the second part of the hon. Gentleman's question. Our guidance on food waste is common sense: you tie up the bags and make sure they are in bins. I am happy to send him the rather more extensive and formal version, which may not use such blunt language. However, common sense goes a long way—in Kettering as well as anywhere else.

Given my comments on the importance of devolution, it would probably be wrong to claim credit on behalf of central Government for the astonishing improvement in Kettering borough council's performance—but I cannot help but reflect on the help that may have been given in the past few years.

Mr. Brian Jenkins (Tamworth) (Lab): I welcome my right hon. Friend's comments that local authorities will be responsible for the way in which they collect waste—weekly, bi-weekly or even daily. Will he assure the House that no financial penalties will be imposed on any local authorities when they determine the way in which they should collect waste, as long as they meet their targets? Does he recognise that the route that he is taking, with individual penalties and rewards, may lead to perverse incentives? Would not it be better to reward or penalise the local authorities, and give them bonuses, when they exceed their targets?

David Miliband: We are absolutely clear that there is no question of prescribing specific forms of waste collection or disposal by local authorities. Instead, we prescribe the outcomes that we seek, in diversion from landfill. The landfill allowance trading system contains precisely the sort of reward that my hon. Friend mentions. It rewards the authorities that do best at diverting from landfill, as he describes. I have discussed the matter with my hon. Friend previously, and it must be right for central Government to set the national objectives, give local government all the relevant tools to fulfil them, and ensure that we have a financial system that rewards them for doing so. That is what we have put in place.

Matthew Taylor (Truro and St. Austell) (LD): Waste giant SITA is about to put in a large planning application for a giant incinerator in mid-Cornwall. It breaches Government planning guidance on the proximity principle for dealing with waste and assumes that our country will never match the best in Europe for waste recycling and minimisation. Does the Secretary of State agree that, given that he believes that today's announcement will greatly increase recycling and reduce the amount of waste that enters the waste stream, it would be appropriate to re-examine the plan? And as a public inquiry is the only way of doing that at this stage, is that not the best way forward, given that the proposal is already budgeted and timetabled?

David Miliband: Because that is a planning issue, I obviously have to be extremely careful about what I say, but there are two relevant points. First, Liberal Democrat Cornwall county council put forward the proposal, and local Liberal Democrats, who are no doubt in touch with local feeling, have decided that that is the right thing to do. Secondly, it would be wrong for me to pop up and announce a public inquiry today, and to interfere with the due processes. The demonisation of energy from waste is not sensible, not least given the discussion that we have had about anaerobic digestion and the waste hierarchy, and given that the hon. Gentleman, his party and I are in complete agreement that landfill is the last resort. All the evidence from Denmark and Sweden shows that we can get landfill rates down to less than 10 per cent. if we have high levels of both energy from waste and recycling.

Mr. Evans: I thank the Minister for the 2020 targets for Government Departments, but could we not be more ambitious for the Parliamentary Estate? Every day we see Order Papers, *Hansards* and early-day motion booklets that are not only unread but not even unpacked. Each MP's office receives a great deal of literature, including thick glossy pamphlets that are even less read than *Focus* leaflets, if that is at all believable. Is it not possible to persuade some of the organisations concerned to use electronic means of getting in touch with us? At least the delete button on the computer is fairly carbon-neutral.

David Miliband: The hon. Gentleman makes a good point, which relates to the House rather than the Government. A few months ago I spoke to the Leader of the House about the matter, and he has taken it up with, I think, the Modernisation Committee—

The Deputy Leader of the House of Commons (Paddy Tipping): The House of Commons Commission.

David Miliband: I stand corrected. Having just picked up the Order Paper, I notice that it does not say anywhere on it that it is printed on recycled paper, so that will be an early task to consider. In my own office in the House, which is far from palatial, I have a green waste paper basket with a special plastic cover, and any Order Papers, plus any speeches by the hon. Member for Ribble Valley (Mr. Evans), or anyone else, that I feel need to be recycled can go straight into that bin. That is a step forward.

Mr. Roger Williams (Brecon and Radnorshire) (LD): A surprisingly high proportion of food purchased by households and commercial caterers ends up as waste, and if it goes into landfill it produces a lot of methane, which is very damaging. I welcome the announcement yesterday in the energy White Paper about the increased support for anaerobic digesters. Has the Secretary of State made any estimate of the amount of food that could go into such systems, and the amount of renewable energy that would accordingly be produced?

David Miliband: The hon. Gentleman makes a really important point. I think that I am right in saying that over one third of household food is wasted. Not all of it is edible, as some of it is past its sell-by date; none the less that is a remarkably high proportion. Let us understand what that means, and not just in terms of the environment: about £400 a year is being wasted by families, so that waste is actually hitting people in their pockets, as well as affecting their local environment. Our country has now started out with real drive, thanks to the energy White Paper and the announcements that I have made today on food waste. I would not want to start to suggest figures, but the potential is very great indeed.

Sir George Young (North-West Hampshire) (Con): May I press the Secretary of State a little further on the issue of resources, which was raised by my right hon. Friend the Member for Fylde (Mr. Jack)? In response to my right hon. Friend, the Secretary of State conceded that the White Paper was silent on resources. Until that issue is resolved, there must be some doubt about the attainability of the measures set out in the strategy. Does he believe that the ambitious target can

[Sir George Young]

be reached from local authorities' existing baselines? Does he anticipate getting additional grants from the Chancellor, or will any additional costs be borne by the council tax payer?

David Miliband: I recognise that the right hon. Gentleman, as a former Minister for local government, speaks with authority on the subject. I think that it is recognised on both sides of the House that waste costs are one of the larger pressures on local authority funds. No one would say that there were not real pressures on local authorities to go above their current spending in that regard. Obviously, we need to study the exact nature of those pressures. Of course, there are savings to be made as a result of some of the announcements that I have made today. The diversion from landfill and the avoidance of landfill tax fines is an important way of minimising the extra costs, and obviously we are looking into those issues. I am happy to write and give the exact figures, but I point out that there has been a very large increase in both the revenue and the capital support provided to local authorities to take care of waste infrastructure. There is further to go, but we have made big strides over the past 10 years.

Bob Russell: Does the Secretary of State agree that the transport over long distances of lorries full of household rubbish is not a good idea environmentally? Does he therefore agree that we should encourage local authorities to have smaller, local disposal units, rather than using just a handful of large units? If he does agree with that, will he encourage London boroughs to set up incinerators in which to burn their rubbish, instead of dumping it in Essex?

David Miliband: The hon. Gentleman is correct that, all other things being equal, fewer transport miles—especially by lorry—are desirable. He mentioned London; the use of barges on the Thames to take a significant part of London's waste to the Belvedere plant is an important step forward and a good use of one of London's obvious natural resource. Behind his question was the important point that Gargantuism is not the answer. Decentralised local solutions are important, including composting, to which the right hon. Member for Skipton and Ripon (Mr. Curry) referred. The hon. Member for Colchester (Bob Russell) is right to say that we need the right balance between strategic large-scale investment and more local activity, and that is what we hope to promote.

Martin Horwood (Cheltenham) (LD): There is much to welcome in the White Paper, including the retention of waste prevention at the top of the waste hierarchy. We must judge whether the tougher measures on wasteful packaging recommended by my hon. Friend the Member for Eastleigh (Chris Huhne) are needed, or whether the current largely voluntary regime is working, so I am sure that the Secretary of State will be able to tell us whether we are set to meet the very first voluntary Courtauld commitment target to design out packaging waste growth in just seven months' time, and exactly how that is being measured.

David Miliband: Yes.

Whitsun Adjournment

Motion made, and Question proposed, That this House do now adjourn.—*[Steve McCabe.]*

2.18 pm

Shona McIsaac (Cleethorpes) (Lab): It is a privilege to be the first Member to speak in today's recess Adjournment debate. In my time in the House, I have usually been the last Member to speak in such debates. It is encouraging to see the number of people in the Chamber; the faces are certainly familiar. We must set up a recess Adjournment debate club to promote this wonderful opportunity to raise local issues. I shall pick up on some of the themes that I mentioned in the last such debate, because the issues are ongoing.

The first subject that I want to mention is the problems regarding the A180 in north and north-east Lincolnshire. The road is constructed of concrete, and as a result is one of the noisiest in Britain. We have managed to get some sections resurfaced with low-noise materials, and that has brought phenomenal benefits to residents, but large sections have still not been resurfaced. I want to work with the people who are suffering from the noise pollution to put pressure on Transport Ministers to see whether they can find some funding to complete the resurfacing work. It is two years since the first section was resurfaced with low-noise material, so there has been an unacceptable delay for the residents who are still suffering from noise pollution.

Increased traffic movement is another problem. Immingham is one of Britain's busiest ports, and it is growing fast, but many heavy goods vehicles go through the town centre. That raises noise levels, causes noise, pollution and disturbances, and heightens concerns about safety. I hope that my hon. Friend the Deputy Leader of the House will have a word with Transport Ministers to see whether something can be done in the short term to alleviate the problems. There are plans for a bypass, and I hope that the Government will look favourably on any proposals from my local authority, but we all know that such plans take many years to come to fruition. It is unfair that residents must suffer in the meantime.

Immingham is one of Britain's busiest ports, so a lot of goods pass through it. One of the major commodities is coal, and there is also a large iron ore quay that supplies the steel works in Scunthorpe. There are many other industrial sites in the area, with the result that coal and iron ore dust are deposited on window sills in the town on windy days. The dust is thick and black and looks disgusting. In the recent council elections, it was the major issue mentioned by residents.

The dust also covers windows, and people tell me that the laundry that they hang on the line before going to work ends up filthier than before they washed it. I also heard a lovely anecdote about a beautiful, fluffy white cat: if it went out on a windy day with the dust settling on the town, it would come back a mucky shade of dark grey.

The problem is serious. I am working with Associated British Ports and North East Lincolnshire council to resolve it, and tomorrow I shall meet representatives from both organisations to try to find a solution. The association tells me that the coal piles are sprayed to keep the dust down, and that other measures are taken to alleviate matters, but the problem is still ongoing. It has been suggested that the firms that operate in the docks could go beyond the requirements of their licences in a bid to make the environment better, healthier and less polluting for the residents of Immingham. I hope that the proposals get Government backing and, given people's increased awareness of environmental issues, I believe that it may be time to look again at the operating licences, which were drawn up some time ago—another matter that I shall take up with Ministers.

Whenever I contribute to a debate, whether it is on transport or not, I always mention the tolls for the Humber bridge. Today, I want to talk about them in connection with health care. The local reorganisation of health services means that people on the south side of the river—in Grimsby, Immingham, Cleethorpes and Barton, for example—who need cancer treatment have to travel to Hull to get it.

Everyone knows that cancer treatment can be difficult and tiring, and that it can cause nausea, yet people in my area who need it have to make a lengthy round trip, and to pay a very high toll. Many residents, especially those on low and fixed incomes, tell me that they pay more than £5 a day every time they go for cancer treatment. That is unacceptable.

A cross-party group of local MPs has been lobbying on the matter. We want to see whether there is a way to alter the Humber Bridge Act 1971, or to work with local health providers so that the people who need cancer services—and their families, and others—can get some sort of discount when they have to cross the bridge.

I now turn to police community support officers, and antisocial behaviour. I brought those matters up in the Adjournment debate before the Easter recess, and I am glad to say that, perhaps due to the influence of my hon. Friend the Deputy Leader of the House, the topics that we raise do not merely fall on deaf ears. However, we are still experiencing problems recruiting PCSOs in Grimsby and Cleethorpes. We are struggling to get people to take up the jobs, even though the salary is good and the work worthy.

The Under-Secretary of State for the Home Department, my hon. Friend the Member for Gedling (Mr. Coaker), has told me that he wants to visit the area to see what assistance can be given to the drive to recruit more PCSOs. That is excellent news for my constituents, who support the idea of PCSOs.

I still feel that the local authorities, police and other organisations in my area are not using to the full the powers available to them to deal with antisocial behaviour. That problem is exacerbated by the fact that we do not have all the PCSOs that we need. I recently visited Immingham school to speak to the head teacher. Not long ago, the school came out of special measures, and the fact that its results are improving is a good-news story. However, it is plagued by gangs who hang around the gates, intimidating and threatening children on their way into school.

That is not good enough. We need something like a dispersal order to tackle that example of antisocial behaviour. It cannot be right that children on their way

[Shona McIsaac]

to school, perhaps to important exams, should suffer intimidation like that. When we talk about problems with gangs and young people, we assume that the victims are adults, but it should be acknowledged that often the victims are other children.

Cleethorpes salt marsh is a wonderful habitat, but its growth is causing worry in the area. I have had discussions about the issue, and English Nature has asked the council to monitor the situation and see whether a solution can be brokered, but we still need ministerial involvement. I should be grateful if my hon. Friend the Deputy Leader of the House had a word in the right ears, so that I could bring a delegation to meet Ministers and discuss this environmental issue.

I am very pleased to have been the first Member to speak in the debate. I shall stay and listen to the other speeches with great interest. As I have said, this is one of the most marvellous opportunities Members have to raise constituency concerns: it is democracy at its best.

2.29 pm

Mr. Simon Burns (West Chelmsford) (Con): I welcome the opportunity to raise two issues of importance in my constituency. I raised the first with the Prime Minister yesterday during Prime Minister's Question Time: the link between learning disabilities and educational difficulties such as dyslexia, and criminality.

Two Fridays ago, I was fortunate enough to be invited by a remarkable woman in my constituency, Jackie Hewitt-Main, to visit Chelmsford prison and observe a unique project called "Mentoring 4U". In a voluntary capacity, rather than as an employee of the Prison Service, she had come up with a scheme involving her interviewing all 452 prisoners between the beginning of February and the end of April this year. She discovered that 104 had been to special needs schools or received private tutoring during their educational years. Significantly, 224 of the men—it is a male prison—had learning disabilities. She found that 185 suffered from dyslexia, 30 from attention deficit hyperactivity disorder—15 as a result of head injuries—four from learning disabilities, one from dyspraxia and one from Tourette's syndrome. As part of the wider educational scheme, she established that 324 men had not passed their driving tests—which I must confess surprised me—and 276 had been excluded from school.

The trouble with dyslexia is that until relatively recently many people did not recognise its existence. When I became a Member of Parliament 20 years ago my county council, Essex, would not acknowledge the condition. If a condition such as dyslexia is not recognised, there is obviously no provision to help dyslexic people to minimise or overcome their educational difficulties. All too often, owing to a failure or refusal to recognise the condition, people were written off as stupid or thick. That is hardly a productive or sensible way to try to help people. Fortunately, things have moved on. There is now a greater recognition and understanding of the problems, and a desire to provide help.

The mentoring project in Chelmsford prison, run by that remarkable woman Jackie Hewitt-Main, not only identifies prisoners who suffer from dyslexia or other learning disabilities, but—using other people in the prison environment—helps them with literacy problems. It guides and mentors them to ensure that they can make progress.

Mr. Nigel Evans (Ribble Valley) (Con): Many parents look for smaller schools when they realise that their children suffer from dyslexia. Should not local authorities try to provide some form of mentoring or extra assistance for dyslexic youngsters in larger schools, so that they too can be helped?

Mr. Burns: My hon. Friend is right to raise the problems of dyslexia and special needs education in mainstream schools. When it is decided that a child requires a statement, it is crucial that local education authorities ensure that it is done swiftly rather than being put off for what are effectively money-saving purposes. When a statement recommends help and extra tuition, that recommendation should be honoured, and again there should be no delay as part of a cost-cutting exercise. It is crucial that, during school years, children are provided with the help and the aids that they need.

One should not rely solely on what the state provides through the education system. Parents within the home environment should also back up what the schools are doing with extra education, including special needs education. They should provide that when children do their homework and, at weekends, and encourage them to read and to do extra writing lessons and spelling to help to minimise the problems.

The project in Chelmsford prison takes that work beyond the school environment. It is gratifying to go into a prison to see not only dedicated people offering their services to provide that help, but how they have reached out and involved other prisoners, who give their time and experience to help mentor and advise prisoners who suffer from dyslexia. It is an important scheme not only for the immediate benefits that it will bring to individual prisoners, but because, if it can help to minimise prisoners' educational learning problems, it will encourage them to get a better start when they leave prison. However, that depends on help being provided once they are released back into society, having served their sentence.

The trouble facing the scheme is that, first, it is, to my knowledge, the only such scheme in the country. I think that what is going on in Chelmsford prison should be analysed and introduced in other prisons, so that other prisoners can benefit. Secondly, there is, in effect, a cut-off. When prisoners finish their sentences and go back into society, they have no way of being able to continue the work they have been doing and the help they have been receiving. More should be done to ensure that they can access help, including continued educational help, when they are released. That will help to enhance not only their self-esteem and self-confidence, but their ability to integrate into the work force and society. It will also help to minimise the possibility of reoffending and their returning to prison. I urge the Minister to urge his colleagues in the Ministry of Justice to see what can be done through practical aid to ensure that the good work that has been generated by the project in Chelmsford is not lost

completely following the release of a prisoner and whether such projects can be extended to other prisons for other people to benefit.

I was heartened by the answer that the Prime Minister gave me yesterday. Not only is he aware of that matter but research has been commissioned across the area of learning disabilities and criminality. He gave a commitment that, when the work had been completed and studied—presumably by Ministers in the Ministry of Justice—it would be released. It will be interesting to see the conclusions and results of that work. I hope that more attention will be given to the matter to ensure that we can build on it.

The Prime Minister, when in opposition, both as shadow Home Secretary and as Leader of the Opposition, created—with, I think, the help of the Prime Minister-elect—the catch-phrase "Tough on crime, tough on the causes of crime." We can be tough on the causes of crime by identifying a problem of which many people will have been oblivious, because they think more about mainstream problems with criminality and so will not have given the matter much thought.

Secondly, I would like to raise another—I fear, rather more controversial—issue, although I am nervous about doing so because I see the right hon. Member for Leicester, East (Keith Vaz) in his place. He criticised the Minister for Industry and the Regions for her comments last weekend about the allocation of social housing in our constituencies. I want to raise it because I believe that it is an important issue, but I do not raise it with the same nuance as the Minister did. I want to make a simpler point, which is that there is a problem in many local authority areas with the length of time individuals have to wait before they can expect to be offered social housing.

In my own local authority of Chelmsford, we have 4,940 households on the housing waiting list, of which 3,900 live within Chelmsford and 1,040 live outside the area. If Chelmsford had a surplus of housing to provide to individuals for social housing reasons, there would be no problem. Sadly, however, as I suspect applies to almost every other local authority in the country, it does not have a surplus. Thanks to the Deputy Prime Minister, current house building in the mid-Essex area is considerable and 35 per cent. of it is social housing. Those are the guidelines laid down, so one cannot argue that no extra social housing is being provided in the Chelmsford local authority area.

Someone brought up in Chelmsford, who has always lived there, who is now single and 21, but for a variety of reasons cannot afford either to purchase a house or to rent privately, would go on to the housing waiting list. However, I can guarantee that, because of the waiting list, such a person will not be offered social housing in Chelmsford for a significant number of years. Let me explain what puzzles me. Why are a significant number of people on the Chelmsford borough council housing waiting list living outside the area? Why are all the allocations of housing stock—with a few exceptions, because we cannot have 100 per cent. inflexibility and rigid rules—not given exclusively to people who live within the borough until there is no longer a demand?

Chelmsford borough council rightly has a rule within its criteria that a person has to have a connection with the borough in order to get higher up the list to be allocated housing. It also has access to about 50 per cent. of nominations through housing associations. Again, it operates a scheme whereby people must have a connection by living in the borough or relevant area, which will provide extra points to enable them to get on the list. However, 50 per cent. of allocations from the housing associations do not operate that rule, which is where, I suspect, most of the non-residents of Chelmsford are getting their allocations to housing in Chelmsford. That creates a number of problems, not least among those who have lived all their lives in Chelmsford and have to wait a significant amount of time before being considered for housing. Those people are getting frustrated and they find it incomprehensible that someone who may live in another part of the country can come and live in Chelmsford while they still have to wait elsewhere, or continue to live with their parents or in overcrowded housing because they do not have enough points. The Government should look at that matter again.

This is not a criticism; I am trying to be conciliatory. Changes that were made in 2002 have led to this becoming more of a problem, especially in the home counties and elsewhere in the south-east. The pressure on housing there is so great, and the average cost of housing has risen so dramatically that people, especially young first-time buyers, find it more and more difficult to make their first housing purchase in an area so close to London.

I urge the Government to look again at this growing problem. I have deliberately not talked about who might be coming to live in Chelmsford, because there are no hard and fast rules, and because to do so would be irresponsible and foolish and it would be difficult to identify accurately the groups or individuals involved. They will be from across the board, but their common denominator is that they have no connection with Chelmsford. The parliamentary answers that I have received from the Minister for Housing and Planning show that, three years ago, 20 per cent. of the housing allocation went to people from outside the borough who had no connection to it. Two years ago, the figure had fallen to 14 per cent., but last year it had gone back up to 19 per cent. Given this relatively scarce resource, those figures are significant.

The problem is putting a strain on the local community. I hope that the Deputy Leader of the House will pass on this message to his colleagues in the Government, and that they will look into the matter and try to come up with a reasonable, sensible solution without pandering to other political groupings on the fringes of respectable mainstream politics.

2.47 pm

Keith Vaz (Leicester, East) (Lab): It is always a pleasure to follow the hon. Member for West Chelmsford (Mr. Burns), and I appreciate the measured way in which he has put forward his views on the housing situation in his area. It is possible to debate such issues using appropriate language and examples of the problems that we all encounter at our Friday or Saturday constituency surgeries. Our constituents are often concerned about the lack of housing available in particular areas. I will not comment again on the points raised by my right hon. Friend the Minister for

[Keith Vaz]

Industry and the Regions, because I have not given her notice that I would raise those issues in the House today, and because I have said all I want to say about the points that she made.

I agree wholeheartedly with what the hon. Gentleman has just said. It is a matter for the Government, working with the local authorities, to ensure that we are all able to give proper, adequate explanations to our constituents, and that the overall level of housing stock is such that, when people apply for council housing, they do not have to wait months, years or, in one case, at least a decade to be re-housed. I am glad to support the hon. Gentleman and I appreciate the measured way in which he put forward his arguments.

My hon. Friend the Member for Cleethorpes (Shona McIsaac) raised a number of local issues in her speech, as is traditional in debates of this kind, but I come to the Chamber with great news: I will not be raising local issues today. That is partly because since our last recess Adjournment debate we have had a terrific result in the local elections: the Labour party has regained Leicester, ending four unhappy years of coalition between the Liberal Democrats and the Conservatives—

Shona McIsaac *rose—*

Keith Vaz: I shall give way. Have you won in Cleethorpes as well?

Shona McIsaac: I just wanted to ask my right hon. Friend whether he was aware that four years of Conservative rule in North Lincolnshire ended earlier this month, when Labour took control of that council.

Keith Vaz: Marvellous! This is a good news story for our Whitsun Adjournment debate. We have won not only in Lincolnshire but in Leicester. In my constituency, we have won seats in Hamilton and Humberstone, and in Evington, which we have never won before. We are very pleased with that.

Mr. Evans: I do not want to pour any water on the wonderful party that the hon. Gentleman and the hon. Lady are having, but do they not realise that there were 912 overall gains for the Conservative party that day, mostly at the expense of Labour, with a couple of hundred at the expense of the Liberal Democrats? It was a pretty bleak day.

Keith Vaz: Why does the hon. Gentleman wish to spoil our party? We are here to talk about the positive results, not the negative ones to which he has referred. We did well; good news stories are coming from my hon. Friend and myself and bad news stories are coming from the hon. Gentleman. I wish well Ross Willmott, the new leader of the council, Mary Draycott, the deputy leader, and the rest of the council. They won with a huge majority. The Liberals were reduced from 24 members to six—quite a reduction. The Conservatives remain at seven or eight. When one has a majority of that kind, one has to govern responsibly, and I hope very much—I do not, of course, interfere in local matters—that my colleagues in Leicester will govern responsibly. Judging by what they have said so far, I am sure that they will.

I want to raise three issues. The first is in relation to the Ministry of Justice, which was formed shortly after the debate in which we welcomed the reappointment of my hon. Friend the Member for Sherwood (Paddy Tipping) as Deputy Leader of the House. At that stage, I and other Labour Members said how pleased we were that the Ministry of Justice was to be created. I have been campaigning for one for many years. Obviously, there were going to be teething problems in bringing together the responsibilities of criminal justice and the Prison Service under the auspices of the new Secretary of State for Justice, and in taking away those responsibilities from the Home Office and giving it new responsibilities for security policy. Of course there were going to be difficulties, but nobody envisaged the outrage on the part of our judges. I say "outrage" because that is political spin on what is more than the raising of a judicial eyebrow. Normally when senior judges raise their eyebrows, we get very concerned because they do not normally do that. However, it appears that their wigs are on fire; I do not wish to alarm the Clerk of the House. *[Laughter.]* They are really upset with what is going on.

As only judges at that level could do, they came to express their upset at the most recent meeting of the Constitutional Affairs Committee. We have not caught up with the Government and changed our name, Madam Deputy Speaker. I hope that the Deputy Leader of the House can tell us when we can do so, so that we are a Select Committee scrutinising a Government Department. Lord Phillips, the former Master of the Rolls, and Lord Justice Thomas, the senior Court of Appeal judge responsible for the negotiations, were alarmed at the way in which they had been treated. At the core of the argument is the issue of the independence of the judiciary and the ring-fencing of the courts' budget under a newly merged and reinvigorated Department of Justice. It is vital that the Government respond to the concerns of the judges.

The Committee had before it the Lord Chancellor and Secretary of State for Justice, who has changed his title on so many occasions that we have forgotten what all of them were. I pay tribute to the noble Lord Falconer, who has been an absolutely great Lord Chancellor. He has been a reforming Lord Chancellor and has modernised our system of justice. He has done it with the ability to get on with people in all walks of life, whether they be judges or consumers of the Courts Service. That is why I was so surprised that when he came before the Select Committee we had reached a situation where the judges were concerned about what was going on.

Mr. Gordon Prentice (Pendle) (Lab): Does my friend agree that the judges were outraged because they were not properly consulted, which is on the record?

Keith Vaz: Absolutely. I agree with my hon. Friend; they were not consulted. The Lord Chief Justice, Lord Phillips, referred to an article of 19 January in *The Daily Telegraph*—not the usual journal to which we would turn to learn about such things—in which the Home Secretary announced that the Home Office was to be split in two and that the Ministry of Justice was to be created. It was only after that that he had a

discussion with the Lord Chancellor. Contrary to what is often said about the Lord Chancellor being a great friend of the Prime Minister and therefore knowing everything that goes on, even the Lord Chancellor said to the Constitutional Affairs Committee that he was not aware of the matter until he got a call from someone—a high-level source—to say that the Home Secretary was about to announce it the next day. Therefore, it is clear that my hon. Friend is right: the judges were not consulted.

What has happened since? A working party has been set up, consisting of judges and officials from the former Department for Constitutional Affairs—now the Ministry of Justice—to try to resolve two fundamental issues. The first of them is the budget issue. There is concern that if there is a crisis in the Prison Service or in criminal justice, resources will be moved from Her Majesty's Courts Service to deal with that. The recommendation is that the Courts Service's budget should be ring-fenced. The second issue is how to protect the independence of the judiciary. The recommendation is that there should be an inquiry so that it can be properly considered.

The Government have finally got the message. I urged the Lord Chancellor to intervene personally in the negotiations. I told him not to leave that to his senior officials. I said to him that it was good to talk, and I suggested that he should get in touch with the Lord Chief Justice and begin that dialogue. I am not saying this because I or my colleagues on the Constitutional Affairs Committee recommended that, but I was pleased to learn from *The Times* today that Lord Falconer has picked up the phone and had a good chat with the Lord Chief Justice and that they are beginning to talk about resolving the issue, because it would be a terrible indictment of the modernisation programme that the Government have properly engaged in if, at the 11th hour, we left the judiciary on the sidelines. The Constitutional Affairs Committee has created a sub-committee on courts and the judiciary so that we can keep monitoring the situation and how the courts and the judiciary are dealt with. I am glad that there are ongoing discussions, and I hope that we can be given some good news about them in this debate.

One related issue is the call by the Attorney-General, Lord Goldsmith, for a written constitution. I put that matter to the Lord Chief Justice on Tuesday. There has been a lot of discussion about whether we should have a written constitution. I am in favour. Now might be the time to begin that process. As we have a new Ministry of Justice and we are to have a supreme court, which will be housed in a new building opposite the Houses of Parliament, we might have the opportunity to discuss whether we should have a written constitution that entrenches all the rights and responsibilities of the citizens of Britain.

My second point concerns the upcoming European Council meeting on 21 and 22 June. Sadly, it will be the farewell European summit meeting of our Prime Minister. He has taken the lead on a number of key European issues, especially enlargement. I hope that the final summit will provide an opportunity for us to talk about the reform agenda now that the EU constitution has been defeated in a number of referendums. I know that the German Chancellor, Angela Merkel, is keen on pushing the idea of a new constitution. The Government have rightly said that now is not the time to discuss that because the issue has been dealt with. That leaves the issue of reform. We cannot proceed with a Europe of 27 countries—which we now have—and with the possibility of constructive negotiations with Balkan countries about getting them into the European Union if we do not reform how the EU operates. I hope that at the Berlin summit we will have a short statement of aims and values, as well as a practical assessment of how we might continue reforming the EU.

Last night I had the pleasure of meeting again the Prime Minister of Belgium, Mr. Verhofstadt, whom I first met when I was Minister for Europe. I recall his pivotal role at the Nice summit in 2000, when he spent some of the time locked in a kitchen adjacent to the summit room, trying to negotiate how many votes Belgium should have in the new treaty that was to be entered into as a result of the arrival of all the eastern European countries. His view of the constitution was different from ours. He thinks—and he said this to me yesterday—that we should return to a longer document. That is certainly the view in other parts of the EU, but the position he set out is the right one. The constitution is dead, let us move on and continue with the reform agenda, because that is what will drive the EU forward.

My final point—it is appropriate to comment today as the report has just been published—is about the way in which Channel 4 dealt with the "Big Brother" programme. I raised the issue in business questions and, as usual, my right hon. Friend the Leader of the House was spot on in dealing with that question. What I most admire about my right hon. Friend is the way in which he responds so eloquently and quickly to the key issues in the public domain. In particular, no member of the Cabinet is better at championing and expressing the concerns of the ethnic communities than he is. He was right to suggest to the Channel 4 board that it should consider the contents of the report very carefully.

I remind the House that 46,000 citizens complained about the programme. At the time that the complaints were made, the chief executive of Channel 4, Andy Duncan, appeared at the Oxford media conference and ducked the issue. He refused to apologise for the hurt that had been caused by the comments that had been made to Shilpa Shetty. Worse, he did not take the opportunity to condemn racism on television. The arrogant, complacent attitude from Channel 4 was rightly condemned today in the Ofcom report, which found that there had been serious breaches of the code. Ofcom has decided that Channel 4 is to make an unprecedented apology before the next series of "Big Brother" starts next week.

What concerns me is the reaction of Channel 4 to that serious and important adjudication by the regulator. First, it has made no apology to the victim, Shilpa Shetty. Secondly, there have been no resignations by anyone associated with the programme or the company, even though someone clearly should resign, whether it be Mr. Duncan or the editor who knew what was being broadcast. One simply cannot pursue the matter as they have and assume that nothing went wrong.

[Keith Vaz]

The third issue that Channel 4 has not addressed is the need to bring forward the untransmitted feed from the house that it originally said could not be found. The regulator subsequently discovered that it was indeed in the possession of Endemol, but it was not shown to the regulator. Nobody here has seen that untransmitted material, but if it were looked at by the broadcasters it would give an impression of what they saw at the time.

The report has important implications, not only for the way in which we discuss such issues, but for the way in which reality television should be broadcast in the future. Channel 4 has said that it is a good thing to discuss racism on television, and I wholeheartedly agree, but the debate has to be equal: I, for example, must have an opportunity to put my views across and those who disagree with me must also have that opportunity. In that programme, one minority view was displayed to millions of people in this country and throughout the world, and no alternative view was put forward. I hope that lessons will be learned, although judging from Channel 4's reaction, I do not think that they will be. However, Channel 4's board has to consider the matter, and I hope that it does so very carefully. It will make a great difference to how we conduct ourselves in future.

Channel 4 knew about the matter and continued to broadcast. It pushed up its ratings and made considerable profits out of the programme—probably 10 per cent. of Channel 4's entire revenue comes from that programme. It is important that even greater consideration is taken of these issues, and we should be told what happened to all those profits.

Mr. Evans: I know that the right hon. Gentleman has campaigned vigorously on this issue and I hear what he says about Channel 4's failure fully to apologise for what went on in the programme. I am not a fan of the programme—I know that the right hon. Gentleman is—but the one thing that we can all applaud is the fact that its sponsor looked at the public reaction and decided to withdraw immediately, so Channel 4 has at least been hit in the pocket for allowing the programme to be transmitted. Is there not a lesson for all broadcasters that the public are so opposed to racism in any shape or form that they will not tolerate its being broadcast, even in the likes of reality television?

Keith Vaz: The hon. Gentleman is absolutely right to pinpoint the role of the sponsors, The Carphone Warehouse and PepsiCo. One withdrew advertising, and the other sponsorship, so there was responsibility on their part. He is right, too, to highlight the fact that broadcasters have a serious responsibility. We do not all have our own television stations—I am sorry that we do not. Broadcasters therefore have great power. This issue damaged our relations with other countries. What was good about it, however, was the reaction of the public, and not just the 46,000 people who complained, who have now been vindicated by what Ofcom has said. Hats off to Ofcom for the excellent and speedy way in which it conducted its inquiry before the next "Big Brother" begins next week. Hats off, too, to Shilpa Shetty, for the very dignified way in which she has conducted herself, although she has been a victim throughout these proceedings.

I hope that the Minister will be able to respond to those three issues, and I wish everyone a very pleasant Whitsun recess.

3.8 pm

Mr. Nigel Evans (Ribble Valley) (Con): It is always good to follow the right hon. Member for Leicester, East (Keith Vaz). I intervened on him on one issue so I will not return to that. However, he also mentioned the EU treaty, and I want to pick up on that.

Irrespective of what is now being discussed behind closed doors—we know what the French and Dutch said about the original EU constitution—the fact is that the British people were offered a referendum on the issue. We do not know what will come about. We know that Angela Merkel wants to push on with the constitution, and we know that Nicolas Sarkozy, whom we congratulate on his presidency, agrees with her and wants some form of constitutional treaty. What is in a name? A number of the issues included in the original EU constitution will be introduced in the constitutional treaty through the back door.

Our current Prime Minister—Prime Minister A, as I refer to him—has said that the British people are to be denied a referendum. I hope that Prime Minister B, when he takes over, will not listen to him. Prime Minister B ought to be negotiating the constitutional treaty, because he is the one who will have to pick up the tab. He ought to let Prime Minister A know that if he, Prime Minister B, is not happy with what is suggested, he will not accept it as a fait accompli but will allow the British people that referendum. There is a health warning for the current Prime Minister.

Keith Vaz: We disagree on some issues, but I think that we agree that, after the referendums in France and other countries, the constitution has gone. Surely, however, the hon. Gentleman agrees that the EU still has to reform. We simply cannot have a situation in which 27 Heads of Government sit down together at a summit and each wants to make statement. There must be reform of the decision-making process, which does not necessarily mean that we need a treaty change.

Mr. Evans: I think that we are talking about fundamental changes as far as the constitution is concerned. I agree that change is needed, as we have made dramatic progress since the days when there were 12 or 15 countries. There are now 27 countries, and Croatia is waiting in the wings, along with other Balkan states, as the right hon. Gentleman mentioned. There is even the possibility of Turkey acceding to the European Union, so it is a different animal from what it was a few years ago. Of course, procedural changes must be made to the way in which the organisation works, but finally it comes down to the sovereignty not just of Parliament but of the British people, who should decide whether they are happy with those changes. It is not something that should be cobbled together behind doors. If they are common-sense measures, the common-sense population in this country will endorse them. However, if things are being pushed through the back door in an underhand way—behind the smokescreen of trying to make

things better, huge chunks of sovereignty are being transferred from sovereign Parliaments to the EU—the British people should decide if that is the way they wish to go.

I shall talk briefly about three other issues. The first is related to my last point, as it concerns efforts to preserve our way of life in rural villages and communities. The issue of post offices is relevant, but the subject that I want to address does not relate to the recent announcement of 2,500 post office closures, because my views on that and the huge impact it will have on the rural way of life are well known. BT has announced that it wishes to give discounts to people with direct debits, whereas people who pay by cash or cheque at the post office will be penalised. That is a fact of life. People will receive a lower bill or money off as long as they set up a direct debit. That does nothing to help to preserve the fabric or network of post offices, so I hope that BT and all the other utilities will look at their responsibility to do more to help the one shop left in villages and small towns have a future. On some utility bills people have to look very hard to discover that they can pay in the post office. One has to be Inspector Clouseau to find any mention at all of the post office on those bills, so I hope that the utilities will not only stop charging people who use the post office some sort of fine, but make it plain that they support the network of British rural and urban post offices by making it far clearer that people can pay their utility bills in post offices.

Secondly, I must declare an interest as the owner of a small retail store in Swansea before addressing the amount of shoplifting that goes on. The British Retail Consortium has lobbied strongly for the retention of custodial sentences for repeat offenders. It says:

"Ninety per cent. of shoplifting offences are carried out by repeat offenders...Crime costs shops more than £2 billion each year and the number of shoplifting offences has risen by 70 per cent. since 2000."

Taking a soft line against people who repeatedly go into retail outlets and shoplift must not be tolerated. The crime has cost retailers more than £13 billion since 2000—as I said, the number of offences has risen by 70 per cent.—and, importantly, the BRC says:

"Sixty per cent. of violent incidents that happen in stores occur when staff attempt to detain criminals or protect property from theft."

As Members may remember, when I was working at the convenience store on Christmas eve several years ago, I detained someone trying to shoplift a crate of beer and he turned violent on me. The vast majority of workers in retail outlets tend to be female these days, and the last thing they want is to confront violence from someone high on drugs or inebriated. I hope the Government will accept that there can be no soft line on retail crime.

Finally, I want to speak about agriculture, which is vital to my constituency, as it is to others, including that of my neighbour, the hon. Member for Pendle (Mr. Prentice). Farming is like any other business and if farmers produce a product that does not make money, and costs more to produce than to sell, their business will not last long.

In Ribble Valley last Friday, I chaired a debate on the future of British farming on behalf of the Campaign to Protect Rural England. Many issues were raised, but one that was raised time and again by farmers and others was food security. It is amazing how little regard is paid to food security. Most people are used to a plentiful supply of food. Under the old EU, there were food mountains and everybody was disgruntled at the huge costs of maintaining them. Nowadays, however, when we go to supermarkets we are disgruntled not only about the extra packaging but about the origins of some of the produce.

The food miles that accumulate on products are a cause for concern. Although imports help farmers who live many thousands of miles away, they do not help local farmers in areas such as Ribble Valley. Recently, there has been a reduction of food miles for organic products sold in supermarkets, but the rate is not as good as it could be. The Soil Association's latest figures, for 2006, show a marked improvement. Waitrose and Marks and Spencer source 89 per cent. of their organic products from the UK. Tesco has improved dramatically—the rate has gone up to 78 per cent., while Asda's rate is 69 per cent. Although the improvements are welcome, why cannot all supermarkets at least do as well as Waitrose? If supermarkets source their foods locally, it gives a huge boost to farmers.

One of the speakers at the conference was Chris Dee, head of purchasing for Booths, one of our regional supermarkets, a community spirited, family-owned chain. He said that at least 75 per cent. of the fresh meat and 42 per cent. of the bread products in Booths stores are sourced from Cumbria, Lancashire, Cheshire or Yorkshire, which is where the stores are located. There is a proper link between the supermarkets and local growers, which is extremely important, but not all supermarkets appear to think in a similar vein.

I suspect that some consumers are quite happy that the price of some products has barely changed for 20 years, but that situation cannot continue in the long term. If their salaries had not improved in real terms for 20 years, those consumers would be very angry. They have received real increases in their salaries over the past 20 years—farmers have not; indeed, the incomes of some farmers, in particular dairy producers, have actually gone down. We shall not encourage new entrants to farming if they see no future in the industry and no income for their families. If we want new entrants, we have to ensure that they a have worthwhile job to do. Many people from towns and cities come into rural areas and marvel at how wonderful it all looks. That is only because there are working farms in those areas. It does not happen by accident.

In the recent report from the all-party group on dairy farmers, the hon. Member for Chorley (Mr. Hoyle) stated that

"in some cases dairy farmers are being paid between 16 and 17 pence per litre, a sum which is totally unsustainable if dairy farming is to have a future in this country".

Chorley neighbours my constituency as well, and the hon. Gentleman has many dairy farms in his constituency, as do I. Booths sources much of its milk locally and has got the producers to form a consortium, Bowland Milk. Booths has shown that as a result of proper marketing and brand recognition, people are prepared to pay a little more for that milk, in the knowledge that more is going to the farmer as well.

[Mr. Evans]

Not only has Booths' share of liquid milk sales gone up by 10 per cent., but the premium to farmers has increased dramatically by 15 to 20 per cent. I hope that we can look again at how we can assist farmers.

In the Budget there was reference to 4x4 vehicles and the increase in the tax on them. I state again that although in Sloane square they are "Chelsea tractors", they are working farming vehicles on the farms in and around the Ribble Valley, so I hope we can give some support to farmers who find it essential to have those vehicles on their farms.

As the hon. Member for Cleethorpes (Shona McIsaac) said, these debates are always a good opportunity for us to range far and wide, and to speak on matters that have been pent up in us for many weeks, without the straitjacket of a formal debate on a specific subject. I always find these recess debates useful. I hope, Madam Deputy Speaker, that you get a good week's rest before we come back early in June to carry on in the last few weeks of the current Prime Minister's reign.

I would be interested if the Minister could say something about what we can expect over the next few weeks and after 27 June, and how much, if any, taxpayers' money will be involved if the posts of Deputy Prime Minister and deputy leader of the Labour party are divided. As someone who wants good value for the British taxpayer, the Minister will no doubt want to ensure that if the two jobs are split not a penny goes to the deputy leader of the Labour party and we get better value from the new deputy Prime Minister.

3.22 pm

Mr. Gordon Prentice (Pendle) (Lab): I am glad the Member for Ribble Valley (Mr. Evans) got that off his chest.

I shall speak briefly and pick up one or two of the points made by my friend the Member for Leicester, East (Keith Vaz) in a thoughtful speech. He spoke about the reorganisation of the Home Office and the creation of the Ministry of Justice, and reminded us that he is a member of the Constitutional Affairs Committee and also a member of the Sub-Committee that has been set up to look at the courts—*[Interruption.]*—forgive me, Chair of the Sub-Committee that will keep an eye on things. He told us that there would be an inquiry into how the independence of the judiciary can be protected. That is what I jotted down.

Keith Vaz: The judges have asked for an inquiry. It has not yet been conceded.

Mr. Prentice: I thank my friend for clarifying that. What a state of affairs, that the judiciary should be compelled to ask for such a thing after the creation of a new Ministry, the Ministry of Justice. The judges were not consulted at all. They were completely sidelined. It was a disgrace that the Lord Chief Justice found out about the proposals from the pages of *The Sunday Telegraph*. What on earth was going through the minds of the people who took that decision, that made them think they could split the Home Office, create a Ministry of Justice, but not tell the judiciary? Being macho is not mucho. They should have talked to the judges.

My friend the Member for Leicester, East has talked about the fact that we do not have a written constitution. We are virtually the only Parliament among the so-called mature democracies that gives Ministers huge, untrammelled powers completely unstrained by a written constitution.

I speak as a loyal Labour Member of Parliament who always supports the Government when they are right but who can be a bit critical when they lose their way. When proposals that are cavalier, that have not been thought through and that are capricious are introduced, it is as well that Government Members speak out rather than leaving it to the Opposition. It was not only the current Lord Chief Justice who said that what happened was—this is my word, not his—scandalous, but the former Lord Chief Justice, Lord Woolf, who said that the proposals

"raised concerns about our liberty".

He also told the BBC that

"We should work it out beforehand and not wait until we have created the change and then somehow or other try to scramble to get it into place."

That is exactly what happened. The whole thing has been a complete farce.

In an editorial on 10 May this year entitled "Whitehall farces", the *Financial Times* stated that

"A strong and costed case is needed before reorganisations".

The editorial stated that the Home Office-Ministry of Justice split

"has been pushed through in just six weeks from announcement to execution. It is full of loose ends, lacks a business plan and carries real risks that some of the difficulties that made the case for a smaller Home Office in the first place may be compounded."

Yet we have waved through the proposal, because the present Home Secretary told us that the Home Office is not fit for purpose and that something needs to happen. The proposal was waved through, and the people who should have been consulted were not consulted.

The reorganisation culture is almost Maoist. We have had endless reorganisations of the national health service and have gone round in a circle. There have been endless reorganisations of public bodies and in Whitehall. The historical figures are interesting. Twenty-eight Departments were created between 1960 and 1979, which was a long time ago, and by 1981, 13 of those Departments had been wound up. Since 1997, we have had musical chairs. We have had the Department of Transport, the Department of Environment, Transport and the Regions, the Office of the Deputy Prime Minister, who disappeared in a puff of blue smoke, and now we have the Deputy Prime Minister's Office.

When the Government were elected in 1997, we had the Department of Transport, which morphed through two or three subsequent creations and has now become the Department for Transport. It was the Department of Transport; 10 years later, it is the Department for Transport. The Department for Productivity, Energy and Industry lasted for 24 hours, when the then Secretary of State for Trade and Industry did not like

the idea and ordered the permanent secretary to get a workman to take down the plaque that had been attached to the front of the building in Victoria just along the road. That tells us that such things are not thought through. It is capricious, and sometimes we should say, "Stop and think."

I raise the matter now because we are shortly to get a new Prime Minister, and in the way of these things we will get more reorganisations. I have here a cutting from the *Financial Times* of 10 April, when its readers were told:

"Gordon Brown is 'seriously considering' creating a super-ministry covering energy and the environment, which would pave the way for the...break-up of the Department of Trade and Industry, according to Whitehall insiders."

On 15 May, we were told:

"Mr Brown has mooted the possibility that energy policy could shift from the Department of Trade and Industry to the Department for the Environment, Food and Rural Affairs."

On 18 May, again in the FT—I read it religiously—we were told, under the headline "Brown at work on Whitehall shake-up" that he is

"looking to merge energy and environment policy and create a new ministry of science and technology."

Watch out for that one. Then, just a few days ago, on 20 May, in *The Sunday Times* this time, we were told:

"No final decisions have been made on how to reconfigure departments".

I would put money on it that we are going to see a big flurry of activity and a huge shake-up of Whitehall, and I am not entirely sure that in the long run it will make much difference to how services are delivered.

This reconfiguration of Whitehall is carried through without any reference to Parliament whatsoever. The powers derive from the royal prerogative and are used extensively. Way back in 1989, the Labour party said of the royal prerogative that we recognise the need

"to ensure that all actions of government are subject to political and parliamentary control, including those actions now governed by the arbitrary use of the Royal Prerogative to legitimise actions which would otherwise be contrary to law".

In 1993, the Labour party said:

"It is where power is exercised by government under cover of royal prerogative that our concerns are greatest...Here massive power is exercised by executive decree without accountability to Parliament and sometimes without its knowledge."

We know that to be the case. In 1994, my friend the Leader of the House said:

"the royal prerogative has no place in a modern western democracy"

and that it has been

"used as a smoke-screen by Ministers to obfuscate the use of power for which they are insufficiently accountable."

That must change. If my friend the Leader of the House becomes Deputy Prime Minister, as we read in the press, I hope that he will be true to his word, even though it is a decade old, and do something about the use of prerogative powers.

It is perfectly possible to bring those prerogative powers into Parliament and to establish them by statute. We have done it before, for example, in the Interception of Communications Act 1985, the Security Service Act 1989 and the Intelligence Services Act 1994. It is therefore possible. The powers to organise the civil service and reorganise Whitehall Departments derive from prerogative. I believe that they should be given to Parliament through a civil service Act.

The Government acknowledged that there should be a civil service Act but have done precious little to advance that. The Public Administration Committee published a draft Bill and the Government consulted on a civil service measure, but they have not introduced it or published the details of the consultation that they conducted in 2004. The measure has been put on the back burner, with Ministers saying that they agree in principle with a civil service Bill but that it never materialises because there is no legislative time and so on for it.

Not only Labour Members—and not only me and my friends on the Public Administration Committee—believe that there should be a civil service Bill. When the shadow Foreign Secretary appeared before us a year or two ago, he told us that the US Congress and our sister Parliament in Ottawa—which is almost a mirror image of this place—must approve all major Government reorganisation. So it can be done. We do not want to turn government into a sclerotic business whereby it is impossible to get things through, but in major reorganisations—not the Department for Productivity, Energy and Industry, which lasted 24 hours, but splitting the Home Office in two and creating a Ministry of Justice—we should have a say. It is a scandal that we do not.

Consultation papers were published on the reorganisation of the police force. That, too, has gone on the back burner, but at least consultation took place. We did not have a consultation on reorganising the Home Office. Not only judges say that it is time to change how things are done. The former Cabinet Secretary, Lord Butler of Brockwell, appeared before the Public Administration Committee recently. He said that his views had changed and that he believed that there should be a debate in Parliament. He went on to suggest,

"maybe hearings before a select committee and the Government to make its case and to take time to consider."

Many people argue the same case. Lord Butler talked about the costs of reorganisation. He said:

"More than you think. They are very expensive."

That applies not only to the one-off costs, but opportunity costs and transitional costs. They are huge.

I tried to raise such issues on 30 April when I asked the Home Secretary a straightforward question. I have the relevant copy of *Hansard* before me. I asked him whether he would issue a consultation paper setting out the advantages and disadvantages of dividing the Home Office in two. He chose to ignore the question. A big event was happening that day. The fertiliser bombers had just been sentenced to life imprisonment and the Home Secretary used my question as a vehicle to talk about something completely different. In my supplementary question, I said that the Home Secretary had not answered my question but he disregarded it again and went sailing off to discuss the fertiliser bombers. I hope that I am in order, Mr. Deputy Speaker. I raised the fact that the Home Secretary had not responded to my question with the Speaker on a point of order, and in subsequent

[Mr. Gordon Prentice]

correspondence, the Speaker said that I could raise the matter in today's Adjournment debate on the grounds that the Home Secretary had not properly replied to my question. I spoke to the Clerks on the subject, and it is a parliamentary procedural curiosity that it is impossible to hold an Adjournment debate on matters that fall within the remit of the Prime Minister. Although I wanted to speak about the things that I have just spoken about, I could not secure an Adjournment debate, because although the Home Secretary was the frontman, it was the Prime Minister's prerogative powers that were being exercised.

I have drawn up early-day motion 1396, in which I ask the Procedure Committee to address the anomaly whereby Adjournment debates cannot be secured on matters that fall within the responsibility of the Prime Minister. In it, I suggest that the Speaker could nominate a Cabinet Minister or another appropriate Minister to stand in for the Prime Minister in those circumstances. I have left that issue with the Chair of the Procedure Committee, the right hon. Member for East Yorkshire (Mr. Knight), and I hope that something will happen. There is a real lacuna, and it means that over the next few months a lot of debate about reorganisations of the kind that I have mentioned will be stifled.

That sounds a nerdy point, does it not? [HON. MEMBERS: "No!"] I stand up at the end of term and talk about machinery-of-Government issues, and most people, I am sure, are not interested, but the subject goes to the heart of the way in which we are governed. Do we want a system in which the Prime Minister of the day—I am not talking about the current Prime Minister or the next one—has unfettered power to do what he or she wishes? That is what the current situation amounts to. I would like a situation in which Parliament could assert itself. It should not act as a brake on the Executive unduly, but it should cause them to think twice before they embark on a huge change.

3.43 pm

Mr. John Leech (Manchester, Withington) (LD): I am grateful for the opportunity to speak in this debate, not least because earlier today I did not expect that I would get here, as I was taking part in a charity football match at Stamford Bridge to help raise money in aid of the Cystic Fibrosis Trust. I should like to thank Chelsea football club for hosting the event, and all the former professional footballers who took part in the game and showed us members of the parliamentary football team why we never fulfilled our ambition of becoming professional footballers. I would also like to say a great thank you to Neville Southall for letting a ball go straight between his legs, which meant that I got to score a goal at Stamford Bridge this morning.

I want to raise two issues of considerable interest and concern to south Manchester, namely the proposed sell-off and redevelopment of part of the Marie Louise gardens in Didsbury in my constituency, and Trafford council's decision to cut funding for the Mersey valley warden service. The Mersey valley borders my constituency, and in fact part of it is within my constituency boundaries. The Marie Louise gardens are an open public space in West Didsbury that was bequeathed by a Mrs. Silkenstadt to the people of Manchester back in 1903, in memory of her only child, Marie Louise, who died young. Several years ago, part of the gardens behind the lodge were used by the gardeners for greenhouses and sheds in which to grow plants, and as a maintenance depot. Over time, the council has allowed the area to fall into disrepair, and it has been unused. A covenant had been placed on the land that restricted its use to public gardens for the enjoyment of local people, but Labour-run Manchester city council, which neglected the gardens for many years, now wants to sell the section behind the lodge for development.

I am sure that the House can imagine how local people have reacted to the plan. The West Didsbury residents association has launched a campaign to save the gardens from development and, as of yesterday, nearly 2,500 people had signed a petition against their sale. Last month a protest picnic was held in the gardens. Even though it rained all afternoon, in excess of 400 people turned up. The council tried to scupper the picnic by claiming that people did not have permission to gather in the gardens, but the event went ahead anyway.

The West Didsbury residents association has also spent a considerable amount of time looking for living relatives of Mrs. Silkenstadt. It has found support in Jan Silkenstadt, who is now involved in trying to enforce the covenant on the land. The campaign has also received sterling support from West Didsbury's three local Liberal Democrat councillors, and in Parliament, where I have tabled early-day motion 1263. I urge hon. Members to support that EDM.

Unfortunately, the protests have fallen on deaf ears so far. The council seems determined to go ahead with the sale, claiming that the area involved is not part of the original gardens but merely a maintenance depot, although photographic proof shows clearly that it is part of the gardens and therefore subject to the covenant. The council's dodgy dossier of evidence is full of errors, but at least the new executive member for leisure has agreed to review the evidence. We hope that the council can be persuaded to change its mind.

The case has highlighted the inadequacies of covenants, which, all too often, are not worth the paper that they are written on. Perhaps we should wonder how much land would have been gifted to local authorities over the past couple of hundred years if the benefactors had realised that their bequests would end up being sold to the highest bidder. At a time of increasing pressure to build on every available piece of land, it is vital that our parkland be retained and looked after, so that it can continue to provide quality open space. Selling off part of Marie Louise gardens sets a dangerous precedent.

Another serious threat to services in the area is Tory Trafford council's decision to cut funding to the Mersey valley warden service, which is a partnership between Manchester city council and Trafford borough council. Without even discussing their plans in the joint committee, Trafford councillors decided to slash the borough's contribution to the budget by more than a third. There was no consultation with the public.

I wrote to the Tory leader of Trafford council, Susan Williams, asking her to reconsider her plans

Unfortunately, her response was very negative, and her only explanation for the cuts was to blame them on the council's lack of Government funding. She offered no solution to the problem of how vital local services might be retained.

So much for the Conservatives' commitment to the local environment. They slash budgets and cut services, but what does that mean for the Mersey valley? At present, we are cannot be sure, but at the very least the result will be cuts in jobs or services, with the visitor centre in Sale a probable target. One thing that is certain is that the council's plans for the Mersey valley have aroused as much opposition as did their proposed sale of Marie Louise gardens. Thousands of people have signed a petition against the cuts, and many have voiced their opinions and concerns on various websites.

I shall read out a couple of quotations from residents in my constituency. Steve Connor of Chorlton wrote:

"Greenspace is in far too short supply across Greater Manchester—we need to cherish and nurture the Mersey Valley and pump investment into it, not pull out! This is a HUGELY important resource for thousands and thousands of people."

Zoe Power wrote

"A reduction in funding to the Mersey Valley is a disappointingly short-sighted decision by Trafford Council and illustrates the current lack of priority they place on our environment."

I pay tribute to the work that is being done by "friends" groups across the Mersey valley in opposing and trying to reverse the cuts. Let me mention particularly two of my constituents, Dave Bishop and Tracey Pook, who run the two friends groups in my constituency. Without the sterling work of the friends groups, Trafford council will never change its mind.

3.50 pm

Mr. Andrew Robathan (Blaby) (Con): I believe that this is the first time I have spoken in an end of term Adjournment debate of this kind, and I am very pleased to be doing so. I apologise for having been out of the Chamber during some of the debate. The speeches that I have heard have been interesting and illuminating. I do not intend to concentrate on local issues, although I may touch on one or two at the end of my speech. I want to focus on an issue of fundamental importance to everyone in the Chamber, and indeed everyone in the country who cares about the integrity of the electoral system—which I hope means most people.

Following the debacle in Scotland, which we debated in the Chamber yesterday, it was revealed that more than 140,000 votes were discounted. No one knows how many electors were involved, because it is impossible to calculate how many were behind those 140,000 votes. That must surely make everyone in the Chamber deeply concerned. I was most interested to hear many Labour Members from Scotland in particular call for a restoration of the first-past-the-post system in Scotland to replace the convoluted, complicated and confusing system that has been imposed.

Students of history—I am a former student of history, so I hope I get this right—may recall that back in the 19th century, the great Reform Acts of 1832 and 1867, along with other measures, established this country as the parliamentary democracy in which we have grown up. In the days when the British empire covered a quarter of the globe, those reforms allowed this country to be considered a beacon of democratic integrity. It was used as an example by a huge number of other countries, at a time when not many countries had a democracy like ours.

I can also tell the three Labour Members who are present that it was the reforms of the 19th century, which were not carried out by any one party exclusively, that allowed the rise of the Labour party. I would probably have been among the wicked Tories then—as I am now. Those reforms meant that employers could not breathe down the necks of their employees while they cast their votes. They established free, fair and private voting, so that no one knew how anyone else had voted. They also got rid of the Hogarthian scenes of treating that could be seen at every election before 1832. Rotten boroughs ended in 1832 as well.

The beauty of the system that was in place until 1997 was that it was simple. Everyone understood it. You went to the polling booth, put a cross on a piece of paper and walked out of the booth. No one knew how you had voted unless you wanted to tell them. The system worked well: I do not think that any party, except possibly the Liberals in the past, had any reason to complain about it, and certainly the Labour party in 1997 had no reason to complain about the way in which that election had gone. We did, but I do not complain about the way in which people voted.

I first became aware of the undermining of the integrity of our electoral system in 2005, in the run-up to the general election, when, as a shadow Defence Minister, I discovered that service voters had been largely disfranchised because they were not on the register following changes introduced by this Government. I especially remember seeing a group of people in Basra, where soldiers were serving this country and in grave danger of being wounded or worse. I believe that I spoke to 12 people, only two of whom were registered to vote. One told me, "We're not allowed to be registered to vote if we're in the Army, are we?"

I raised the matter endlessly in January, February and March 2005, and I have to say that it is not to the credit of the then Defence Minister, Ivor Caplin—who is no longer in the House—that he said

"the situation is not nearly as bad as it seems"—[*Official Report*, 20 January 2005; Vol. 429, c. 1002.]

Well, it was. Less than 40 per cent. of service personnel were registered to vote. It is difficult to find out how many of their families were registered. They move a lot, and the electoral registration officers were not catching up with them under the new system. When I was in the Army, I registered once and that lasted me 15 years. Actually, that is not quite true, as I moved, so I had to register twice.

I am glad to say that some changes have taken place, and the situation is better than it was. The Electoral Commission has moved, although it was pretty slow. I found it depressing that the Government at the time, as I have said, were not very interested in ensuring that people had the vote, which is bizarre.

Mr. Evans: My hon. Friend will recognise that, as members of the Council of Europe, we sometimes lecture other countries about how they should conduct

[Mr. Evans]

their own democracies, including ensuring that every citizen above the age of 18 is able to vote. Those countries will be looking at some of the antics in this country, including the lack of service voters, and the problems with postal votes. Perhaps he is aware that the Council of Europe is conducting an inquiry into the shambles of some of the postal vote frauds that we have had in this country.

Mr. Robathan: I was not aware of that, but I am delighted to hear it. As my hon. Friend rightly says, this country used to be somewhere that could be shown as an example to others. I fear that that is no longer the case.

In Scotland earlier this month, we had the e-counting fiasco. I will not go through all the details because they were much rehearsed in the debate yesterday, but it was appalling. Someone thought, "Let's bring in e-counting. It sounds marvellous." We all know that new Labour likes modernising. We have had a lot of that. What it meant was that more than 140,000 votes were not allowed.

We have had e-voting pilots. I have not followed those very closely, but why are we having those pilots when everyone, including the Electoral Commission, is saying that e-voting will be less safe than anything we have now? I can use the internet, just. I use e-mail, despite my advanced age.

Mr. David Evennett (Bexleyheath and Crayford) (Con): You're in your prime.

Mr. Robathan: I thank my hon. Friend.

I do not know how to hack into systems, but some people do. If the Pentagon can be hacked into, the Blaby district council website on conducting elections can be. It is as simple as that. No one in the House has any idea what it could lead to if we go down the route of e-voting.

We are talking about all-postal voting pilots. Postal voting is not a panacea. I would have thought that everyone knew that. I have known the hon. Member for Pendle (Mr. Prentice) for some years. He will probably agree that postal voting on demand has been a disaster. For years, Members of Parliament have had postal votes. People could get a postal vote if they really needed one. Now, people have been encouraged to take postal votes. What has happened? As we know from the case in Birmingham not two years ago, we have been reduced to the status of a banana republic.

I do not know how many hon. Members read *The Sunday Times* insight team report about three weeks ago about postal voting in Leeds. The inquiry was conducted by a couple of under-cover reporters. I do not particularly like to quote under-cover reporters because from time to time some of them are pretty dodgy people, if I can put it that way without being too unkind. The report was about Labour activists, and the reporters went around with them. The result was shocking. The activists were going around helping people to fill in postal votes and then collecting them. They were deliberately getting round the systems that the Electoral Commission had tried to establish to ensure that postal voting was not corrupt. I am afraid that it is corrupt, and we should have no more truck with postal voting on demand. Of course we want people to vote, but is it too much to ask people to wander down every couple of years or so to a polling station and put a cross in the box?

After the chaos in Scotland and the corruption that has been identified in postal voting, one would think that we would want to move on, and that hon. Members on both sides of the House would say that we must revisit the integrity of our electoral system. Sadly, that does not appear to be the case.

Let me turn briefly to proportional representation, which has been introduced in Scotland and Wales. If my memory serves me correctly—someone will correct me if I am wrong—I believe it was the d'Hondt system in Scotland and Wales, and now we have the single transferable vote for local government elections in Scotland. It is obviously not a simple system because, notwithstanding what one Scottish Labour Member said yesterday, I do not think that the Scots are any less intelligent than others. I see one Scottish Member in his place, so I will say that I am quite sure that they are not. However, they found the system pretty baffling, and I am not surprised.

Mr. Alan Reid (Argyll and Bute): Is the hon. Gentleman aware that the STV system for local government actually produced very few spoiled ballot papers, because the electors understood it perfectly and knew how to work it. Equally, the additional member system, used in 1993 and 2003, produced very few spoiled ballot papers. The difference this time was that Labour introduced a new form of ballot paper for the 2007 parliamentary elections, which was very confusing in that people had to mark two Xs on the one paper. That is what caused the problem—not the system, but the badly designed ballot paper.

Mr. Robathan: I read that the ballot paper was badly designed, though I did not actually have one because I am not registered to vote in Scotland. However, I understood that until the beginning of the month Scotland was run by a Labour-Liberal Democrat coalition, or have I got that wrong?

Mr. Reid: The hon. Gentleman is correct to say that for the last eight years Scotland has been run by a Labour-Liberal Democrat coalition, but the design of the ballot paper for the Scottish Parliament elections is a reserved power for the Westminster Government, and it was designed by the Secretary of State for Scotland.

Mr. Robathan: I understand that the Liberal Democrat party did not register an objection and said that the paper was fine—whereas the Conservative party, to its credit, failed to reply at all! That is often the best answer.

Mr. Gordon Prentice: Is it not the case that the decision to run the two elections together—for the Scottish Parliament and for local government—was taken in Holyrood and not here?

Mr. Robathan: Indeed. I thank the hon. Gentleman. As I said, I have known him for a long time, and we have even agreed from time to time. He is absolutely right. Responsibility lies both in Westminster and in Holyrood.

What was proportional representation meant to bring about? The new Labour Government could certainly say that it was not meant to bring about an SNP Government in Holyrood. I suspect that some people on the Treasury Bench are scratching their beards wondering whether that was what they thought they would achieve when they voted for PR. In Wales, through the so-called reforms for the Welsh Assembly elections, we have achieved chaos. There is still no Government there. It is 24 May, and if my memory serves me correctly, the elections were exactly three weeks ago today.

Mr. Evans: A shambles.

Mr. Robathan: Yes, it is a complete shambles and I cannot believe that that is what the electorate want. We have chaos in Wales, chaos in Scotland, and proportional representation is being revealed for what many of us always thought it was—a disaster. As I said, I was struck by how many Scottish Labour MPs in yesterday's debate called for a return of first past the post for Scottish Parliament elections.

How have the Government responded to this chaos? The Under-Secretary of State for Justice, the hon. Member for Lewisham, East (Bridget Prentice), who I believe is responsible for these matters, has said that the important thing is to ensure that more people are voting, and more people are registered to vote. Actually, as we have seen, the number of people voting has reduced dramatically over the past 10 years—in general elections, at least. The turnout in 2005 should give us all cause for grave concern. I understand, of course, that that was nothing to do with proportional representation. Nevertheless, it was with extra postal voting and all the rest of it—part of "modernisation", to use the Government's favourite term.

When the Electoral Commission and others put forward the idea of individual voter registration, the Under-Secretary said from the Treasury Bench—I am allowed to quote her; I am not attacking her in any way—that when it was introduced in Northern Ireland, the number of people on the electoral register went down. Surely that is the point—because the people left on the electoral register then were bona fide electors, whereas when I was young, and until very recently it was always said in Irish elections, particularly Northern Ireland elections, "Vote early, vote often," because people had more than one vote. The electoral system in Northern Ireland was certainly corrupt until quite recently.

Mr. Gordon Prentice: The Electoral Commission argued strongly for individual voter registration, yet the Government insisted on household registration. Does the hon. Gentleman agree that the correct response of the Electoral Commission would have been to threaten to resign en masse? That would have forced the Government to rethink, and to try to justify their position.

Mr. Robathan: I am grateful to the hon. Gentleman for making that point. There has been criticism recently. In Sir Alistair Graham's last report on standards in public life, he criticised the Electoral Commission. He was, of course, appointed by the Government; no one could accuse him of being a wicked Tory. He said that the commission had not been robust enough, and that it had not pursued the policies that it should have done.

I hate to say it, but I find the Government's reaction strange. It is almost as though they do not care about the way in which our electoral system and our democracy have been undermined. That is deeply worrying. Where would we be if there were chaos similar to that in Wales and Scotland at a general election? I hope that that will not happen, because we have not yet changed the system for elections to Westminster, although I suspect that some people might wish to do so, and not just the Liberal Democrats. We would be left looking like the banana republic to which that judge so rightly referred two years ago.

The hon. Member for Pendle tempts me to talk about the Electoral Commission. I do not especially want to criticise Sam Younger, but I naively thought that the commission was appointed not only to police the electoral system but really to get a grip on it, and ensure its integrity. I have had this discussion with Sam Younger in the past. It seems to me that he and his commission are much more interested in e-voting pilots and all that kind of nonsense than they are in establishing an electoral roll that is entirely trustworthy, for the benefit of democracy in this country.

Fortuitously, the Electoral Commission's corporate plan arrived this morning. Yes, it talks about a complete and accurate electoral register, and about well-run elections, but it seems more excited about party election finance. Of course that is an important subject, but surely the most important thing of all is that the only people who vote in our elections are those who have the right to do so, and that everyone can trust the results of those elections, whether we like them or not; often we do not.

I have spoken for quite long enough, but I want to make two brief local points. I have been in correspondence with the Department for Transport for some years about the noise and pollution problems on the M1 between Narborough and Enderby. The M1 is probably used by many hon. Members; I suspect that the hon. Member for Pendle uses it occasionally. The housing on that stretch is very close to the road; it was built before the road became the M1. There is therefore a terrible noise problem, although we have had some resurfacing. There is also the problem of the pollution from the traffic going by.

This is not an easy problem to solve. The Deputy Leader of the House may rest assured that I do not blame the Government for all the noise and pollution on our roads. It would be helpful, however, if he could ask the Minister with responsibility for roads to come to my constituency and meet the motorway action group for Narborough and Enderby, which has wanted to meet him for some time. That Minister's predecessor, who used to sit for Plymouth and whose name has briefly escaped me—

The Deputy Leader of the House of Commons (Paddy Tipping): David Jamieson.

Mr. Robathan: David Jamieson came to the area—but unfortunately, only as an election stunt during the general election campaign in 2005. He was slightly put

[Mr. Robathan]

off because I was there when he got there. Never mind; these things happen. I would be grateful if the Deputy Leader of the House could pass on my invitation, however.

My second local point is about post offices. I know that the issue is hardly unique to my constituency. I represent a largely rural constituency in which post offices are greatly valued. Many have now closed. It is true that some of them closed before 1997, but the rate of closure has now accelerated. Following the recent pronouncement, it is obvious that there will be more closures in my constituency and in others. The Government have shown a paucity of imagination in their treatment of the Post Office. They may have spent money on it, but they have not given sub-postmasters—all of whom are small business people—the freedom to operate that they should have. At the same time, the Government have been taking away the business that post offices have had from the Department for Work and Pensions. I hope that in the next few months the Government will take steps to free up postmasters—although I have to say that I rather doubt whether they will.

Dr. Liam Fox (Woodspring) (Con): On a point of order, Mr. Deputy Speaker. It is being suggested this afternoon that during the recess, the Government will take ownership of the report into the seizing of British service personnel by the Iranians. Mr. Speaker has said on a number of occasions that when reports are awaited by the House, it is quite wrong for informed speculation or leaks to appear in the press ahead of the House being told. Through your good offices, Mr. Deputy Speaker, could the Government be made aware that it would be unacceptable for any information from the report to appear in the press ahead of the Select Committee or the House seeing it?

Mr. Deputy Speaker (Sir Michael Lord): Obviously, these are extremely important matters, and I am sure that the responsible Ministers will want to report to the House of Commons at the earliest appropriate moment. The Deputy Leader of the House is here today, and I am sure that the point made by the hon. Member for Woodspring (Dr. Fox) will be transmitted through the usual channels.

4.11 pm

Mr. David Heath (Somerton and Frome) (LD): May I echo the point of order made by the hon. Member for Woodspring (Dr. Fox), with which I entirely agree?

First, I apologise to you, Mr Deputy Speaker, and to the House for being out of the Chamber for the early parts of the debate due to my duties elsewhere in the House. I am glad to have returned and to have heard some excellent speeches.

I agree with the hon. Member for Pendle (Mr. Prentice) that changes to the machinery of government should not be made at the whim of a Prime Minister, written on the back of a fag packet and presented as a fait accompli to the House. They should be properly considered and properly costed. We should be clear about the expected advantages of any changes to the structure of government. The best way of doing that is to produce a considered White Paper, present it to the House, let it be scrutinised and proceed with implementation.

That is the exact reverse of what happened with the creation of the Ministry of Justice, which I support. I do not, however, support the fact that it was done without any prior consideration. As a result, we now face the prospect of the Lord Chief Justice making a statement to Parliament under section 5 of the Constitutional Reform Act 2005 because the judiciary are so dissatisfied with the way in which matters were handled. The hon. Member for Pendle is absolutely right.

I was also interested to hear the points made by my hon. Friend the Member for Manchester, Withington (Mr. Leech) about the Marie Louise gardens in his constituency and to hear that he scored a goal at Stamford Bridge this morning. I was asked to play in a charity cricket match at Lord's today, but I had to decline the opportunity as I had to be here for this debate. I am happy to be here, but I am sure that had I been at Lord's I would have made a considerable score—I don't think.

My final preliminary remark concerns the hon. Member for Blaby (Mr. Robathan), who made a number of comments about the integrity of the voting system, some of which I agreed with and some of which I did not, as he will readily understand. I shall start with the point on which he closed: post offices. The hon. Gentleman's constituency, like mine—both are rural areas—will bear the brunt of the post office closures, and I am extremely concerned about the consequences of the closure programme. We are being asked to regard the closure of 2,500 post offices as a blessing—as a reprieve for the post office network. It will be nothing of the kind in areas such as mine. It will lead to the closure of many of the small post offices that serve the many small communities in my constituency. There are about 120 villages in my constituency, not all of which have post offices as many have closed.

A wide variety of business is transacted in the remaining post offices. For people who rely on their post office, that is essential. If post offices close in areas such as mine, people cannot simply catch a bus or walk down the road to another post office; often there is no bus, and sometimes there is no road. Such closures can be extremely difficult for people—especially the elderly and the disabled—who do not have access to private transport. Sometimes members of young families with children do not have access to private transport either, as the breadwinner travels to work in their car. It is hard to see how such people will manage without their post office.

The post office is much more than simply a place to buy stamps, or to collect pensions or benefits; it is, as we have said many time, a focal point for a village community. Often, it offers a wide range of services—a range far wider than the scope or the imagination of the Post Office. It is an integral part of its community; it is its heartbeat. It saddens me that that heartbeat is to be extinguished in many of our villages.

The Government's response to the consultation ignored the 4 million signatures raised in petitions against the proposals—it ignored the campaigning activities in which many of us have been engaged. I

have presented petitions on this matter to the House on behalf of my constituents; I have also presented a petition on behalf of parish councils in my constituency. They made similar points about the social, environmental and economic impact of the closure of small post offices.

What we are getting instead are small changes to the access criteria. They are welcome, but I do not believe in them. The key change is that public transport and alternative access to key services are to be taken into account. If I believed that, I would be a happy man, and my communities would be happy, too. We have very little public transport, if any. My village has one bus a week. I do not believe that that amounts to adequate public transport. If the Post Office genuinely looked at public transport issues it would not close post offices in my constituency. However, I note that all it has to do is to show that it has considered public transport issues—before, I suspect, blithely continuing with the closure programme. That is what I believe will happen.

Mr. Burns: The hon. Gentleman makes an important point, and I suspect that he will agree with what I am about to say. Eight post offices have closed in my constituency in the past three years. It does not matter what criteria the Government lay down, because the consultation process with local people and elected representatives is a joke. When the Post Office announces a closure, it is determined that it will go ahead. It does not matter how powerful a case is or whether the criteria are met, the Post Office kindly listens but presses ahead regardless.

Mr. Heath: The hon. Gentleman is right. We, too, have had that experience with the closure of small post offices and of Crown post offices. We have lost our Crown post office in Frome. The post office is now housed in the back of a newsagent. To my mind, it does not fulfil the same purpose in the town; and, as a result of that development, a fine public building in the middle of Frome is still empty, which is a retrograde step.

I have no confidence in the consultation procedure. One of the representations made was that the six-week limit should be longer, but that has not happened; another was that the abolition of Postwatch, the one body that might be thought to have a key role, should be delayed, but it will not be. The closures will happen, inexorably. Many of us will argue hard for the interests of our constituents and what the closures will mean for local communities, but they will eventually happen. Rural areas do not ask for much from the Government—we certainly do not get much—but we do ask that we have a sub-post office in the village hall. Those requests are often denied and we will end up with worse communities as a result. It will be a sad day when that happens.

If anyone labours under the delusion that the so-called outreach facilities will fulfil the same function, they are wrong. They might provide a way for people to get their pension or benefit, but that is all. Without the post office facility, the shop will die, because the two are linked. The viability of the shop depends on the post office and the viability of the post office depends on the shop. If the post office closes, the shop will go, and with it will go the social value to the community.

The other matter that I wish to raise is the strategic road system in the west country, especially in my constituency. I predict that many people will leave London today, tomorrow and over the weekend and pass through my constituency. I hope that some of them will holiday in Somerset, but the vast majority will, sadly, go on to Devon and Cornwall, for reasons that escape me. Those people will use our roads, not our railways, which are over-priced and inefficient. Great Western is a very expensive railway and South West Trains has just announced that it is putting up its off-peak rates by 20 per cent., which is scandalous.

The principal road used will be the A303, which must be the most neglected strategic route in Britain. In fact, the Government seem to have forgotten and written off the whole south-west region. My constituency has a simple request: effect some safety improvements on the A303 between Sparkford and Ilchester. Why are they needed? People have accidents and die at that point on the A303. It is far enough from London that they are beginning to get tired, and it is where the carriageway changes between single and double a couple of times. People therefore make mistakes and have accidents.

Ten years ago, we had proposals to improve safety on that stretch of the A303. They went to public inquiry in 1997, and I appeared before the inquiry. There was no significant dissent and no environmental objections were raised—unlike further down the A303 where it crosses the Blackdown hills. It would be difficult to do anything to the road there without destroying the environment. Everybody agreed what should be done to the A303 in my constituency, but then the new Government placed a moratorium on further road improvements, including essential safety improvements.

Ever since, I have been asking when the safety measures will be implemented. The answer is not before 2016 at the earliest. The Government hide behind the South West regional assembly and claim it was the assembly's decision not to go ahead. Nonsense. The assembly was told to assess all the schemes for the A303 as a single scheme. It was told that if it could not afford the schemes, it could not give them a high priority. Well, of course, it could not afford them. There was nothing like the necessary funds available for the assembly to take that decision. As the South West regional assembly inevitably has an interest in Devon and Cornwall, the far south-west, it preferred to improve the road between the A303 and the M5—the stretch that runs through the constituencies of my hon. Friends the Members for Yeovil (Mr. Laws) and for Taunton (Mr. Browne)—in order to speed traffic further down the road. Safety improvements to the A303 will not therefore be made until 2016, which is scandalous.

We cannot even get the road resurfaced to reduce noise and discomfort for local people. The hon. Member for Blaby (Mr. Robathan) made a similar point. Resurfacing was promised at least four years ago, but it has not been done because the money has been taken elsewhere.

[Mr. Heath]

We have a scandalous state of affairs not only on the A303, but on the north-south routes through my constituency. Heavy goods vehicles arrive at the south coast port of Poole and try to find their way northwards on wholly unsuitable minor roads. I say "minor"; they are officially A roads, but they are unsuitable. A couple of weeks ago I was in the village of Templecombe in my constituency where, yet again, a heavy articulated lorry had become trapped underneath the railway bridge, despite all the signs warning of the low bridge. The lorry was driven, as it happens, by a Slovenian who might have found himself on such an unsuitable road—there are no pavements in the village and the houses sit on either side of the narrow road—because he was using satnav. That happened within 20 minutes of the local primary school allowing the children out on to the road and under the bridge. There could have been a tragic accident.

Why did that happen? It happened because no one is prepared to make the essential strategic investment to provide a safe north-south route for heavy goods vehicles that takes them out of settlements such as Henstridge and Templecombe, the villages of the Blackmore vale and some villages in Dorset, about which I am not qualified to speak because they are not in my constituency. No one looks at the strategic needs of the west country because it can safely be left to one side, can't it? That always happens. The hon. Member for South Dorset (Jim Knight) has just come into the Chamber, and I welcome him. He will recognise some of the difficulties caused by the lack of a safe strategic north-south route for heavy goods vehicles from the south coast ports through Dorset and Somerset.

I know that the Deputy Leader of the House will recognise the concerns of many people about post offices in my part of the world and our determination to fight to the last, although some of us feel very pessimistic about the outcome. Will he pass on to the Department for Transport our concerns about the A303 and the fact that north-south routes to replace the A357, A358 and A359 have yet to be thought of, let alone implemented? Their absence reduces the safety of road users, has an environmental cost and destroys the well-being of many people in the west country.

4.28 pm

Mr. Alan Reid (Argyll and Bute) (LD): We have certainly had many interesting speeches today, and I agree with most of what has been said. However, I want to take issue with the remarks of the hon. Member for Blaby (Mr. Robathan). He was perfectly correct in his description of the election and the count—it was chaotic and it was an absolute disgrace. I also agreed with a lot of what he said about postal voting. However, I take issue with what he said about the outcome in Scotland. There was no chaos after the count had been completed. The Administration were formed very quickly, and they were formed by the party that got the most votes in the election. If we had been operating that election under the old-fashioned first-past-the-post system, the party that finished second in numbers of votes, the Labour party, would have won an overall majority and still been in power. That would have been unacceptable. The people of Scotland clearly wanted to vote the Labour party out of office in Scotland, and they put it in second place. The new proportional voting system in Scotland gave a fair result, which the people wanted.

The party that benefits most from proportional voting in Scotland is the hon. Gentleman's party. Under the first-past-the-post system there would have been only four Conservative MSPs, but the party got another 12 MSPs through the top-up list. I do not know whether the hon. Gentleman has discussed the matter with his colleagues in Scotland. I will happily give way to him.

Mr. Robathan: I am grateful to the hon. Gentleman for allowing me to respond. The point about the Conservative party is that we put what is good for the country before party preference, but he seems to be suggesting that it is much more important, because it is good for the Conservative party, that we get a few stupid—a few top-up—MPs than we do good government in Scotland and the rest of the United Kingdom. We believe in good government for the people of this country, not in the preferment of the Conservative party or, indeed, of the Liberal Democrats.

Mr. Reid: We both agree that we want good government, but we obviously disagree on the electoral system best placed to achieve that.

I should like to take the opportunity to raise various issues that are important to my constituents. The first has been raised by several other hon. Members, and concerns the Government's plans to close 2,500 post offices. So far, the Government have not listed the individual post offices that are to close, but as there are about 100 post offices in my constituency, it is obvious that plenty of them will close under their plans. As has been said by other hon. Members, it is a disastrous policy for rural parts of the country. Post offices are the lifeblood of communities in both rural and urban areas, particularly when combined with other services such as the local shop. Often, the post office supports the only shop in the village, so when the local post office closes, it is almost certain that the shop will close, too, leaving people who do not have access to a car without anywhere to shop.

In devising their policy of post office closures, I am sorry that the Government did not take into account the true social value of local post offices. The post office is often a source of free advice to many people, particularly vulnerable elderly people, on a variety of issues ranging from filling in forms to benefits. That service is one that banks and PayPoint simply will not have the time to provide. The staff at local post offices provide that service, and I urge the Government to take into account post offices' social worth rather than valuing them purely in terms of profit and loss.

In my constituency, with the help of local sub-postmasters and sub-postmistresses, I organised a petition protesting against the Government's plans in the original consultation document. It was signed by more than 7,000 post office customers, which is about one in 10 of the adult population in my constituency, so there was a clear rejection of the Government's proposals.

I was therefore disappointed by the fact that there was very little change in the Government's response to the consultation. Indeed, some of the changes that were made to the criteria in the original consultation document by the document published last week make the situation even worse. In the original document, one criterion stated that in rural areas,

"95 per cent. of the total rural population"

was to be "within 3 miles" of a post office. Naturally, that was interpreted by most people as meaning that within each rural area 95 per cent. of the population would be within 3 miles of a post office outlet. However, the criterion has now been replaced by two new criteria. One states:

"95 per cent. of the total rural population across the UK to be within 3 miles of a post office outlet."

The change means that there is no protection for each individual rural area, as that UK-wide target could be met while in many rural areas more than 5 per cent. of the population would be more than 6 miles from a post office outlet.

A second test for each postcode district states:

"95 per cent. of the population to be within 6 miles"—

that is an increase from 3 miles in the original document—

"of their nearest post office outlet."

There is no logic in the use of postcode districts in these circumstances; it will lead to many anomalies. Postcode districts are shown in the first half of the postcode—for example, G83 in my case—and were originally drawn up by the Post Office to indicate the area served by a sorting office, so there is a town at the centre of most of them. The district often comprises a town and its surrounding rural area, which means that in many cases the 95 per cent. target could be achieved simply by counting the population of the town; many rural post offices more than 6 miles away could be closed yet the criteria would still be met.

Mr. Heath: Even setting aside my hon. Friend's valid point about the 5 per cent. of people who will not fall within the criteria, how many of the 95 per cent. could walk a round trip of 12 miles to visit their local post office—or in his constituency, occasionally swim?

Mr. Reid: My hon. Friend makes an excellent and valid point. Many post office customers are frail and elderly, and will certainly not be able to walk 6 miles to the post office and 6 miles home. The distances are far too long. I have some examples from my constituency. The G83 postcode covers most of the population of the towns of the Vale of Leven in the neighbouring West Dunbartonshire constituency. A few hundred people live in the small villages of Arrochar, Tarbet and Luss in my constituency, yet they could be deprived of their local post office and the criteria would still be satisfied.

Oban is in the PA34 postcode district. Most of the population live in the town, but the district covers a sparsely populated rural area that stretches many miles, from Port Appin to Kilmelford, including many islands—Lismore, Seil and Luing—so my hon. Friend's comment about swimming is apt. PA28 relates to Campbeltown, which is another example of a moderately sized town in a large rural area. The bulk of the population of the Isle of Bute—the PA20 postcode district—live in the town of Rothesay, which means that the small number of people who live at Kilchattan Bay on the far side of the island could be deprived of their post office. I urge the Government to reconsider the criteria, because they have been changed from the earlier ones on which there was consultation.

My hon. Friend referred to the proposal to replace post offices by an occasional visit from a mobile office. The Government's consultation document refers to post office outlets, not post offices, so a post office in a shop could be replaced by a van that visited once a week. That would allow people to collect their pension but it would be no substitute for an actual post office. The post office is often the only way that a shop can continue—the business may be unsustainable without the post office.

Other criteria are listed, such as public transport links, but I am worried about how the Post Office's decisions will be evaluated. The hon. Member for West Chelmsford (Mr. Burns) pointed out that the Post Office was not only making the proposals but taking the final decisions. The Government should look into that important point. The consultation document states:

"Discussions are in progress on the nature of the monitoring and review arrangements."

We need more than monitoring arrangements.

The document refers to Postwatch, which is shortly to be abolished and merged into the National Consumer Council. It is not good enough for a consumer body simply to comment on what the Post Office does. We need an independent body that will monitor the criteria and have the power to overturn Post Office decisions when it considers that the Post Office has not met the criteria. The Post Office cannot act as prosecutor, judge, jury and executioner. It must be remembered that the Government have set the Post Office a target of 2,500 closures, so the Post Office will not be acting independently. It has Government targets to meet and it must balance its books.

Another worry is the successor to the Post Office card account. In a written statement last week the Department for Work and Pensions said that the contract for the successor to POCA after 2010 would be going out to tender, and that the contract would specify 10,000 outlets throughout the UK. I accept that European rules require a tender. However, the Government have the power to draw up the tender specification, which should be drawn up in such a way that the successful operator has to provide over-the-counter cash outlets in all rural parts of the UK, including small islands where there is currently a post office but no bank or PayPoint outlet.

Even after the 2,500 closures, the Post Office will have more than 10,000 over-the-counter outlets, but so also will PayPoint and a consortium of several banks. They could therefore also tender for the contract, but neither the banks nor PayPoint has a rural network which could match that of the Post Office. I draw the attention of the House to the TV licence payment fiasco. The contract for over-the-counter payments to renew TV licences was taken away from the Post Office and given to PayPoint.

I know that every time I blame the Government for that a Minister intervenes to say, "It wasn't us. It was

[Mr. Alan Reid]

the BBC", but that excuse does not wash. The rules for TV licences are set by the Government, and the Government could easily have specified that there had to be over-the-counter outlets in rural areas throughout the UK. PayPoint has outlets in my constituency, but they are nearly all in the towns. Huge swathes of the rural part of the constituency, including several small islands, that have post offices now have no outlet where people can renew their TV licence over the counter. That must not be repeated with the successor to the Post Office card account. The tender must specify outlets throughout the rural part of the country.

If the Post Office does not win the POCA contract, it will be a disaster. People in rural areas will not be able to collect their pension, and the loss of income because of the loss of business to the Post Office will, I suspect, mean that the 2,500 closures that the Government will force through over 18 months will be dwarfed by the number of closures that will subsequently take place. We should remember that Adam Crozier is on record as saying that the Post Office needs only 4,000 outlets in order to run its core business.

The final issue concerning Royal Mail is its proposals for zonal pricing for businesses that send out bulk mail. Unfortunately, bulk mail is not covered by the universal service obligation, and a consultation is under way on a proposal from Royal Mail which would mean that businesses have to pay more to send mail to rural areas than to urban areas. It would be a scandal if Postcomm allowed that proposal to go through. People would be penalised for living in rural areas. Theoretically, the customer is the business. However, if electricity, gas and telecoms companies which send out bulk mail know that they will have to pay more to the Post Office to send a bill to a customer in a rural area, they will pass that on to the customer, and people living in rural areas will receive larger bills.

It would be inconvenient for the utility companies, too. They would have to alter their computer systems, because different bills would have to be sent to rural customers rather than using one straightforward computer run. I hope that Postcomm rejects that proposal. It is seven years since the Postal Services Act 2000 was passed, and perhaps it is time to review the universal service obligation, because certain services, such as bulk mail, that are not included in it should be.

The tax credit system is another issue that I want to discuss. The idea behind the tax credit system is excellent, and I support it. It increases the income of low-income families and encourages them to enter employment, because it makes taking a job more financially worth while. I certainly support the principle behind the system. My postbag—I am sure that this is true of all hon. Members—is full of complaints about the tax credit system, mainly from people who were given overpayments through no fault of their own. Those people spent that money in good faith, because they believed that they were entitled to it, but when a demand to pay some of it back comes out of the blue, it puts them into severe financial difficulties. The current scale of the problem is simply unacceptable. Recently published figures show that in the financial year 2005-06 nearly half the tax credit awards in my constituency were incorrect, which is typical of all constituencies throughout the country. Paying back overpayments has caused terrible hardship to many people on low incomes. The Government must examine the system and devise a less complex model.

Many constituents have come to me after being deluged with conflicting award notices sent out over a very short period of time—in some cases, conflicting award notices were sent out on the same day. Under current HMRC rules, however, the onus is still on the claimant to work out whether their award is wrong and what they are due. If people do not do that and spend the money, they can be clobbered with demands to pay some of that money back. The system automatically tries to overcome overpayments without making any effort to establish who is to blame for the overpayment or the financial circumstances of the claimant.

When the ombudsman looked into the matter a year or two ago, one of her most important recommendations was that HMRC should reverse the burden of proof in cases in which the error is caused by HMRC itself. In such a case, the assumption should be that an overpayment is not recoverable, unless the claimant was sent a clear award notice and it should have been obvious to them that it was wrong. Where an overpayment is alleged, the claimant should be sent a letter stating clearly how the overpayment occurred.

At the moment, the claimant is simply told that an overpayment has been made. Instead of that, they should be given clear details of the calculation that caused the overpayment. Instead of then demanding the money back straight away, there should be a pause, and the claimant should be given the automatic right to appeal, which would allow time for a challenge to be made and considered without the money automatically being clawed back and the onus being put on the claimant to go to their MP or a local advice centre. The system is so complicated that no ordinary lay person without proper training can work it out.

I think that those suggestions would greatly improve the system. Many people on low incomes who have been asked to repay overpayments have told me that they will never again apply for tax credits because of the financial hardship and stress that the recovery of overpayments has caused them. I always encourage them to apply, but they should never be put into a situation where they are deterred from doing so.

Also in relation to tax credits, it is clear that the adjudicator and the parliamentary ombudsman are being overwhelmed with complaints. More resources need to be given to those two offices in order for them to be able to investigate and respond to complaints within a reasonable period of time.

Finally, I want to put on record my opposition to the tactics that are being adopted by anti-nuclear protesters outside Faslane naval base in my constituency. I support everybody's right to peaceful protest provided that they do not block anyone else's right to freedom of movement. However, I utterly condemn the tactics of the protest organisers, which involve regular protests that block the road outside the base and prevent people from getting to work and children from getting to school. Not only workers at the base itself get held up. Because the road past the base is a main road, people who are going to work elsewhere get held up, as well as school buses. We have got to the situation where local people in Garlochhead are themselves organising

peaceful protest marches to oppose the Faslane protesters. Those protests are perfectly legal and do not disrupt the road, but the tactics of the anti-nuclear protesters are completely unacceptable. I wish that the organisers would realise that they are not winning any support for their cause by behaving in this way, but merely alienating people, and that they would be much more likely to gain public support if they protested in a legal and peaceful way that did not block the road and stop other people from going about their lawful business.

Thank you, Mr. Deputy Speaker, for giving me the opportunity to raise those issues. I wish you and other hon. Members an enjoyable recess.

4.52 pm

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): I start my comments on a rather sad note by paying tribute to Lord Renton, known affectionately to most of us as David Renton, who sadly passed away this morning in Abbots Ripton, surrounded by his family. David was approaching his 99th year and was, until recently, very active in the other place. He served Huntingdonshire with distinction, being its Member of Parliament from 1945 to 1979, when he was succeeded by John Major. David was a true gentleman—a lovely man who will truly be missed by all of us who knew him. I am sure that I echo the sentiments of the whole House when I say that our thoughts and prayers are very much with his family and friends.

Turning to the Adjournment debate, as always we have had a number of speeches, all of which have been excellent in their own ways and which have covered a broad range of subjects, from the domestic to the international. We started off the debate with a contribution from the hon. Member for Cleethorpes (Shona McIsaac), who pointed out that last time round she was the last person to be called and was obviously delighted that this time her ordeal was over sooner rather than later. There was nothing in her speech that she had not raised in previous debates. She was particularly keen to emphasise the surfacing and noise problems on the A180 road, as well as the tolls on the Humber bridge. It is fair to say that we all have considerable sympathy with everything that she said, and hope that some of the problems will be sorted out sooner rather than later.

My hon. Friend the Member for West Chelmsford (Mr. Burns) gave a thoughtful and knowledgeable speech, with special reference to two issues. The House was brought to attention when he asked in Prime Minister's questions about the link between learning disabilities, such as dyslexia, and criminality. We all applaud the excellent work of Jackie Hewitt-Main, a remarkable woman, who is a volunteer and conducts a project at Chelmsford prison. I hope that other prisons will follow the example of Chelmsford prison. He also raised another difficult but prominent issue, which affects many of our constituencies. He presented a measured and reasoned argument about the allocation of social housing. The subject needs to be tackled delicately and sensitively, and my hon. Friend did that.

The right hon. Member for Leicester, East (Keith Vaz) made his usual contribution to the recess Adjournment. As ever, he was witty as well as serious. He was right to point out that several lessons need to be learned from reality television and I hope that they will be taken on board. He was also keen to emphasise the outrage that members of the judiciary feel about the newly created Ministry of Justice. He underlined the fact that many members of the judiciary were not consulted or, if they were, the consultation was purely nominal. I hope that he will participate in consideration of the Legal Services Bill, which the House will debate on the first day back after the Whitsun recess. I would like him to be able to make some valid contributions to the debate.

My hon. Friend the Member for Ribble Valley (Mr. Evans) delivered a passionate speech about the difficulties of the rural way of life. He mentioned post office closures—a subject that recurred in several subsequent speeches. It is interesting to note that, when the current round of closures is completed, one third of the post office network will have closed since 1997. He was right to point out that post offices are often the lifeblood of local communities and that their closure is a sad loss to many.

My hon. Friend also mentioned food security, which is especially serious given that many farmers are considering giving up farming or diversifying. That is an important issue, which does not get enough attention. I hope that it will be taken on board today. He also mentioned labelling foods, especially those that are processed and manufactured overseas but then tackled in some token way in this country and marketed in our shops as British produce. The Trade Descriptions Act 1968 needs to deal with that quickly.

The hon. Member for Pendle (Mr. Prentice) made several points, most of them of a critical nature. He spoke with considerable passion. He discussed the lack of consultation with the judiciary and also the endless reorganisations by Governments. He reminded us that several reorganisations will happen under the Prime Minister-elect. If he will forgive my saying so, effective leadership, proper management and—dare I say it—perhaps a change of Government are required, not reorganisation.

The hon. Gentleman rightly pointed out that he asked the Home Secretary a simple question on 30 April about splitting the Home Office. It is a straightforward question that deserves a straightforward answer. Perhaps the Deputy Leader of the House will convey that to the Home Secretary.

The hon. Member for Manchester, Withington (Mr. Leech) made a passionate case for retaining the Marie Louise gardens. It is extraordinary that, despite the restrictive covenant, the local council plans to build more flats there. I hope that he will have joy in ensuring that the gardens remain.

My hon. Friend the Member for Blaby (Mr. Robathan) reminded us that he was speaking in his first Adjournment debate, and may I say what a welcome contribution he made? [HON. MEMBERS: "Creep!"] I am simply telling the truth. My hon. Friend spoke of the need to maintain the integrity of the electoral system—an issue of concern not only to the House, but to all of us who value proper democracy. He raised serious points on a wide range of aspects of the electoral process. In an intervention on him, my hon. Friend the Member for Ribble Valley commented on the Council of Europe. It is indeed a sad state of affairs that the Council of Europe, which monitors

[Mr. Shailesh Vara]

elections in places such as Albania, Ukraine and Russia, should be considering monitoring elections in the UK, which is of course quite keen on telling the rest of the world about the importance of free and fair elections.

The hon. Member for Somerton and Frome (Mr. Heath) spoke on the subject of post offices, too, and made particular reference to the fact that access to private transport is denied to many people who are elderly, disabled or young parents. I wish him well in trying to sort out the difficulties with the A303, which is clearly causing a lot of difficulty not only to his constituents but to the many people who drive through his constituency.

The hon. Member for Argyll and Bute (Mr. Reid) also touched on the issue of post offices, and he listed an impressive number of place names in his constituency, which I will not even attempt to repeat. He rightly concluded by commenting on the tax credit system. I am sure that almost all of us in the House have strong connections with that subject, by way of the post that we receive from our constituents. He spoke of the hardship that is experienced when people have to repay sums of money that they have been overpaid, and he particularly mentioned cases in which people informed the authorities of a change of circumstances but that information was ignored. I am sure that we all have considerable sympathy with what he said.

Finally, I hope that the Deputy Leader of the House will take on board the important point of order raised by my hon. Friend the Member for Woodspring (Dr. Fox). That is obviously a matter of great importance, particularly given that the recess will very soon be upon us.

I conclude by wishing a happy Whitsun recess to you, Madam Deputy Speaker, to all the staff of the House of Commons, to all Members and their staff and, importantly, to the security staff, some of whom will continue to work throughout the recess.

5.2 pm

The Deputy Leader of the House of Commons (Paddy Tipping): May I begin by reinforcing the point that the hon. Member for North-West Cambridgeshire (Mr. Vara) made about Lord David Renton? He had a distinguished career, both in this House and the other place, and that was preceded by a fine career at the Bar. He was a man who had bottom, as Denis Healey would say. He had interests outside this place, and he was extremely interested in cricket; that must run in the blood in Huntingdon, as his successor followed him in that regard. I note that Lord Renton was interested in people with a physical or mental disability, and I highlight his role as chairman of Mind for an important period in that organisation's history.

When I summed up in the Easter recess Adjournment debate, I wished Opposition Members a relaxed and enjoyable holiday, but I counselled my hon. Friends to get out and campaign for the elections of 3 May. As my right hon. Friend the Member for Leicester, East (Keith Vaz) said, we had some successes. Like him, I compliment my old friend, Councillor Ross Willmott, on all his achievements in Leicester. I would like to highlight the real success in North Lincolnshire and—let me blow the trumpet for my own part of the country—Nottingham, where the city council, under John Collins, gained five extra seats. So it seems that people heeded my words and got out on the campaign trail with some success, but as the hon. Member for Ribble Valley (Mr. Evans) will be keen to remind me, that success was not universal, either in the English counties, or in Wales and Scotland.

This has been a wide-ranging debate, moving from the colour of the cats in Immingham and the spots on washing there to a discussion about the EU. In addition, I shall of course take up the point made by the hon. Member for Woodspring (Dr. Fox) about the investigation into what I shall call the kidnapping in Iran.

It is interesting that hon. Members have welcomed this debate. My hon. Friend the Member for Cleethorpes (Shona McIsaac) said that it was a marvellous opportunity, and called it democracy at its best. The hon. Member for Ribble Valley took the opportunity to get rid of his pent-up feelings and to escape from the straitjacket in which some of us—and especially his colleagues on that side of the House—are very keen to keep him.

Many constituency issues were raised in the debate, and some important themes emerged. I think that the House dealt in a very sensitive and thoughtful way with the question of race, which is clearly a major preoccupation in this country. The hon. Member for West Chelmsford (Mr. Burns) talked about housing allocation policy—a real issue for many hon. Members—in a very professional and thoughtful way.

My right hon. Friend the Member for Leicester, East raised similar points about the "Big Brother" television programme. Channel 4 has acted in an ignorant and arrogant manner right from the beginning, when it pretended that there was no problem. Even today, its chief executive denied that any difficulties had arisen, but I hope that the channel's bosses will look at the Ofcom report very carefully and that their patronising attitude of the past will be replaced by something more humble and thoughtful.

Roads were a major theme of the debate, and I shall certainly draw the comments made by my hon. Friend the Member for Cleethorpes about the A180 and the Immingham bypass to the attention of colleagues in the Department for Transport. The hon. Member for Somerton and Frome (Mr. Heath) talked about the A303 and I have some sympathy with what he said, as the A46 between Newark and Widmerpool in my area needs to be widened. There, the debate is about whether the Department for Transport has central responsibility for the project, or whether it should come out of the budget devolved to the regional assembly.

The hon. Member for Blaby (Mr. Robathan) talked about the need for noise reduction measures on the M1. I hope that he will not consider me indiscreet if I reveal that I once drove him down that part of the motorway and delivered him safely home. However, I shall draw all his comments to the attention of the Minister of State, Department for Transport, my hon. Friend the Member for South Thanet (Dr. Ladyman)

Post offices were another theme of the debate. The hon. Member for Argyll and Bute (Mr. Reid) made the point that the Post Office itself believes that its commercial network will operate through 4,000 outlets. Let me be clear—the Government do not agree. We believe that post offices have a social as well as a commercial value, and that is why we have spent £2 billion already on supporting the network, and why we are making a further £1.7 billion available through to 2011.

I hope that that money will stabilise the network. We must remember that it is run by private franchisees, who want some certainty about the future. They did not enjoy the announcement that my right hon. Friend the Secretary of State for Trade and Industry made, but they have welcomed the certainty about the future that it contained.

Again, we must be clear about the fact that there has been a change in the demand for post office services. These days, 98 per cent of new pensioners claim their money not from post offices but through their bank accounts.

The hon. Member for Blaby said that he was a novice when it came to the e-mail, but we are all e-mailing now, even Luddites like me. That too has its effects on the post office network. I have just renewed my vehicle licence over the telephone. It was easy. Given those changes, there will have to be changes in the post office network. We do not like it. It is painful. It will affect my constituency, and it will affect our constituents. It will be hard and difficult, but hard and difficult choices will have to be made, and they will have to be made at a local level.

The Post Office is now saying that from this summer, over the next 18 months, it will examine groups of post offices in parliamentary constituencies, 50 or 60 at a time, and make choices to provide the most accessible and sustainable network possible. I understand that that will not be easy, and that people, particularly elderly people, will lose out.

Mr. Evans: I was here when the statement on post offices was made. It was emphasised that they were losing £4 million a week. My great fear is that there will be a hit list of the most loss-making post offices, which may well be in rural areas, and that they will be for the chop; otherwise, the Post Office will not be able to save the money. It is hardly likely to prune the network by closing post offices that are not losing money.

Paddy Tipping: I am glad the hon. Gentleman has reminded me that the Post Office is losing £4 million a week. There are 4 million fewer customers a week than there were this time last year. The hon. Gentleman is right to point out that there will be post offices that do very little business. I believe that the 100 least used post offices have fewer than 30 customers a week—four or five a day at best. That is the scale of the problem.

What we must do is ensure that the time over the next 18 months is used sensibly and rationally, with the aim of securing the most sustainable system possible. We must ensure not just that the post offices that are well used remain open, but that—a point made by both the hon. Gentleman and the hon. Member for Argyll and Bute—local communities are protected. As I have said, it will not be easy. It is a painful decision, and there is a painful path to tread, but I believe there is no real alternative to that path.

My hon. Friend the Member for Cleethorpes made some other points. I hope that her discussion with Associated British Ports tomorrow goes well. Yes, there are operating licences, but big companies like that have a responsibility to act in a neighbourly way too, and it is clear that it could make a difference in the area. I also wish my hon. Friend well in her discussion with the national health service about tolls on the Humber bridge. I have used the bridge twice in the last month to go to Hull, and I understand the feelings of people who have to go to hospital and find themselves incurring real as well as personal costs.

I am pleased that progress has been made with police community support officers, and I am delighted that the Under-Secretary of State for the Home Department, my hon. Friend the Member for Gedling (Mr. Coaker), is to visit my hon. Friend's constituency. I know that he will use the opportunity to remind the council that it has powers to tackle antisocial behaviour and issue dispersal orders. I shall draw my hon. Friend's comments about salt marshes in Cleethorpes to the attention of colleagues in the Department for Environment, Food and Rural Affairs. I hope that that will bring about the same kind of progress that she achieved before Easter.

I must tell the hon. Member for West Chelmsford—I had better be careful how I say this—that I have spent time in prison. I spent a long time in prison once.

Mr. Evans: Not long enough! "Stretch" is the word.

Paddy Tipping: I had the keys. I could leave when I wanted to.

What the hon. Member for West Chelmsford said about the prison population was exactly right, and he was right to quote the Prime Minister's words "Tough on crime, tough on the causes of crime". The mentoring scheme that he described really is important. The Government recognise the importance of not just working with prisoners in prison, but continuing mentoring outside prison. That is why we set up the national offender management scheme. I was very interested in the points that the hon. Gentleman made, and I will talk to the Minister of State, Ministry of Justice, my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), about the example that he gave. It is a good pioneering example and we can draw from it.

I have already mentioned what the hon. Gentleman said about social housing. Housing is a big issue for all of us. I remind him that the Government have made extra money available for social housing. Between 1997 and 2005, 300,000 new homes have been built. Housing investment has doubled; it is about £2 billion in the current year. I will have a little wager with him that when the comprehensive spending review is announced this autumn there will be yet more money for social housing. We all know through our constituency case loads that many young families are in real need; their needs are currently not being met.

The hon. Gentleman is right to talk about allocation policies. The Government have some influence in that respect, but again it is for housing associations and

[Paddy Tipping]

local councils to create sensible schemes that meet the needs of their communities.

My right hon. Friend the Member for Leicester, East talked about the Ministry of Justice and the work of the Select Committee. I have already praised him, so he has gone—knowing my right hon. Friend, he is already doing the press release. I followed the discussion in the Select Committee between the Lord Chancellor and Lord Phillips, the Lord Chief Justice, with interest. I note that, since the Select Committee hearing, the Lord Chancellor has been in direct touch with the Lord Chief Justice. It is important that we have a resolution to what could be an all-important constitutional point.

Those issues were also picked up by my hon. Friend the Member for Pendle (Mr. Prentice), who spoke about the royal prerogative. I remind him that only 10 days or so ago the Government changed their position on war-making powers and conceded that there was a need for new procedures and new conventions that more closely involved Parliament in such important decisions.

The hon. Member for Ribble Valley teased me and asked me what I expected to see from Prime Minister B, as he described him. I do not have a crystal ball, but I think that we will see an increasing focus on constitutional matters. I hope and expect that we will see greater belief and greater determination to involve Parliament more in the discussions. We should all celebrate that. If one were to ask me about a written constitution, it is interesting that both the Attorney-General and the Leader of the House are talking openly and are in discussions about the need for a written constitution. I believe that the tide is changing on that.

My hon. Friend the Member for Pendle got into some debate with the hon. Member for Ribble Valley about the European Council. A lot of discussion is going on in government about our negotiating position. I do not think for a moment that we will see the birth of a new constitutional treaty. Let us be clear that France and the Netherlands, where people had a chance to vote on it, turned down the constitution. I would be very surprised if we see any more than a framework document. When we have a document and something that is extant, rather than something that we speculate about, we will make a decision about a referendum, but the promise still stands: if there were to be big constitutional changes such as that, the Government's position remains that there would be a referendum. Let us see what emanates from discussions on the Council. I remind the hon. Member for Ribble Valley that there will be an opportunity for the House to debate that before the Council sits and that a statement will be made after the Council meeting.

Mr. Evans: I want to refer to an article in *Le Monde*, if only to prove that I am better read than the hon. Member for Pendle (Mr. Prentice) was in his contribution. I will return it to the Tea Room—honest. It is about Sarkozy, Brussels and the renewal that is taking place. Since he has become president, Sarkozy is clearly displaying a new attitude. My great fear is that the terms of the new constitutional treaty will go much deeper than was anticipated. For example, if we are going to have a president of the European Union who is directly elected, surely that should be a decision for the British people, if that is the way we wish to go.

Paddy Tipping: I thought that I had just given that commitment. Let me just say that there are different forces working in Europe and it is important to be at the heart of Europe to try and influence those discussions so that we get an outcome that is in the best interest of the UK people.

My hon. Friend the Member for Pendle talked not only about the Ministry of Justice, but about reorganisation and the mechanics of government. My view is that we are very good at making policy, but we are not good at—and we need to improve—change management. As my hon. Friend said, we must consider the dysfunctional costs of change. We may have big ideas about the future, but we need to be clear what our policies are, what our outputs will be and how to measure them. What we also need to do is not criticise public services. The people who work in public services do so because of their commitment and vision for the future. A good manager will praise people to get rewards rather than criticise them.

The hon. Member for Ribble Valley made an important point about the utility companies and the fact that people who do not have direct debits have to pay more. I have been looking at my BT bill, which makes it clear that I can still pay it at the post office. It really is unfortunate that big companies—big water and electricity companies, for example—are penalising some of the oldest and most disadvantaged members of our communities by insisting that they have to pay by direct debit. I hope that those who follow our debate will listen carefully to the points that have been made across the House about that.

The hon. Member for Ribble Valley also talked about agriculture. He is right to say that there is a big market for organics and local food. Booths supermarkets and others have now identified that market and are trying to buy locally, source locally and promote locally—and "taste the view" is a good example of that. He also talked about the plight of dairy farmers. I do not minimise the difficulties—they are real—but Booths and other supermarkets are introducing schemes to pay a better, increased price, sometimes for premium milk, which will help the industry. I would also like to praise the work of the women's institute. Consumers can change things and the women's institute has caused a very important change to be made as a result of its campaign.

I know that the hon. Member for Ribble Valley is a bit of a Eurosceptic, but we spend about £3 billion on the common agricultural policy. I think that we will move even further from paying for production towards paying for those things judged to be for the public good. The hon. Gentleman spoke about the value of the environment and the landscape to many people and I believe that, increasingly, we will make payments to farmers to maintain that landscape and environment rather than pay them for crops, which we have not always wanted in the past.

I congratulate the hon. Member for Manchester, Withington (Mr. Leech) on scoring at Stamford Bridge today—a fine performance there and a good performance here in the Commons—though I am very

sorry for the hon. Member for Somerton and Frome who, because of his duties in the House, did not score the best century ever at Lord's today. I do not want to comment directly on the two examples of the Marie Louise gardens and the Mersey valley warden service other than to say that covenants are very difficult. As the hon. Member for Manchester, Withington said, a covenant has to have beneficiaries and finding them can sometimes be hard. The wider issue is to take good advice on covenants. It is worth reminding all local authorities—not just those in Manchester—of the real value of Victorian parks and open spaces in urban areas. I agree with the hon. Gentleman that we have neglected them in the past.

Let me give the hon. Gentleman a bit of advice, although he might not need it. At Wigwam lane in Hucknall, in my constituency, a local playing field is being sold off. The local people have discovered a covenant and taken legal advice. They have perhaps not got as far with that as they might have done, but they have been able to establish that there have been 20 years of continuous informal use and have applied for village green status. People who are interested in the Marie Louise gardens might want to investigate that option. I am delighted that there now appears to be a better relationship with the appropriate cabinet minister in Manchester city council.

The hon. Gentleman also mentioned cuts in the warden scheme. I do not want to comment on that, save to say that the growing number of elderly people presents an important challenge to us all. It is one of the big policy challenges of the future. The number of people aged over 85 in the hon. Gentleman's constituency will double by 2020, and we will need to make more resources available for proper community services that meet people's needs, which can often cost more than residential accommodation. This is a big, real issue.

I was pleased to hear the hon. Member for Blaby describe himself as a "wicked Tory". That allows me to say, "It's the same old Tories. They haven't changed their spots at all." The hon. Gentleman talked about electoral matters, including new processes and new methods of voting. It is important that we experiment with those, and that we go forward carefully with them and evaluate the evidence. We must also look carefully at things that go wrong, and things clearly went wrong in the Scottish parliamentary election. That is why there is now an inquiry involving the Electoral Commission and independent international expertise.

Rather than talking about methodology and processes, however, the important thing that we, as politicians, need to do is to inspire and excite people about politics, so that they will want to be part of the democratic process and feel that they can make a difference. It is important to recognise that in parts of the country on 3 May, only 21 per cent. of the people came out to vote, whereas 85 per cent. turned out in the French presidential election at about the same time. We need to encourage people to believe that they can make a difference.

The hon. Gentleman also mentioned Leeds. I have looked at the article in *The Sunday Times* very carefully. This is a matter for the West Yorkshire police, who are investigating the issue, but it seems to me that the electoral code on postal voting produced by the Electoral Commission has not been followed properly. However, I am not immediately convinced that an electoral crime has been committed. That is a matter for the police and the returning officer; let us wait and see what they have to say.

I am pleased to support the hon. Gentleman's call for single-Member first-past-the-post systems. One of the things that is important to us as parliamentarians is our clear link and relationship with our own areas, our own people, our own voters. I would be anxious if we were to move away from that.

The hon. Member for Argyll and Bute spoke strongly about post offices, and I have already addressed that issue. He also mentioned another issue that all parliamentarians are concerned about, namely the tax credit system. He acknowledged that tax credits were important for low-paid families, particularly those with children. Six million families are now benefiting from them. The amount of overpayment is coming down year on year, although more needs to be done. The disregard of £25,000 from 1 April this year will also make a difference, because it is unlikely that many people's income will vary by that amount over a year. The hon. Gentleman is right to remind us, however, that we need to be vigilant and to push Her Majesty's Revenue and Customs when overpayments take place. It is a difficult matter and we need to give people proper advice and confidence in the system.

This has been a good debate. I am conscious that I have not answered all the points but I am going to stop now—*[Interruption.]* I have got the message from the Conservative Whip and my Whip, my hon. Friend the Member for Tynemouth (Mr. Campbell), who is glaring at me. We will look carefully at the points made by hon. Members and if we have not addressed them, we will draw them to the attention of the appropriate Ministers and ensure that Members get a reply.

I wish all hon. Members a very relaxing holiday and, more particularly, I thank the staff of the House and you, Madam Deputy Speaker, for your hard work and wish you a relaxing holiday.

Lord Commissioner of Her Majesty's Treasury (Mr. Alan Campbell): I beg to ask leave to withdraw the motion.

Motion, by leave, withdrawn.

Every Child a Reader

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Alan Campbell.]*

5.30 pm

Mr. Mark Todd (South Derbyshire) (Lab): This is certainly the second and possibly the third time that I have been selected for an Adjournment debate just before a recess, and therefore detained a Minister, and a Parliamentary Private Secretary, who might have other things that they would like to be doing. I hope that he will find it worth while, because this is an important subject that deserves further discussion in this House.

The subject is the Every Child a Reader scheme, and I shall start by placing what I am going to say in the context of the Government's achievements in literacy. The substantial improvement since 1997 in the performance of schools in producing pupils who are at least basically literate has been significant and welcome. There have been a number of innovative and highly successful initiatives to strengthen the ability to build literacy through other means as well. Sure Start is an excellent example, and one of the mini Sure Starts is in my constituency. But other initiatives, such as Reading Champions, which is focused on boys, and the Bookstart programme to deliver books to families, are all intended to provide a holistic approach to improving literacy skills. The worrying element is that there remains a tail of non-achievement amongst a minority. Roughly 20 per cent. of boys and 13 per cent. of girls leave our schools with literacy levels below the accepted range for that age.

Every Child a Reader is aimed at exactly that tail: identifying early those who will struggle with literacy and providing remedial programmes for them. The previous Adjournment debate on the subject came just before the publication of two reports that evaluated the success of the programme, so I thought it would be opportune to discuss this again, now we have in the public domain the research that shows what has been going on.

The first piece of research I will refer to is by KPMG. KPMG is one of the sponsors of the programme; it is worth saying that the programme is not wholly funded by the Government. It is match-funded by the Government and linked to a range of private and voluntary sector funding bodies who share the Government's goal of wishing to improve reading skills. KPMG's research focused on the costs of failing to remedy poor literacy skills. It showed that the cost to the state per person up to the age of 37, where the data become difficult to work with, was £45,053 per individual. That amounts to around £2 billion a year.

Those costs are often incurred in ways that most of us could readily identify, and which would lead us to say, "Well, that's fair enough; I can see that." A good example is additional special educational needs support in secondary schools, which is expensive. Slightly less obvious are costs relating to exclusion and the consequences of negative experiences in school, which are often linked to poor literacy. Another cost is that someone who leaves school with poor reading skills is likely to face longer periods of unemployment, or employment on very low earnings—and as we know, one outcome of unemployment can be poor health, and it can also result in a greater likelihood of that person being involved in criminal activity. It is not difficult to see how the figures for the economic consequences of failing to deal with poor reading skills at an early age are worked out.

Other costs are not even estimated. One of them involves the intergenerational link. Once poor literacy has been established in a family, it is likely that those low reading skills will continue for generation after generation, because the child's home will not have the role models, or the books, that can help them to build on whatever they have achieved in school.

I will address the success of Every Child a Reader shortly, but first let us consider the return on the investment in that programme. The cost is just under £2,500 per pupil, so the return is about £15 to £18 for every pound spent. I used to be a business man, and if someone had offered a return of anything like that, I would have found myself standing in a long queue of those willing to invest their money. That return makes it incontrovertible that early remedial action to deal with poor reading skills has a huge societal and economic benefit, and is well worth taking.

Let us look at other research on the scheme. It funds specially trained reading recovery teachers in infant and primary schools teaching five to six-year-olds. It is targeted on that age range, based on experience of success elsewhere. The scheme is not novel—it came from New Zealand—and there is plenty of learning experience behind it, which shows that it is best applied in that period of a child's education.

The first year of the three-year pilot that is still in progress has been evaluated. It showed that in schools funded through the programme, there was an average gain of 21 months in the reading age of the children targeted in four to five months of teaching—just 38 hours of committed time by a teacher. In contrast, similar children in schools without that level of support fell further behind. Regrettably, the experience is that once poor reading skills are established, the child becomes depressed and demotivated in school—and that instead of progressing, they fall back.

Unsurprisingly, the benefits of better reading skills are not confined to being able to read better. They have a huge impact on behaviour in schools, commitment to other subjects in the school curriculum and matters such as school attendance. They have a major rounded effect on the child in the school community, and also on the school community itself. Encouragingly, the research shows that the gender gap between boys and girls is narrowed, too. Boys gain slightly more from this intervention than girls. The gap is illustrated by the fact that 63 per cent. of children taking part in the programme are boys. We all know that disproportionately more young boys have difficulty learning to read and achieving in school.

There is also evidence that the presence of a trained literacy teacher has consequential effects elsewhere in the school community. Primary schools in my constituency are smaller than the national average, as it is a primarily rural area. One or two children who require disproportionate teacher time can have a severe impact on the wider school performance. I remember vividly one example of a small school in my constituency which had 40 to 45 pupils in a confined teaching space. There was a genuine anxiety that one

child who was failing badly, and, possibly as a consequence, also had behaviour problems, would have a negative effect on the wider school community. I can therefore understand how such things have a wider resonance for the school community as a whole.

Derbyshire was identified as part of the pilot from the start. Elmsleigh infants and Stenson Fields primary in my constituency have participated in the pilot to date, and Woodville infants will join the scheme this year. They are all excellent schools and serve slightly different areas. Elmsleigh infants primarily serves a former local authority housing estate and its environs, Stenson Fields serves the only ethnically mixed area in my constituency, with a large Sikh community, and Woodville infants serves a mixed area of new housing estates and some older traditional terraced housing. They represent a good range of the challenges in my area.

Every Child a Reader, as it applies in Derbyshire—and as is probably true elsewhere too—is not fully funded. The council has had to provide some top-up funding, and has voluntarily extended the scheme to reach other schools beyond those originally funded. However, it remains the case that even with that extension, only 12 Derbyshire schools will be part of the programme in this school year.

Zoe Davis is a teacher at Elmsleigh and has taught 13 children since the scheme started. The children selected were those with the most significant deficits in reading skills. Zoe feels that many more children would benefit from such intervention if it could be funded. I shall depersonalise the assessment of one of the pupils to illustrate the impact of the scheme. In 13 weeks, the child advanced from a reading age of four years 10 months to one of six years one month. The pupil also experienced a huge increase in confidence. Not only is she now able to read, but she feels much more confident in addressing the other challenges of school life. The teacher says that before the scheme she was painfully shy, but is now much more at ease with the tasks that she faces every day.

In an example of parental reaction to the scheme, Sally Shreeve, a parent at Elmsleigh, has said that it has made a huge difference to her daughter, Daisy. Sally says:

"Before she was frightened to pick up a book and now she is reading all the time."

There are personal experiences that back up the data. The scheme is having tremendously positive results. Derbyshire's senior adviser for school improvement, Judith Oakes, believes that children in every school would benefit from the programme. It has been a resounding success.

The pre-Budget report announced that the programme will now be rolled out nationally, reaching 30,000 children by 2010-11. My first question to the Minister is: how is that to be done? What discretion will local authorities have in deciding how to allocate the resources? Can they be targeted at particular schools? As I said, there are issues. Four in 10 children who leave school with a reading age below that expected of them come from what would be described as deprived backgrounds, but six in 10 do not. Although it is certainly true that coming from a background where reading is not so common, where there may be no books in the house, and where incomes are low may be a bias towards poorer reading skills, it is certainly not a precondition for them. There are also many children from more affluent families who for various reasons have poor reading skills.

I can see the temptation to focus resources on the areas of greatest deprivation, and I think that that will miss significant numbers of children. I am proud to say that my constituency is a great deal more affluent than it was 10 or 15 years ago, and people also have much higher aspirations, but I would not want the assumption to be, "There's no problem in a place like that. The resources should be targeted at poorer areas, where deprivation is more entrenched." I want to ensure that the programme is applicable to any school where there are children defined as having difficulty reaching the appropriate reading age.

My second question is: how is the roll-out to be funded? As I have indicated, the programme is already not wholly funded from central Government resources. The local authority is expected, and has volunteered, to make a contribution towards the costs. Will that be the case when the programme is extended, or will it be wholly Government funded?

It is also important that we are clear about the additional costs that the primary school sector bears. It does not get the whole benefit of the investment. If one looks at the investment figures that I gave at the start of my speech, one sees that the return is achieved during the life of that young person through to adulthood. The gain during the primary years is relatively small. It is therefore important that if primary schools are asked to achieve substantial gains with these young people, they receive targeted funding to do that. If it is left as a discretionary item, it is fairly predictable that other choices may well be made. The resources need to be clearly focused on meeting the national objectives, which, as I said, can be driven down from the KPMG helicopter view of the national benefits that we can achieve to that individual child and the story that I told of her mother's reaction to what had been done on her behalf. I look forward with great interest to what the Minister has to say on the subject.

5.49 pm

The Minister for Schools (Jim Knight): I congratulate my hon. Friend the Member for South Derbyshire (Mr. Todd) on securing this debate. It is clear that he recognises the critical importance of ensuring that every child acquires a love of reading and effective skills as a reader. He recognises, too, the important contribution that Every Child a Reader has to make. His comments will interest many parents, and I am sure that many teachers in South Derbyshire will welcome the support he has expressed.

I welcome the opportunity to describe the way in which the Government are working to ensure that every child makes excellent progress in reading. The lives of too many adults are blighted by illiteracy, and we are committed to eradicating that scourge. I want to talk about the wider measures that the Government have introduced before focusing on specific interventions, including Every Child a Reader.

The ability to read underpins all educational achievement, and there is a clear link between reading

[Jim Knight]

for pleasure and academic performance, not just in English but, as my hon. Friend said, across the curriculum. Without the ability to read, children cannot play a full part in society as they grow up. The ability to read is essential, not merely because it is the foundation of all other learning but because of the joy it brings to people throughout their lives. Ensuring that children are fluent readers is a vital part of our goal to give every child the chance to fulfil their potential. We cannot afford to overlook pupils or leave anyone behind. A society with high literacy is not merely a better-educated society: it leads to higher skills, reduced crime and better health. Creating such a society means, first, doing all we can to ensure that children's life chances are equal and, secondly, helping those children who fall behind to catch up with their peers.

The Government have significantly improved educational achievement, particularly in primary schools. In 1997, a third of children left primary school without mastering the basics in English and maths. Today three quarters achieve the expected standard in maths and about four fifths in English. In fact, the 2006 key stage 2 results at the end of primary school are the best ever.

Much of that achievement can be attributed to the success of the literacy and numeracy strategies, and now the primary national strategy. Nor is progress limited to the affluent. Greater numbers of pupils from all socio-economic groups are improving their results. Just as important, the performance gap between well-off and more deprived children has decreased, which is critical if we are to promote greater social mobility by narrowing the achievement gap. We are committed to going further and to ensuring that every child can fulfil their potential. A significant minority of children still experience problems with reading that could lead to poor outcomes in later life. We cannot wait for those problems to become manifest at 11, so we must identify those children earlier.

As part of our emphasis on personalised learning and meeting the needs of each child, we need to deploy a variety of different strategies if we are to be truly effective. For example, last week at the school librarian of the year awards, I was delighted to unveil the latest title in the School Libraries Association's "Riveting Reads" series. "Boys into Books" is aimed at boys who stop reading for pleasure in their early teens. At the event, I was delighted to meet Ingrid Hopson, who is school librarian of the year and is just one example of the many school librarians who are enthusiastic advocates for the power and joy of reading, inspiring many young people to explore worlds that they would otherwise never encounter. Drawing on the expertise of its members, the association has done an outstanding job in coming up with a list of 150 books designed to appeal to young people, especially boys, whatever their interests and talents. Every secondary school with boys on its roll has the chance to pick 20 books from the list for its school library, and we hope that many parents will find it a useful resource, too. Like me, my hon. Friend might have enjoyed some of the classics on the list such as "Kidnapped", "The Hobbit" and the more recent "Northern Lights". He might be less familiar with modern classics such as "Captain Underpants and the Preposterous Plight of the Purple Potty People" and "The Stinky Cheese Man", but I can assure him that they are well worth the read.

Turning to the importance of helping children to read and enjoy reading at a young age, last October, we launched the reinvigorated primary framework for literacy and mathematics, which has already helped to raise attainment levels among all pupils in primary schools, particularly those facing the greatest disadvantage. The literacy element of the framework is grounded in the independent Rose review of the teaching of early reading. The framework incorporates Jim Rose's view that systematic phonic work, set within a rich language curriculum, is the best route for most children to become skilled readers. Meanwhile, to ensure that we get children off to the best possible start in life, we will introduce the early years foundation stage from September 2008. By overcoming the artificial divide between care and learning, we will improve opportunities for all children. Both the primary framework and the early years foundation stage are all about getting it right first time.

It is critical, however, that the right systems are in place to give a child a second or third chance if they fall behind. We need to step in with extra help to put them back on track for success. As my hon. Friend pointed out, the Every Child a Reader programme is already doing just that for many children in the pilot areas. It is designed to share the best of the intensive reading recovery programme, which supplements classroom literacy and is directed at the lowest achievers in reading in the class.

Specially trained teachers provide intensive one-to-one tuition for children with significant literacy difficulties at the end of their first year of primary school. Authorities can decide locally to introduce such intervention and it is particularly beneficial in areas of high deprivation. As we have heard from Derbyshire, its success is undeniable; four fifths of children who complete a reading recovery programme as part of Every Child a Reader are returned to average or above-average literacy levels after about 38 hours of one-to-one teaching.

It is an extremely intensive—and therefore expensive—programme, which limits the likely scope as we roll it out nationally. Every Child a Reader builds on the success of reading recovery by placing specialist literacy teachers, trained in reading recovery, in schools to support children who are most in need. By utilising reading recovery, which is a long established initiative with proven success, while widening its influence, Every Child a Reader offers benefits to a far greater number of pupils, and it has successfully expanded that intensive activity. It is clear that many children in my hon. Friend's constituency are already benefiting from the programme, and I commend his efforts to raise its profile and ensure that it reaches even more children, such as those he described, who would profit from its support.

My hon. Friend asked about the roll-out. I assure him that we are wholly committed to that, which is why the Chancellor announced the national roll-out of Every Child a Reader in his pre-Budget report. As he said, the programme will be extended so that 30,000 children a year benefit from it by 2011. The phased roll-out will begin in 2008-09, and in the last year of the pilot for the 2007-08 period additional teachers and

local authority teacher leaders will be trained to increase capacity in the system and help to ensure that we can meet the target of reaching more than 30,000 children. We are still discussing some of the detail of the roll-out, and in our discussions about targeting I will bear in mind my hon. Friend's comments about identifying individual need for the programme, rather than simply focusing on areas of multiple deprivation. I have considerable sympathy with that view.

My hon. Friend asked about funding. We have yet to work out whether we shall continue the relationship with co-funders, but the £10 million that the Chancellor announced in the pre-Budget report was obviously welcome. Some schools may choose to use the personalisation money that has been agreed for them, to extend the excellent work of the programme.

The national roll-out of Every Child a Reader will support our least able children in learning to read. If we want all children to succeed in life—as we do—we must make sure that they are able to read for enjoyment, learning and life.

Question put and agreed to.

Adjourned accordingly at two minutes to Six o'clock.

Westminster Hall

Tuesday 8 May 2007

[MRS. JOAN HUMBLE *in the Chair*]

Sustainable Transport

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Tom Harris.]*

9.30 am

Martin Linton (Battersea) (Lab): I appreciate having an opportunity to raise what is a topical issue, given that the campaign by the cyclists lobby and the *Evening Standard* to get more bikes on trains is in full swing.

If one stands outside a railway station and counts the number of people who turn up on their bikes, what one sees will say an awful lot about a country. In some countries, one sees masses of bikers cycling to work along cycle-only routes and putting their bikes in massive cycle parks outside stations. In Denmark and Holland, 35 per cent. of people who arrive at stations do so by bike, and even in Germany, the figure is 15 per cent. In the UK, however, it is 2 per cent., and we would need a tenfold or fifteenfold increase to reach the levels considered normal on the continent. I am tempted to say that we need a step change, but I fear that that would be a very pedestrian analogy, so let me say that we need a gear change to reach the necessary levels.

Let me assure my hon. Friend the Minister that this is not a moan against the Government, and I am not saying that they have done nothing—far from it. Ministers have been enthusiastic supporters of bike and ride and have led the way in many respects. Nor is this a moan against the train operating companies, many of which have also been enthusiastic. In East Anglia, they have been pushing for measures for a long time and have managed to increase the number of people arriving by bike to a massive 3 per cent. The Bittern and Wherry lines community rail partnerships, which must be somewhere in Norfolk, have not only fitted cycle racks and cycle lockers in every station, but have a discounted cycle hire scheme for train ticket holders.

Many local groups are also campaigning for measures to be introduced. In my area, I have campaigned with some success with the Wandsworth Cycling Campaign for more cycle parking at stations, and we now have a lot more cycle parking at Clapham Junction station, although there is not yet enough. We have also campaigned for wheeling ramps on the stairs, although so far without success, and I shall return to that. I pay tribute to those involved in the campaign, which has just won the cycling for adults award at Transport for London's cycling communities awards for an innovative scheme to give professional cycling training to local opinion formers. Indeed, my hon. Friend the Member for Tooting (Mr. Khan) and various councillors have benefited under the scheme. The campaign is very active. The Cyclists Touring Club and the *Evening Standard* are also running a nationwide campaign on bike and rail in the run-up to the introduction of the Government's White Paper on rail.

The purpose of this debate—I am glad to see that hon. Friends who are keen cyclists are here to take part—is to give a parliamentary focus to the campaign to introduce appropriate measures. It has been organised by the all-party group on cycling, and I hope that my hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry) will succeed in catching your eye, Mrs. Humble, because she has been at the forefront of the group's work.

What do we want? We have a very short shopping list to start with. We want wheeling ramps on steps, and that sounds like a small point, but it is quite important. We want much more cycle parking, cycle hire at stations and a national approach to cycle carriage. We want better information about when people can and cannot take their bikes on trains, when and where they may need to make reservations, which trains have specific places for bikes and where on the platform we must stand to reach such places. We also want more consistency between train operating companies.

One of my beefs is that the railways do not make it easier to go cycling in the country. One of the most pleasant ways for my partner and me to spend a summer weekend is to cycle down winding country lanes past village greens and country pubs, with scarcely a car to be seen. Occasionally, we might cross a busy road, but then we are back into the idyll of rural England. Generally, people who want to cycle in the country have to get there by car; they have to put a rack on the back of their car and drive off to the country. However, they could easily get there by train if the railway system advertised cycle routes at stations and allowed round-trip reductions. Given the way in which the ticketing system works, people have to pay quite high fares unless they do a round trip.

The important starting point for this debate is to recognise that the different kinds of cyclists who use trains have differing needs. Commuter cyclists bike, park and ride; they cycle to the station, leave their bike and catch a train. They need much larger and more secure cycle parks, and most stations should be thinking about a threefold or fourfold increase in their present cycle parking facilities.

Some commuters bike, ride and then take a second bike; they take their bike to the station, catch a train and then use a second bike at the other end—at a London terminus or wherever. That would be an argument for having cycle hire shops at stations and for having cycle parking on platforms. In that way, people could get off a train and use a second bike to cycle to work. There is acres of space on the platforms of London terminuses which could be used for that purpose.

The third category of commuters are the doorstep-to-doorstep cyclists, and their problem is carriage. They take their bike to the station, put it on the train and then take it from the station. They need to be able to get their bike on the train, and that is not a problem if they have fold-up bikes. However, most people do not want to ride fold-ups, but to get on a train with a normal, assembled bike.

I said that I would return to the point about wheeling ramps, and the quickest hit that the Minister could make would be to force all stations to install them on stairs. The cost would be next to nothing and they would take up no space, because they can be fitted

[Martin Linton]

under a handrail, where no one can walk in any case. Give me a few hundred pounds and I could do Clapham Junction in a morning—it is that simple.

To take one example of the problem, my partner took her 10-year-old daughter cycling this weekend by the Thames. It was a lovely weekend, but the hardest bit was getting the cycles up the stairs at Clapham Junction. A 10-year-old cannot carry her bike up, and my partner, strong though she is, cannot carry two bikes up at the same time. A simple wheeling ramp to enable people to push their bikes up the stairs would solve the problem. Network Rail will think up lots of reasons why it cannot instal ramps, but I can assure the Minister that they are rubbish. Installing ramps is easy, practical and cheap and could be done straightaway.

The next problem is where to put the bike on the train. In the old days, of course, one would just look for the guard van, which could carry up to a dozen bikes without any problem. Now, however, that is pretty well impossible for commuting cyclists because cycles are banned in the rush hour. At Clapham Junction, that applies not only to trains going into London, but even to those going out of London. That policy derived from the Strategic Rail Authority—may it rest in peace—which laid out cycling policy three or four years ago in its cycling policy consultation document. The SRA had all the best intentions, including maximising the number of cycles on trains, but the document was laced with weasel words such as

"so far as reasonably practical"

and

"subject to the availability of appropriate space".

The problem comes down to the fact that cycle carriage is treated as a luxury. Providing access for wheelchair users and parents with prams is regarded as an obligation, but cycle carriage is regarded as a luxury. A survey of commuters showed that 1 per cent. would take their bikes with them if they could, but that 28 per cent. thought that it was a bad idea to allow bikes on rush hour trains, because they would get in the way. It concluded:

"It is difficult to legitimise a worsening of conditions for 28 per cent. of passengers for the benefit of 1 per cent. of passengers."

Stated like that, it sounds quite reasonable, and that approach led to the view that the train operating companies should each decide their own policy and, indeed, that they should feel free to charge up to the price of a single ticket for bicycle carriage.

We need to look beyond that. There is a problem of mindset. The authority accepted the need for space for pushchairs and wheelchairs. It would never tell mums or parents that they could not take their children on a rush hour train, or tell wheelchair users that they could not use rush hour trains, but it happily tells cyclists that. Of course it is not essential for people to cycle, but let us look at the question another way. The number of people who live within 10 minutes of a station is 15 times greater if those people are cyclists than if they are people who walk to the station. That is the simple application, I am told, of pir^2. A walker must live within half a mile of a station to be there in 10 minutes; a cyclist need only live within two miles of the station. Using pir^2 it is found that the area in which cyclists are within 10 minutes of a station is 16 times greater. In other words, if we want more people to travel by train, we must encourage them to come by bike and bring their bikes with them. They will get to work quicker at the other end, too.

At the moment each train operating company has its own policy. They all have totally different and confusing rules, and I shall give a few examples of those. Eurostar has a complete ban on bicycles. Its rules state that Eurostar does not have traditional brake or baggage vans and therefore cannot accept accompanied cycles unless they are folded. In Scotland things are a bit more liberal. First Scotrail says that the London to Scotland Caledonian Sleeper can accept up to six cycles, except for the Inverness to London service, which can accommodate three. Rather mysteriously, it says that a special road vehicle will carry cycles between Inverness and Thurso during the summer of 2006. On Hull Trains there is a different system again, in which up to two cycles can be conveyed, which must be stored in the train manager's office in coach D. People must know the rules of their local line. On the Isle of Wight, the Island Line reserves the right to restrict the carriage of cycles when the punctuality of the train may be jeopardised. Ominously, the rules state that implementation of the restriction is at the conductor's discretion; I have visions of trying to get on a train at Cowes. The Stansted Express carries only bikes that are flat packed for air travel. That is an example of a train operating company that bans normal commuter bikes completely.

A single national rule would be much better for cyclists. The CTC has suggested four spaces on existing trains and six on new or refurbished trains, and then one more place for every 24 seats after the first 100. That provision would be split so that half would be dedicated provision for cycles and half would be flexible—seats that could be folded up for people to park bikes. At least one space should be available for tandems, tricycles or trailers, which are usually ignored in cycle provision. The CTC also wants places to be provided on replacement bus services. At the moment, a cyclist who gets on a train at the weekend, when engineering works are being done and a bus service is provided, must get on their bike instead of the bus and see whether they can keep up with the bus on the way to the next station, because bikes are not accepted on replacement buses. A simple national rule would be that all train companies should be forced to provide space for at least 10 bikes per train. That would be a good start.

The European Parliament has taken a lead on this and in January MEPs voted for a specially designated area to be provided on every train, for bicycles, baby carriages and sports equipment; they wanted this to happen by 2008 on international trains and 2012 on domestic trains. I hope that the Government will not resist that demand, which seems a good starting point for getting what we need. We should not be negative about bike and ride. We should welcome the power of cycling as, apart from anything else, part of the battle against climate change. We should make bike and ride easy, because it is a match made in heaven. Bikes and trains are the two most sustainable forms of public

transport; they create a perfect synergy for clean, green travel, and they are quicker and cheaper at the same time.

There are some signs that things are going in the right direction, and others that they are not. At St. Pancras, for instance, only 30 spaces have been provided for bikes; but I see that next door, at King's Cross, there is a planning application for a cycle storage area that would accommodate 800 bikes—much more like it. The Department for Transport referred in its last White Paper to providing 2,900 additional cycle parking spaces, of which, so far, 2,500 have been provided. That is a great advance, although something of the order of 10,000 is more like what will be needed.

The same patchwork of arrangements applies to reservations. Three train operating companies allow bikes to be put on all their trains, with no reservation. Another six allow them to be put on all trains, but require a place to be reserved. One company allows bikes only on off-peak services, but without any need to reserve a place, and there are 15 companies that permit bikes only on off-peak services, and require a reservation. That is another aspect of the matter in which a much simpler, national approach would be appreciated. Pre-booking should always be available as an option, but it should not be mandatory, because that is difficult for cyclists to live with.

I probably do not need to stress the health arguments for the approach that I am advocating. Regular cycling can halve the chance of heart disease and reduce resting heart rate, obesity, high blood pressure and type 2 diabetes; it improves strength, stamina and posture, and typically gives people the fitness level of someone 10 years younger. The members of the all-party group on cycling provide a testament to that. It adds two years to life expectancy, as well as creating no air pollution and very little noise pollution. More important, perhaps, from the point of view of individual cyclists, is the fact that not only can people beat the bus on a bicycle; they can plan their day better. They know when they will arrive and can time their day better, as they are not at the mercy of waiting times for buses and trains. They also make time in their day for exercise without having to sacrifice anything else. As hon. Members on both sides of the House will, I am sure, attest, cycling can cut London commuting times by up to an hour.

I urge the Minister to go with the cyclists on this. An important first step, although it may sound like one of the least important, would be the setting up of a UK national cycle-rail forum. Cyclists themselves are in the best position to advise on ways of increasing the bike and ride rate. If we all agree that the rate in this country is too low, as I think we do—the Minister is convinced of it, the Government are trying to raise the bike and ride rate, the train operating companies, by and large, have an interest in gaining more custom in that way, and everyone agrees that it would be good for health—we should listen to cyclists and find out what is inhibiting people from using bike and ride.

Mr. David Drew (Stroud) (Lab/Co-op): Will my hon. Friend accept that a real barrier, which is not mentioned anywhere, is that when people put their bikes on a train—particularly on a First Great Western 125—they have no idea how long they have to do it? By the time they have put it in the guard's van and tied it up, and run to the carriage, they must sometimes literally jump on the train. There is surely a need for some consistency about the physical aspects of putting a bike on a train, and that point seems never to be made. I wonder if my hon. Friend would like to comment.

Martin Linton: I take that point entirely. There should be cycle racks in the guard's van. If there is dedicated space for bikes on a train, there should be racks on which bikes can be put easily, rather than being slung up against the side. There should be a system whereby bikes can be parked quickly and efficiently. On most trains, the guard's van is connected to the rest of the train by corridor, so the problem that my hon. Friend mentions must be a quirk of First Great Western trains.

It is important that we address this matter at this level of detail and understand what the inhibitors are. Everyone agrees on the goal for this area of policy, but worries about the practical difficulties. To overcome those difficulties, we need train operators, cyclists and the Department for Transport to sit around a table and discuss them so that we can remove the impediments and let the number of cyclists increase.

9.50 am

Sir George Young (North-West Hampshire) (Con): I congratulate the hon. Member for Battersea (Martin Linton) on securing the debate and on his eloquence in speaking on behalf of the country's cyclists. As he said, the debate is timely, as the Government are drafting their White Paper and our constituents are e-mailing us asking for a more friendly interface between cycle and rail. It is also timely, because London is preparing to host the start of the Tour de France on 6 July.

I was interested to read in *Hansard* an earlier debate on this subject, at the end of which the responding Minister said:

> "I hope that we shall return to this subject many times in the future and that this debate will have the effect of encouraging Ministries and local authorities to adopt a forward-looking policy."

That debate was in 1975, and the Minister, Denis Howell, was replying to an Adjournment debate initiated by the then hon. Member for Ealing, Acton. I am delighted to see my successor-but-two, the hon. Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter), in his place this morning.

At that time, I was also the chairman of the all-party group on cycling. In the intervening 32 years, I have progressed to become a patron of that august group. I am sure that I was not nearly as active a chairman as the hon. Member for Islington, South and Finsbury (Emily Thornberry) has been in putting forward a programme for parliamentary colleagues. We did, however, start a parliamentary cycling pool in the 1970s, to encourage back on to two wheels Members who had lost the habit of cycling and did not want the hassle of buying and maintaining a bicycle. The pool had a large number of members, who each got a key to a box in the Members' cloakroom. In the box they would find another key to a padlock, which gave access to a bicycle on which they could be let loose on the streets of London. The pool encouraged a large

[Sir George Young]

number of Members back on to two wheels, but it was not an unmitigated success because many bicycles migrated to Members' constituencies and we never saw them again. In 1979, anticipating the Thatcher reforms, I privatised the cycle pool and sold it off to its members.

The 1975 debate was answered not by a Transport Minister, but the Minister for Sport, which reflects that cycling was then seen more as a recreation than as a valid means of transport. In that debate, the villain of the piece was British Rail. Like the hon. Member for Battersea, I had a shopping list of requests, one of which was for

"a bicycle unit within the Department of the Environment...which could advise local authorities, British Rail and others on measures to encourage cycling."

The Minister replied:

"I cannot accede to the request that my Department should set up a separate cycling advisory unit."

Happily, we have had alternative Administrations in the meantime, and that particular deficiency has been put right.

I went on to ask for a cycling allowance. I said that if the Minister wanted a trial scheme,

"he could start with Members of Parliament, many of whom need some gentle daily exercise to keep them in proper condition."

The Minister replied:

"Speaking on behalf of 98 per cent. of hon. Members who find the present mileage allowance totally inadequate to cover the cost of driving their cars on parliamentary business, I must say that I cannot encourage the hon. Gentleman in that direction."

He also said,

"I do not think that hon. Members generally would support that proposition."

Of course, we now have a cycling allowance, although I have never claimed it. I hope that the Minister who is responding today has a different speech writer from the one who drafted the ministerial reply back in 1975.

I also asked for cycle routes through the Royal parks and for cyclists to have a head start over cars at traffic lights, and I am happy that some progress has been made in those areas. I then had a go at the specific subject of this morning's debate—cycle-rail integration. I said:

"No debate on improved facilities for the cyclist would be complete without paying tribute to British Rail's fearless campaign to keep bicycles from its stations and off its trains."

I went on to mention inadequate parking facilities, high tariffs and inadequate carriage facilities—some of which have been mentioned by the hon. Member for Battersea today—but I made little headway. At that time, British Rail was, of course, a nationalised industry. However, in his reply the Minister said:

"Thankfully, the Government have no responsibility for the individual management policy of British Railways. I have very little hope or confidence in an organisation which forces the travelling public to drink coffee out of cardboard cups". —[*Official Report*, 11 July 1975; Vol. 895, c. 1018-30.]

He then invited me to approach British Rail directly myself to see whether I might make better progress. It is a paradox that Ministers appear to have more control over the now privatised rail industry than they had over the nationalised industry some 30 years ago.

This morning, we need to outline some short-term measures, as the hon. Gentleman has already done, and some medium-term measures. In the short term, we need clarity, certainty and, where possible, consistency. We need clarity as to what the rules are and to be able to find that information easily. I accept that those rules might have to vary between train operating companies in the short term, depending on their capacity and the configuration of rolling stock.

We need certainty that when a traveller is told that he can take his bicycle on a train, he can do so, rather than getting there and being told by the conductor that he cannot. I agree with the hon. Gentleman that we need the ramps that he mentioned.

In the medium term, we should consider rolling stock and franchise agreements with a view to tilting the terms of trade more towards the cycling railway traveller. We need more flexible rolling stock in which seats can be tipped up to make more space for bicycles. We need more cycle-hire facilities at main railway stations and more convenient cycle racks. At Waterloo, one has to walk halfway to Clapham Junction, along platform 12, to access the cycle racks. As franchise agreements are redrafted and train operating companies are invited to bid, the Minister would do well to insert into those agreements some of the items on the CTC's shopping list, which indicates how we might make progress.

I hope that the Minister will reflect on at least one item on that shopping list. Some 10 years ago, a small sum of money was available within the Department as part of something called cycle challenge. People could bid for that money to develop innovative cycling schemes to promote cycling. That encouraged best practice and brought forward a wide range of ideas. The CTC has talked about a cycle-rail innovation fund. I do not think that it matters particularly what such a model is called, but it is a useful model that the Department might consider to raise the profile of this issue, put some money on the table and encourage exciting new ideas.

My final plea is for the tandem rider. If the cyclist has been gently persecuted by the railways for decades, the tandem rider has been martyred. My wife and I had to ride an extra 20 miles one day, because the conductor would not allow a tandem on a train that allowed bicycles. I therefore join the hon. Member for Battersea in not ignoring tricycles, trailers and the rest. The challenge confronting the Minister is in unlocking potential. We do not want to make people cycle to the station, but many people would like to if it were easier, safer and more convenient. That is what we need to do. I cannot guarantee that I will still be here in 32 years, but I hope that any debate on this issue in 2039 will be able to point to this debate as the time when the campaign to promote better cycle-rail integration really took off.

9.59 am

Emily Thornberry (Islington, South and Finsbury) (Lab): I congratulate my hon. Friend the Member for Battersea (Martin Linton) on securing this debate. On paper, this may seem a minor technical subject, but it

definitely is not. People say that they use their cars because it is convenient to do so and because they get a door-to-door service, but a proper mixture of bikes and trains would be the alternative door-to-door service—it makes perfect sense.

Last year, one of the most heavily supported early-day motions was one that I tabled on behalf of the all-party group on cycling. It was on bike-rail integration and was signed by 170 Members. How will we go about getting such integration? I speak as the chair of the all-party group, which has been working with the Cyclists Touring Club and the London Cycling Campaign to promote bike-rail integration in the hope that it will receive serious consideration in the various policy papers that the Department for Transport is planning to publish this summer. We believe that this is a great opportunity to improve our transport system.

Over the past few weeks, many hon. Members have met local cyclists—I see that many of the Members concerned are present—and undertaken an audit of the state of their local station's parking facilities for cyclists; I know that many hon. Members have been very shocked.

I am glad to see that the right hon. Member for North-West Hampshire (Sir George Young) is present. He is a former chair of the all-party group and one of the first to campaign on proper cycle-rail infrastructure. I understand what he says about how bad things were in the past, but inconsistency has increased since the privatisation of the railways.

Recent questions from various hon. Members have elicited a response from the Department that suggests that it is awaiting a report from Cycling England on the role of cycle-rail integration. I hope that the report will be useful and will provide support, but I would suggest to the Minister that Cycling England was never intended to be an advisory body; it was meant to be a body that delivered improvements for cycling, rather than a policy body first and foremost. Perhaps Cycling England would be best off if it were provided with a special cycle-rail innovation fund. That could build on existing best practice and test new ideas.

Personal car use has increased significantly in the past 20 years, and while the majority of households have access to cars, a significant minority—nearly 50 per cent. in my constituency—do not. Transport alternatives to the private car must be provided, both for the sake of social inclusion and for the wider agenda of reducing car use for all the environmental, health and road-safety benefits that doing so will bring.

Cycling and the railways could play a much greater role than they do. As has been said, 60 per cent. of UK households are within a 15-minute cycle ride of a station, but according to the Department's statistics, just 2 to 3 per cent. of all rail trips include cycling in the journey. Part of the problem is the structure of the rail network. Train operating companies arbitrarily choose cycle policies. There seems to be no rhyme or reason behind them. Such policies are often supported by ludicrous franchise agreements with the Department—yes, I said ludicrous.

I shall give an example of that. First ScotRail agreed to provide cycle parking at every station. People might think that a laudable aim, until they realise that stations such as Corrour in Lochaber are included. It has no road access and no permanent inhabitants within 8 miles of it, yet it has four cycle parking stands.

Network Rail, which ultimately owns the system, leases stations and car parks back to the train operating companies, but will not allow them to remove car parking spaces, even for cycle parking, without a formal agreement and penalty clause. That is hardly a supportive structure for cycling.

I want to pick out three different types of rail passengers, who represent most of the traffic on the network: commuters; long-distance business travellers; and tourists. Each of the passenger types could benefit in different ways from improved bike-rail integration. Commuters are presently the heaviest users of the rail network—half of all trips on the railways are commuting trips—and in recent years the large increases in both rail users and cyclists in London have led to the imposition by train operating companies of peak-time bans. As we have heard, that policy was agreed by the Strategic Rail Authority in its cycling policy, recently reissued by the Department.

I understand that trains running in excess of capacity cannot really allow cyclists to take up what would otherwise be standing space for commuters, but the bans are inflexible and fail to offer an alternative. They vary greatly between six-hour daily bans in all directions on Southern and four-hour bans on First Great Western. Southeastern, which is run by the same company as Southern, has recently decided to ban all cyclists from its trains during the three days of the Tour de France. That is hardly supportive of cyclists and it hardly encourages cycling.

Many commuters have resorted to buying small-wheeled folding cycles, such as Bromptons, a practice which has been promoted by the operating companies. Why is there such a demand for commuters to carry their cycles on trains? The simple reason is that there is nowhere to leave bikes at stations. In Holland, there are similar blanket bans on cycle carriage before 9 am, but they do not stop many more cyclists using the railways. In fact, up to a third of all passengers in Holland get to the station by bicycle, the difference being that it has adequate parking facilities, whereas we do not.

In a presentation that I attended six months ago, the Dutch national rail company explained how a small station in Holland could put in 1,000 bike parking spaces. Even Britain's most successfully integrated bike-rail station, York, has just 1,000 spaces. If we could just make more effort, we could provide many more spaces. The bike parking spaces in all of the London mainline terminals add up to less than 1,000. If commuters were offered plentiful and secure cycle parking at stations, they would not feel such a strong need to carry their bikes with them everywhere. I know that improvements have occurred at regional stations. In 2003, the Department started a project that brought in an additional 2,500 cycle parking spaces. Those spaces are greatly welcome, but we must remember the figure of 1,000 such spaces for one tiny station in Holland.

Franchise agreements have brought some improvements. First Capital Connect, which run trains in my constituency, has a commitment in its latest franchise to spend £100,000 on cycle parking in 33 stations. Unfortunately, the Department has not

[Emily Thornberry]

specified which stations should be included or what the quality of the parking should be. First Capital Connect has decided to concentrate on those stations where cycle use is already high and where facilities will be covered by CCTV.

Cyclists should be confident that when they leave a bike at a station it will still be there when they come back, but, unfortunately, cycle crime is soaring at our stations. Whereas motor vehicle crime at stations has fallen by 50 per cent. since 2000, reported theft or vandalism of bicycles has increased by almost 80 per cent. Nearly all of that crime—3,000 instances a year—is in London and the south-east. I wrote on behalf of the all-party group to British Transport police asking why they thought that that worrying trend was occurring. They say that it is because of the increase in cycling witnessed in London. I would say that that is right, but that the problem could be tackled. I believe that the trend results from the failure of Network Rail and the train operating companies to provide decent facilities.

If we are to encourage cyclists to leave their bicycles at stations, we need to provide them with secure parking and ensure that their bike is still there when they get back. Six out of 10 people who have had a bike stolen do not immediately go back to cycling, but instead return to driving, thus reducing revenues for the train operator, with all the resulting environmental problems.

While the bans on peak-time cycle carriage spring from the train operating companies, the solution to the problem—providing adequate parking—is stalled by another, entirely unrelated, organisation, Network Rail. Of course, it is in neither of their interests to help one another, so we have the ridiculous example of South West Trains, which has excellent cycle parking facilities at many of its stations, running trains to Waterloo, the UK's busiest station, where cycle parking facilities are terrible. When I once tried to park my bike at Waterloo I was nearly knocked over by a taxi. The facilities are dangerous, badly looked after, not secure and full of abandoned bicycles.

Martin Linton: Clapham Junction is the UK's busiest station.

Emily Thornberry: I stand corrected, but I would be interested to hear what the state of Clapham Junction's bike parking is.

The authorities at Waterloo have recently started removing some of those bikes, but the poor layout is as bad as it ever has been. I am sure that many cyclists would be prepared to pay a small charge to ensure that their bikes are still where they left them when they come back.

In Holland, 90 out of 387 cycle shelters are guarded. They offer secure parking and repair facilities at low cost in co-operation with bike shops and local councils. The automated and secure cycle storage area at Finsbury Park costs 50p for 24 hours, which is much cheaper than a single return tube fare and things are just as fast. Such schemes should be replicated in the central London terminals. Transport for London has even offered funding for schemes at mainline stations, but Network Rail has turned it down. I am told that the Minister could provide a structure through something called the high level output specification, which would make Network Rail treat passengers and cyclists better. If that is right, will the Minister please do it?

No one would allow a dead car to sit around in a station car park for months, not least because of the lost revenue, so why are abandoned bicycles allowed to remain for so long? They should be removed regularly and recycled to local groups. First Capital Connect has agreed to do exactly that in the stations that it controls—good for them, but why do not other stations and other companies do that? Let us start with Network Rail.

In Britain, many business men and women are unlikely to want to turn up at a meeting having travelled on a train, but there are some. We hope that the culture is changing, and that more business people will be able to make longer journeys, so why do not we provide a network of flexible cycle hire schemes. One scheme in operation in west London allows people to borrow a bicycle by mobile phone. Again, and perhaps inevitably, the Dutch are way ahead of us with almost 100 stations offering cycle hire facilities. The bikes are bright blue and are standardised throughout the country, and the facilities are operated by the Dutch equivalent of Network Rail. It is unimaginable that Network Rail would do that, but it should be pressed to. It costs only €3 a day to hire the bikes with a smartcard and, guess what, in Holland, half of all customers are business people, who go to meetings by bike, which they hire at stations when they have meetings out of town. A similar scheme could be trialled by Cycling England through a cycle-rail innovation fund. Will the Minister please consider that?

My final category is tourists. Rail users should be able to carry their bicycles on trains for short distances outside the rush hour, just as they can carry any other large object. They should be able to turn up without reservations and be able to put their bikes on the train. Hon. Members have made suggestions about how that could be done. I will not repeat what they said, but it is not rocket science. I simply ask that, whatever is done to integrate bike and train, it should not be bolted on afterwards as an afterthought. It should be designed into all new rolling stock at an early stage and should be integral in trains so that we know where we are, and it should be standardised. Without help, I would not have had the faintest idea of what South West Trains' class 455 rolling stock is, but I have been enlightened and have even been shown photographs. The refurbishment is a joy to behold. It was carried out in consultation with cycling organisations and meets cyclists' needs perfectly. It is not rocket science. It can be done and it should be done.

On long-distance services, the location of the cycle carriage should be displayed clearly on the platform, and someone should tell the platform staff where it is. The reservation structure should be clear and flexible because there are many stupid examples of where it breaks down.

First ScotRail offers bargain berth tickets on its Caledonian sleepers, which I know the Minister is well acquainted with, but those tickets can be booked only

online. If he wanted to travel with his bicycle he could book his ticket online, but the only way to put his bike on the train would be by making a reservation in any way other than online.

A constituent of mine, Mr. Bankes Jones, had planned a surfing trip to Devon and did not want to drive. Two days before travelling, he booked his ticket online, but he could not book a bike space through the same medium. After being transferred from organisation to organisation by phone, he finally acquired a reference number, but not a ticket. At Paddington, ticket staff found that the reference number was wrong and that the reservation had been made out to a Mr. Bonkers. After all that fuss, no one bothered to check his reservation on the train. On his return trip, after four days' surfing, he found waiting for him at home a reservation for the first leg of his journey in the name of Mr. Bonkoes.

Cycle-rail integration in this country has failed to keep up with the increase in the number of people and the quality of service that has been achieved on the rail network. Instead of trying to force cyclists off trains at every opportunity, we should encourage them to use trains by providing better parking and flexible carriage space, or cycle hire at major stations. I have spoken today as chair of the as all-party cycling group and have tried to take an overview of the problem, so I have not addressed particular issues in my constituency, such as the inadequate planning at Farringdon to cope with Crossrail, or Kings Cross and St Pancras or Highbury Corner. I would have liked to have time to draw the House's attention to some of the outstanding examples of good practice, such as the great work at York station. Although I have taken the mickey out of Scotrail, I wish that other train operating companies were more like it.

Northern Rail and Merseyrail should also be mentioned in dispatches. There are experts out there, and I hope that the Department will take the time to learn from them, and that this summer's policy publications will provide a framework whereby more than just voluntary codes and supportive gestures are offered to cyclists using the rail network. If there were only two messages I could give to the Minister they would be to beef up the franchise agreements on cycling and to force Network Rail to take cycling seriously now.

10.15 am

Hugh Bayley (City of York) (Lab): I congratulate my hon. Friend the Member for Battersea (Martin Linton) on securing this important debate. I have two bicycles: one in London for commuting to and from the House of Commons, and one in York. I take my bikes on the train between London and York, usually when a major service is needed. I am sure that there are people in London who do excellent servicing of bikes, but when one finds a good provider, one tends to stick with him, and that is what I have done. My supplier for major servicing of bikes is in York.

Because I use two stations, I can compare and contrast. There is no doubt that facilities for cyclists are a great deal better at York. We have not 1,000 parking places—unless the railings that people tie their bicycles to are included in addition to parking stands—but 450. Waterloo is one of the busiest railway stations in the country and deals with 480,000 passengers a day, but I am told that it has only 200 parking spaces for bicycles. The station is run by Network Rail, which is bidding for authority to manage York station. I would rather see the station's management rest with the operator of the east coast main line service. The current operator, GNER, has invested heavily in the station for cyclists and other purposes, and it has a strong commitment to its flagship station.

If Network Rail is serious about its bid to take over York, it should be serious about improving cycling provision at all its stations, including York, because although 450 spaces may sound a lot, it is not enough. Sometimes, it is difficult to find somewhere to park my bicycle because the racks are full, despite GNER adding 100 or so extra spaces every couple of years. The cycle parking area is conveniently situated for GNER trains to London, but not for daily commuters from York to West Yorkshire. Whoever runs the station in future should put some cycle parking racks there.

Cycle hire is also available at York station, although it is rather expensive compared with the cost of hiring bicycles at railway stations in the Netherlands. Nevertheless, it is available and I congratulate Europcar, which operates the concession. There is also secure overnight storage for cycles, which people pay for, and that highlights the security problem. My bicycle is tatty and old enough not to be attractive to thieves, but some people have bikes that cost hundreds of pounds, and sometimes more. They need to be kept secure, so security for cycle parking at stations is as important as the provision of cycle parking.

Other things need to be changed at York in addition to the amount of cycle parking. We have a good network of cycle lanes and paths in and around York, but they do not connect directly to the station. It would be relatively easy to connect to the station, because one of the cycle paths runs beside the River Ouse, which is almost next to the station. There should be collaboration between the station manager, Network Rail or the east coast operator, and City of York council to make that connection.

Turning to the White Paper, will the Minister consider introducing a common system for booking? Cyclists who use trains are confused, because each train operator has a different system. Some require reservations, others do not; some charge, others do not; some take a large number of cycles, others will not; and some let cyclists take their bicycles on the train during rush hour, while others do not. When the railways were privatised some 14 years ago, one criticism of the privatisation plan was that it would lead to fragmentation. One area of fragmentation is the range of different services that different train operators provide for cyclists, and I hope that the White Paper will propose a common regime.

When a rolling stock company or anybody else designs a new railway carriage, they should aim from the start to meet the needs of cyclists as a matter of standard practice. As part of the brief for the east coast main line refranchising, would-be franchisees must trial and prove in-service some new trains, which will replace the InterCity 125 rolling stock, one of the fleets of trains in use on the east coast line. I welcome that brief, but I ask the Minister whether the design for the new fleet of trains has examined how serviceable and usable they will be for cyclists.

[Hugh Bayley]

I have had the same problem as my hon. Friend the Member for Stroud (Mr. Drew). I, too, have found it difficult to get my bike into the guard's van on an inter-city train and return to my carriage during the time that the train is stopped at a station. The difficulty with GNER's current trains is that one has to wait until a member of staff arrives with a key to unlock the guard's van. They have to wait while one secures one's bike, they relock the van, and then one has to return to one's carriage. It is a cumbersome and labour-intensive way of loading and unloading bicycles, and the new fleet of trains ought to be more easily accessible to cyclists.

There ought to be more provision for bicycles in the guard's van, too. With better design, one could fit in many more bicycles. There would be fewer occasions on which cyclists were turned away because all the available storage space in the guard's van had been taken. The same points apply to commuter trains. My hon. Friend the Member for Battersea has pointed out that if there were a reasonable number of folding seats on commuter trains, in off-peak times it would be possible simply to wheel on a bicycle and to hold it during a short journey from one station to another. It is not a solution for inter-city trains, but it is clearly possible for commuter trains. I should like the White Paper to stipulate bicycle accommodation in the design and commissioning of all new passenger rolling stock.

Northern Rail is, to its credit, the first UK operator to set up a proper cycle users' forum and to produce a cycling strategy. It is an important step forward. However, it is a shame that other train operators have not followed suit, and it should be a requirement of all train operators.

I had a puncture recently on the Strand. It was late at night, I had been to the theatre and I wanted to repair the puncture at home in Victoria. I do not know what the law says about taking bicycles on buses, but very nicely, the bus driver let me take my bike on the bus, which saved me wheeling it for half an hour until I got home. I do not know whether he was bending the rules, but since more and more buses are designed for buggy and wheelchair access, one ought to be able to take one's bicycle on buses, too.

I wrote to the Minister a few weeks ago about the White Paper. I hope for a positive reply to my letter, and I hope for a positive reply to this morning's debate.

10.25 am

Paul Rowen (Rochdale) (LD): I congratulate the hon. Member for Battersea (Martin Linton) on securing this very interesting debate, and I congratulate the other Members present on their important contributions. I was particularly interested in the contribution of the right hon. Member for North-West Hampshire (Sir George Young), who reminded us that in 32 years, not an awful lot has changed with trains and bicycles.

I do not intend to repeat what other Members have said, particularly as they know a great deal more about bicycling and rail than I do. However, I shall make a few suggestions. I am aware that the Minister is a cyclist; indeed, shortly after he was appointed to his current post, the first event that he and I attended was the national cycle-rail awards.

We all accept that the policy that was written by the Strategic Rail Authority and adopted several years ago is not working. There are more than 30 rail operating companies, but there is no clarity or uniformity. People are not encouraged to use bicycles to travel to railway stations, to put them on the train or to use them when they arrive at their destination. The policy must be rewritten urgently, and I agree with the suggestion from the hon. Member for Battersea that a UK cycle forum should be established. One of its first tasks should be to ensure that there is a uniform policy.

The Department for Transport is reviewing many regional and national networks. The review has recently been extended to include the provision of parking and CCTV at rail stations. I have read the document for Greater Manchester, and in the rail utilisation strategy, proper plans have been drawn up to ensure adequate parking and CCTV at our rail stations. I put it to the Minister that one immediate extension that he could make to the strategy would be to ensure that the review included provisions for cyclists.

I accept and understand that the number of bikes that can be accommodated on today's heavily overcrowded trains will be strictly limited. I understand CTC's wish to increase the number of bikes that can be accommodated on a train, but the number is likely to be limited. However, if we can develop policies so that people can leave and hire bikes at all main railway stations, we will encourage more people to travel by bike and unite bikes with rail travel. The White Paper is an opportunity to include that policy, and the ordering of additional carriages is an opportunity to ensure that it is built in.

Earlier this year, my hon. Friend the Member for Orkney and Shetland (Mr. Carmichael) asked the Minister about the Department's assessment of local transport plans' inclusion of cycling. As expected, the response was that all local authorities are expected and encouraged to include cycling as part of their plans. That stops at the railway station. There is no point encouraging local authorities to develop cycle routes and get more people on bikes if there is nowhere safe for cycles at major transport interchanges. That point was brought home to me last week at Rochdale station. I bumped into someone who had left their bike for a few minutes and returned to find that it had been nicked during that time. We will simply not encourage people to travel by bike to stations if there is no secure storage.

The debate is about rail and cycle integration. That is the correct terminology. I hope that the Minister will take hon. Members' comments on board and that the right hon. Member for North-West Hampshire will not have to wait another 32 years before we see some progress.

10.31 am

Stephen Hammond (Wimbledon) (Con): I welcome this important debate, which was excellently introduced by the hon. Member for Battersea (Martin Linton). In her role as the chairman of the all-party cycling group, the hon. Member for Islington, South and Finsbury (Emily Thornberry) was right to commend cycling as healthy and environmentally friendly and, often, as the easiest way of getting to our destinations or the railway station.

In the course of my research for this debate, I found that there are an estimated 22 million bicycles in Britain and that an estimated 60 per cent. of the population live within a 15-minute ride of a railway station. However, the proportion of all rail journeys that start with cycling, as opposed to car, bus or walking, is only 1 per cent. Internationally, that figure is extraordinarily low. The Department for Transport has stated in a number of policy documents that it wants cycling to be integrated with public transport. The rail operators say that they are keen to encourage cyclists. A number of lobbying campaigns, such as the London Cycling Campaign, grownupgreen and others, have pushed the need for bike-rail integration in particular.

How can we make our rate of 1 per cent. of rail journeys starting with cycling more akin to the international norm? The hon. Member for Battersea talked about the rate in other countries and rightly mentioned Denmark, with 35 per cent., and the Netherlands, with 38 per cent. Even Germany has achieved 15 per cent., which is a relatively new and modest movement. A number of other hon. Members who have spoken broke the analysis into two parts. First, how do we encourage more people on the journey to and from the station? Secondly, how do we get more facilities for cyclists on trains?

Unfortunately, the journey to and from the station has become a problem in a number of instances. As a local councillor before becoming a Member of Parliament, I remember Transport for London saying that it would introduce measures to encourage cyclists to get to stations. Unfortunately, many of the processes have not been undertaken with proper consultation. For instance, TFL proposed a 20 per cent. increase in my constituency, but it was then told that that was unrealistic and that the modal shift was more likely to be 3 or 4 per cent. Also, TFL forgot, first, that its great idea was a contraflow cycle lane up the middle of the Broadway, which quickly became known colloquially in Wimbledon as the wall of death and was never introduced. Secondly—and most importantly, as a number of hon. Members have mentioned—was the failure in the plan to provide secure cycle parking places at Wimbledon station. Those were the obvious reasons why that plan failed. I am therefore pleased to see that the operator and TFL have had another go since, and that there has been an increase in the provision of cycle parking at Wimbledon station.

Cycle access to stations is clearly space-efficient, too. We live in a country with a high density of population. Car parking is always likely to be restricted, so the more that we can do to make cycle parking at stations available, convenient and secure, the better. The key point is security. Several hon. Members have talked about cycle theft, including the hon. Lady. In many cases, cycle parking seems to be about just putting a rack of stands outside the station. That is simply not good enough. Why should cyclists place one of their most precious assets on a rack of stands outside a station where there is no security?

If cycle parking is to be done properly, it must be protected outside stations by CCTV or, more properly, it should be in a secure area or a locked room within the bounds of the station. The simple provision of racks is not enough. It will not satisfy the cycling lobby and I am sure that it will not satisfy the Minister, either. Equally, as my right hon. Friend the Member for North-West Hampshire (Sir George Young) mentioned in his example of Waterloo station, the racks should be convenient. Cyclists should not be penalised by having to walk miles and miles to collect their bikes. The whole point is that if we are to encourage more rail journeys to start with cycling, we must make it easier for cyclists so to do.

I have been particularly struck by what is included in the local transport plans. Should not safe cycle routes to stations be considered essential prerequisites in those plans? The Minister will of course be aware of the Sustrans "Safe Routes to Stations" initiative, which involves developing safe and direct routes that link town centres, business districts and residential areas with stations, and give cyclists and walkers priority over traffic. The initiative also involves converting flights of stairs to runways, which the hon. Member for City of York (Hugh Bayley) mentioned, so that steps at stations are easier to overcome. The Sustrans campaign aims to upgrade 30 stations a year. It is a laudable scheme and we should support it. Indeed, it has support from the Government, local authorities and the rail industry.

However, can we not do something to ensure that that initiative is speeded up? One way to do that would be to encourage local authorities to include those proposals in their local transport plans. Will the Minister be able to give some indication today of what the Government intend to do to further the increase of cycling to stations? Will the Government make some statements in their announcement on the high-level output specification or in the White Paper, which are due in the near future, on how they might encourage local authorities, Network Rail and the rail operating companies to write into schemes that cyclists and their parking should be protected at stations? Might the Government also consider prescribing that provision in franchise renegotiations or, as I have suggested several times before, in the next round of funding associated with the local transport plan phase 2 or the transport innovation fund? I look forward to the Minister's response on that.

Several hon. Members have already mentioned the cycle hire schemes that are available, which we should also encourage. Cycle hire schemes in this country have suffered previously from a lack of trust and, frankly, from theft. The onset of mobile technology has made schemes both practical and practicable on rail journeys and in cities. Anything that we can do to encourage local authorities to place such schemes alongside city car schemes should also be encouraged, and I hope that the Minister will give us some encouragement on that.

The journey to the rail station is only one part of the journey. If we are to see more bike-rail integration, we must focus on the second part of that, the facilities on trains for cyclists. If we are to be honest, the current reality is that cyclists are seen almost as a nuisance. As has been said in a number of contributions, many of the TOCs have banned cycles on peak services. Also, the design of many—but not all—modern rail carriages has reduced space for bikes. What we need to see from the operating companies and the rolling stock companies, in conjunction with the Government, is a change in attitude, as well as a change in practice.

[Stephen Hammond]

That is actually quite easy to achieve. I cited the example of Germany earlier. Less than 10 years ago, Deutsche Bahn actively promoted and encouraged what it called the bike-rail option. The company set up a bicycle hotline to answer questions about cycling, rail travel and reservations and introduced a complete "bike and Bahn" procedure and website, which provide information on which services carry bicycles. Interestingly, the company has in the past 10 years doubled the number of bikes carried on trains per annum. It has also required new rolling stock to carry more cycles. The same is true of the Swiss railway company SBB, which was the first in the world to produce a rail-cycle co-ordinator, and that is key.

A number of TOCs recognise the needs that we are discussing. The train operator One, formerly Anglia Railways, has had a comprehensive pro-bike strategy for the past decade and has increased the number of people using bikes. There has been approximately a 15 per cent. use of bike rides in East Anglia. That is consistent with one or two of the international examples: management persistence and the appointment of a project manager so that cyclists have dedicated services and know where they have to go.

One is by no means the only TOC to have done such a thing. If we want further integration of bike and rail services, the key is the provision of information from the TOCs. What services carry bikes, and where are the spaces? What can be reserved? The appointment of a bike-rail co-ordinator by the TOCs would be a sensible, small measure that would make serious inroads into the problem. The issue could be addressed easily with little financial consequence.

As has been stated, the big challenge for the railways is that of capacity. However, that does not mean that cyclists' interests should be forgotten. Modern train design has tended to leave relatively little space dedicated for cyclists. The hon. Lady cited the example of the new class A on South West Trains services; only recently, I used it with one of my cyclist constituents and was impressed by it. We need to recognise that in future negotiations the design and conditions of the carriages need to be cycle-friendly and cycle-dedicated. I hope that the Minister will discuss what he is doing to force ongoing discussions with TOCs and ROSCOs to ensure that any new carriage orders will take that on board.

Finally, I should like to mention the laudable safer cycling campaign launched by the *Evening Standard*. Clearly, there has been a huge increase in cycling in London since 2003, but still only one fiftieth of London journeys are made by cycle. If we consider that only 1 per cent. of those are journeys to the railway station, we see what a small percentage that is and what more could be done. I was particularly encouraged that in its campaign, the *Evening Standard* isolated the issue of bike-rail integration, which we are discussing this morning. It made the point that adequate bike parking was needed at railway stations. I hope that in its articles on safer cycling in London, the paper will make as big an issue of the need for safer cycling and secure cycling places at railway stations as it has of the need for manning stations in the evening and other campaigns. That would be a huge step forward in London, and I commend the *Evening Standard* on its campaign and wish it well.

To encourage bike-rail integration and increase the number of rail journeys that start on a bike, we need the three s's: safe routes to stations, secure parking at stations and spaces on trains available and dedicated to bikes. That should be the underlying principle. I commend the hon. Member for Battersea on having secured this fascinating debate and look forward to the Government's response to the issues that have been raised.

10.44 am

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): I also thank my hon. Friend the Member for Battersea (Martin Linton) for initiating this debate and giving me my first opportunity to speak in the House on this part of my remit. There have been many debates in this Chamber on the rail side of my remit, and I hope that today's debate will finish with a more consensual and friendly mood than some of those previous debates have.

I shall begin by referring to comments that have already been made. My hon. Friend talked eloquently about the case for improved rail-cycle integration. He mentioned the need for wheeling ramps at stations. I trust his judgment that that would be a relatively cheap innovation at stations. I understand his cynicism in anticipating a negative response from Network Rail. I intend to seek a response from the company and shall keep him and other Members present informed of it. I accept that such ramps seem a fairly straightforward—and, I hope, cheap—solution to the problem that my hon. Friend raised.

However, my hon. Friend equated the need for capacity to carry cycles on trains with the needs of wheelchair users and parents with prams. I hope that he will forgive me if I suggest that that argument is difficult to make for various reasons. I would not say to a wheelchair user that he or she had the choice of whether to bring their wheelchair on a train. However, it is arguable, although not in every case, that those taking their bikes on a train do so as a matter of choice. I do not mean that as a point of principle or policy, but I hope that my hon. Friend will at least recognise that the circumstances are different and not immediately comparable.

Martin Linton: I do not say that the two sets of circumstances are socially or morally equivalent, merely that there is an equivalence. Often disabled people do not catch a train if they are not confident that they can get their wheelchairs on. Parents of young children will not catch a train unless they can be certain of getting the buggy on it. It is also true that many who want to cycle to the station, take their bikes on the train and cycle to work will leave their bikes at home if they cannot be certain that there will be a place for them on the train. There is an equivalence in that sense: each of those groups is dependent on space on the train to be able to make their journeys.

Mr. Harris: I agree with my hon. Friend's point and am grateful for that clarification.

Emily Thornberry: Is my hon. Friend aware that the mobility of some people is restricted, given that they find it difficult to walk and easier to get around if they can use a mixture of train and bike? They can cycle further than they could ever walk. I appreciate that such people are a tiny minority, but bikes are a mobility aid for them.

Mr. Harris: That is why I deliberately qualified my comments and said that someone who cycled would not in every case necessarily have the option of not cycling.

Like the hon. Member for Rochdale (Paul Rowen), my hon. Friend the Member for Battersea talked about the need for a national, uniform policy on cycle-rail integration. My hon. Friend said that for a start all TOCs should be forced to accommodate at least 10 bikes—per train, I imagine. I shall come back to that. He also talked about the need for a cycle-rail forum. I assume from that that he is to a certain extent unhappy with the work being done by Cycling England, with the train operating companies, on behalf of the Department for Transport. I am very satisfied with how Cycling England is operating and shall be happy to comment later on the progress that it has made.

I am delighted that the right hon. Member for North-West Hampshire (Sir George Young) is present. I regularly see him coming up Millbank on his bike of a morning as I pass in my ministerial car; that is more a confession than anything else. The right hon. Gentleman said that the paradox was that I seemed to have more control over train operating companies than my predecessor had over British railways when they were nationalised. As a former Secretary of State for Transport, the right hon. Gentleman is informed about many areas of rail policy, but I caution him not to believe everything he reads in Conservative central office press releases. The influence that I have over train operating companies is certainly far less than that which Rail Ministers—or indeed Sports Ministers—had over British Rail in 1975.

The right hon. Gentleman talked of the need for a cycle challenge fund. Many of the outputs that he would anticipate from such an innovation are already being achieved through the cycling demonstrating towns that Cycling England is promoting. I am happy to say more about that later.

My hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry) has talked extremely passionately on the subject, not only in the House but to me over coffee in Portcullis House on a number of occasions, and I listen carefully to what she says as she is extremely knowledgeable: she is not only a cycle user but chair of the all-party group on cycling. I look forward to joining her and other colleagues on the annual Westminster cycle run, which I think will be next month. She mentioned that Southeastern Trains has decided to ban all cyclists from its trains during the Tour de France. That was raised with me on Friday by a member of the Cyclists' Touring Club. I understand that that is not actually the case and that Southeastern Trains—I am prepared to be corrected—was approached by the organisers and asked to lift its existing restrictions on cyclists, and that it refused to accede to that request. Without commenting on that decision, I suggest that that is not the same as introducing a new ban on all cycles during the Tour de France.

My hon. Friend might want to clarify the point, but she criticised First Capital Connect for installing new bike parking at stations that already had CCTV coverage. She suggested that perhaps the Department for Transport should have specified the locations for the new cycle parking and went on to express concern about the increase in bike crime. I do not have an in-depth knowledge of First Capital Connect's policy, but it seems sensible that if any train operating company is going to try to combat the increase in cycle crime and cycle theft, it should install new cycle parking where it is most secure. It seems that the best place would be in areas that were already covered by CCTV.

Emily Thornberry: I agree absolutely, and I agree that simply installing a cycle rack is not sufficient. My concern was that the contract with the Department seemed somewhat random: the company was given a lump sum of money and told to introduce a certain number of cycle parking places and it was left to it to decide what standard of parking to have and at which stations to introduce it. That was the point that I was making—the contract did not appear to have been agreed in any strategic way. It could be criticised as a case of simply, "Let's tick that box; we have provided that amount of cycle parking."

Mr. Harris: I understand my hon. Friend's point. I am more comfortable allowing train operating companies to make their own operational decisions about where cycle parking is best placed. I have nowhere near the depth of knowledge that First Capital Connect does, for example, about the level of demand for cycle parking at any of its stations. I accept that my hon. Friend's concern is genuine.

My hon. Friend asked about the HLOS—the high level output specification, for the uninitiated—which will be announced in July. The HLOS is specifically about high level outputs, so it will not talk in detail about policy to support the amount of money that the Government will spend over 2008-14. However, alongside the HLOS we will publish a 30-year rail strategy, which will discuss some of the issues about rail and cycle integration about which my hon. Friend is concerned.

My hon. Friend the Member for City of York (Hugh Bayley) talked about the design of new rolling stock, and of course the Department is involved in the design and delivery of the new inter-city express programme. It is at a very early stage at this point, but I will take what he has said back with me. He talked about bikes on buses, and I am afraid that I will not be able to illuminate him very much on that point. I am delighted that the bus driver was able to bend the rules—I suspect that he was bending the bus at the same time. My hon. Friend mentioned that he had been at the theatre, and I am intrigued to know which theatres in central London have bike parking. That seems an excellent innovation.

The hon. Member for Rochdale inadvertently misinterpreted the comments of the right hon. Member for North-West Hampshire, I think. I do not think that

[Mr. Tom Harris]

the right hon. Gentleman suggested that in 32 years nothing has changed, which is what the hon. Gentleman thought that he said. I am sure that the right hon. Gentleman was being far more post-ironic.

The hon. Gentleman suggested, as other hon. Members have, a uniform policy on cycling. My hon. Friend the Member for Battersea suggested the same thing. We have 20 or more rolling stock companies, a number of different types of rolling stock—inter-city, commuter and everything in between—different capacity challenges at different parts of the network and different areas are served, whether they are urban, suburban or rural. It would therefore be incredibly difficult, even if the Government were so-minded, to impose a standard access policy for cycle-rail integration throughout the network. I shall have to disappoint colleagues from both sides of the House—the Government do not plan to enforce a uniform policy—

Paul Rowen: Will the Minister give way?

Mr. Harris: I have four minutes left, and so I hope that the hon. Gentleman will forgive me if I try to make some progress.

The hon. Member for Wimbledon (Stephen Hammond) talked about local transport plans and safe cycle routes to stations. The Government encourage train operating companies to work closely with highways authorities to ensure that that is exactly what happens.

I know from my postbag at the Department, as Minister for both cycling and rail, that many cyclists are passionate about the subject and we are working hard to try to integrate such modes of transport. I want to take the opportunity to confirm our overall cycling policy. Let me first establish what that policy is, because that will help to put our bike and rail policy into context.

Many people have an interest in cycling whether they cycle now or not. Most of us have cycled at some time—since becoming the Minister with responsibility for cycling, as the hon. Member for Rochdale said, I have been seen on a bike on a number of occasions. I am not sure that I would go quite as far as to say that I am a cyclist, but I have certainly been seen on a bike. As you can see from my badge, Mrs. Humble, I successfully passed my stage 3 Bikeability course a number of weeks ago. I encourage all hon. Members to do so, particularly the hon. Member for Wimbledon—of course, he is not the cycling spokesperson for his party, but perhaps he will encourage his shadow colleagues to take it up. I am more than happy to organise that for him and to arrange for the media coverage.

The Government want to encourage people to cycle more, but how do we turn non-cyclists into people who will consider using a bicycle for short journeys? The basic advantages of cycling are clear and have been set out in the debate: convenience, health, cost, the effect on the environment and enjoyment. Put simply, cycling contributes to a better quality of life and, importantly, improves one's fitness and health while one simply undertakes regular commuting—it involves no expensive fees or trips to the gym.

The Government are committed to reversing the decline in the number of cycling trips—40 per cent. of all trips are under 2 miles, and in many cases they could be cycled, particularly in the case of trips to school and work. Good work is being done in London, where Transport for London reports an 83 per cent. increase in the number of cyclists. I want, too, to pay tribute to the *Evening Standard* campaign. Whatever criticisms the *Evening Standard* has of TFL, and those issues are worth debating, TFL has done a tremendous amount in the past few years to provide that step change—to use a pedestrian-friendly phrase—to encourage more people to get on their bikes. It is good that we are now in a political environment where a politician can say to people, "Get on your bikes", without being lambasted for it.

Good work is also being carried out by Hull, York, Bristol and Brighton. Brighton is of course one of our six cycling demonstration towns. If we are to attract people out of their cars and on to two wheels, we have to make cycling as safe, easy and as convenient as possible. That also applies to bike and rail journeys. That is why we have given Cycling England—our delivery and advisory body on cycling—a remit to see how we might better integrate bike and rail journeys. It will report later this year, and I am sure that we all look forward to seeing that report.

Some cycle commuters use their bike for only part of their journey to work, combining the bike with public transport, which mostly means a bike and rail journey. Such journeys are important as they allow the bike to be used as part of a longer journey—

Mrs. Joan Humble (in the Chair): Order. We must move on to our next debate.

India (Caste System)

11 am

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): I am grateful for the opportunity to raise the subject of caste and human rights in India with the Minister, who I hope will share many of my observations and thoughts. I say from the outset that I speak first and foremost as a friend of India, with huge affection and respect for its people, culture and history and a profound sense of optimism and excitement about its future and emerging role on the global stage.

I have had the privilege to visit this amazing country on numerous occasions, including a 10-day visit there last year with the Conservative parliamentary friends of India during which we benefited from wonderful hospitality from the Ministry of External Affairs and the Confederation of Indian Industry. I have previously spoken in the House about the importance of our relationship and trade with India and the need for the UK to do far more to capture a greater share of India's enormous increase in foreign trade.

I speak in a spirit of friendship and respect, but true friendship does not mean shying away from difficult issues, and caste-based discrimination is one such issue. What moved me to seek the debate was a trip to India in February with David Griffiths of the human rights group Christian Solidarity Worldwide. The purpose of the visit was to consider the issue of untouchability and to see what challenges and barriers Dalit communities face. Dalits are the so-called "untouchables"—the 170 million people who fall outside the four main Hindu caste groups.

I went in February with a critical mind, keen to separate the challenges common to many developing countries in south Asia from specific examples of discrimination or human rights violations resulting directly from caste-based identity. During my short trip I was presented with an enormous array of evidence of persistent, systemic human rights abuse on the basis of caste, which results in the life chances of Dalits being severely curtailed. It is a practice that goes back perhaps 3,000 years and continues in many forms in the world's largest democracy, whose constitution and body of law does not just outlaw discrimination on the basis of caste but contains specific legislation to protect scheduled castes and tribes.

Where does one start? I should like to start in Khairlanji, a village in the state of Maharashtra. On 29 September last year the wife, daughter and two sons of Bhaiyalal Bhotmange, from that village, were dragged from their home and lynched in full view of neighbours and other villagers. After they were bludgeoned to death by a mob, their mutilated bodies were dumped in a nearby canal. There was strong evidence to suggest that the female family members had been gang raped and suffered extreme sexual violence before being murdered. That was never proved because of the inadequacy of the police response.

At the heart of that horrific case was a village property dispute fuelled by a toxic mix of caste-based jealousy and prejudice. The Bhotmange family was one of just three Dalit families in a village dominated by a higher caste. The attack on the family cannot be explained away as a typical village feud, and the negligent police response cannot be explained away as mere bungling. Caste goes to the very heart of that horrific and troubling case. The police took several hours to respond to the initial call by the father of the family, who reported his family as missing and reported a suspected murder. Their initial investigation was wholly inadequate. They arrived three hours later, at 10 o'clock at night, dismissed the claim and demanded a fee of 500 rupees for coming to the village. Despite the report of missing persons, no search was undertaken, resulting in the loss of what might have been crucial evidence including that of gang rape.

The following day, officers at the local police stations refused to register a case, and the incident received full recognition only when the body of the teenage daughter was recovered from the canal. Despite seeing evidence of an attack in the home, police dismissed the allegations as rumour. On the following day, when Mr. Bhotmange attempted to file a first information report at the local police station, the inspector initially refused to do so.

The Khairlanji killings and the woeful response by the local police and judiciary led to violent protests by Dalit activists, and in the past eight months the case has received significant international attention from the media and human rights groups. It has thrown a spotlight on an issue that many Indians feel uncomfortable talking about. On my visit to India in February, with the permission of the local police, I was taken to Khairlanji by a group of Buddhist activists who had helped to disseminate information about the massacre in the days afterwards. I later met Mr. Bhotmange, who is now living under police protection and fears that justice will never be served on those who murdered his family. Recent reports that I have read in the press about the progress of the trial do not fill international observers with confidence that all those complicit in the massacre at the end of last September will be punished appropriately. The case has become massively important.

Jeremy Corbyn (Islington, North) (Lab): Will the hon. Gentleman acknowledge that one of the great problems is that although caste discrimination is wrong under Indian law and there is theoretically complete protection for people, in reality there is no access to justice through either the police or the judicial system because few people are prepared to represent victims of caste discrimination? The authorities do not get the whole message all the way through, so it remains unsaid and unreported. It is a vile system.

Mr. Crabb: I thank the hon. Gentleman for that intervention and echo his sentiments. The problem is the huge gulf between the text of the legal documents that provide theoretical protection for Dalits and the implementation on the ground, which is wholly inadequate, particularly in rural areas.

I encourage the Minister to raise the Khairlanji case with the Indian Government and inquire about the progress of the trial. Of course I understand the sensitivities of inquiring into judicial proceedings in another country, but will he affirm that it is a case of international concern that he will raise at his next meeting with the Indian high commissioner?

Khairlanji was not unique in its core elements. In another landmark case, in February last year, a Dalit man named Bant Singh was brutally attacked after

[Mr. Crabb]

seeking justice for his daughter, who had been raped by higher-caste men in the village. He eventually secured the prosecution of three men, but the upper-caste men in the village then beat him in retribution.

In yet another case of retributive caste violence, which was reported in *The Independent* last November, a 15-year-old Dalit girl named Asha Katiya was raped by a higher-caste man from her village. She reported the incident to the police. Because she would not withdraw the claim she was burned to death in her bed. It is thought that the man whom she accused of raping her was responsible for her murder.

Official records show that the rate of atrocities against Dalits continues at about 26,000 a year. That figure is enormous but is unlikely to represent anything like the true extent of caste-based violence against Dalits. A seminal study last year, "Untouchability in Rural India", found that in 28 per cent. of villages surveyed Dalits faced discrimination in entry into police stations and that in 32 per cent. they encountered discrimination in how they were treated in police stations. The testimony shared with me on my recent visit to India corroborates those statistics. Bhaiyalal Bhotmange told me that the tragic massacre in Khairlanji was initially dismissed out of hand by the local police. Other people stressed that Dalits face considerable social pressures from higher caste members in their communities not to register cases against them.

It is tragically true that women often suffer the brunt of caste violence, as happened in Khairlanji and to Bant Singh's daughter and many others. Given the stigma associated with sexual abuse, it is highly likely that many cases go unreported. Sometimes the attempt to seek justice leads to further violence. Khairlanji is just one example of the systemic caste-based human rights abuse that still exists in India despite a constitutional and legal framework in which the manifestations of the caste system are abolished.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I am grateful to my hon. Friend for giving way. He is making a moving and telling speech, to which I am listening attentively. On his trip to India, did he come across any problems with anti-conversion laws? Given that the Dalits, the lower-caste people, are born into the system, they face discrimination from the moment they are born. One way they can get out of the system is to convert to a different religion, but in many states they are hampered in doing so. Did my hon. Friend manage to conduct any investigations into that aspect?

Mr. Crabb: I thank my hon. Friend for his intervention. Yes, I did come across that issue. I understand that seven states in India at present have anti-conversion legislation either on the statute book or in the process of being passed. My hon. Friend is right to say that many Dalits seek to escape from their caste-based identity through conversion, often to Islam, Buddhism or Christianity, yet in numerous states they come up against the barrier of anti-conversion laws. I shall return to that point later in the discussion.

Our concerns involve not only caste-based violence. Dalits are also subject to the worst forms of labour exploitation as a result of their caste, and are particularly vulnerable to trafficking, sexual exploitation and bonded labour. In the UK, considerable attention has been devoted to those issues in recent weeks, following the bicentenary of the abolition of the transatlantic slave trade. Bonded labour—debt bondage—is a massive problem in India. Although it was outlawed under the constitution and the Bonded Labour System (Abolition) Act, 1976, it is still widespread, with estimates of the number of people who are affected by it ranging from 10 million to 40 million.

One striking feature of the Indian caste system is the extent to which it overlaps with the practice of bonded labour, by which people are forced to work as security for a loan that they cannot repay in any other way. Bonded labourers are extremely vulnerable to exploitation. Entire families may be bonded, and debts may be passed down through the generations. The vast majority of the victims of bonded labour are landless Dalits whose susceptibility is heightened by poverty, exclusion from education and caste attitudes.

During my most recent trip to India, I visited a settlement near Hyderabad that is colloquially referred to as "pipe village". It is populated entirely by the work force of an adjacent factory that produces concrete pipes, and around half of the families are, in effect, enslaved to the bosses of the factory through debt bondage. Each family of workers inhabits one of the discarded concrete pipes, most of which stand at approximately waist height. The village is isolated, there are few facilities for its inhabitants, and no education is available for the children. Water is provided, but the villagers told me that their electricity supply, which is mediated by the factory, was cut off last year on the grounds that it was intended only for lighting but was being misused by workers who wanted to use kettles and televisions.

The typical working conditions that the labourers face are extremely severe. Some of them described to me their experience of working alternate 12-hour day and night shifts for a daily wage of some 70 rupees, or approximately 80p. Obviously, they considered their working conditions to be extremely poor, and they described the poor safety precautions in the factory.

Human trafficking, which is often described as a modern equivalent of the slave trade, is another problem that we see in a new light when we look at it in the context of caste. I heard testimony from an activist in Nagpur who works among trafficked women in the state of Maharashtra. The situation was simply described as, fundamentally, "a Dalit problem." In February last year, the Bihar-based non-governmental organisation Bhoomika Vihar found in a local survey that 98 per cent. of trafficked women belonged to Dalit communities, low castes or religious minorities, many of whom are themselves of Dalit background.

A closely associated form of exploitation of Dalit women and minors is the devadasi system of temple prostitution. Although traditionally considered a noble vocation, the experience of its victims is that it is a highly exploitative and degrading practice. Commonly, devadasis are minor girls who have been dedicated to a temple god. They serve as concubines to the priests and as prostitutes for temple users. They are often sold into prostitution after serving an open-ended tenure in the temple, and their children may suffer a similar fate.

India has several laws to prevent sexual exploitation, including the Immoral Traffic (Prevention) Act, 1956,

which specifically prohibits the procurement of any person for the purpose of prostitution. However, the implementation of such laws was described by the activists whom I met as being very weak indeed.

Millions of Dalits fall prey to those most severe forms of labour exploitation, yet a greater number still are blighted by the continued association of caste with occupation. The jobs that are specifically reserved for Dalits, who are, literally, the outcasts of society, are the most menial, dangerous and, frankly, disgusting jobs. There is no escape from their occupation, which is dictated by birth. According to the most recent official figures, nearly 700,000 Dalits in India have the occupation known euphemistically as "manual scavenging"—the cleaning and removal of human excrement with the hands. Again, women are the worst affected.

The problems are worse in rural areas than in urban centres, where the new India is being forged. Segregation is a reality of life for many Dalits in rural areas. The report that I referred to earlier, "Untouchability in Rural India", states that in 73 per cent. of villages surveyed, Dalits cannot enter non-Dalit homes; in 64 per cent. of villages, they cannot enter places of worship; and in 48 per cent. of villages—nearly half of all villages in rural areas—they cannot use the same water source as non-Dalits, on account of their supposed polluting influence.

Perhaps one of the most alarming statistics is the one revealing that segregation is not absent among today's young generation: in 39 per cent. of schools, Dalit and non-Dalit children did not eat together. During my trip to India in February, I visited the village of Garipalli in Andhra Pradesh, where I saw non-Dalit children refuse to eat the food prepared by Dalit cooks. That is a sad reflection of the pervasiveness of caste attitudes even among the generation of tomorrow.

The United Nations Committee on the Elimination of Racial Discrimination recently expressed concern that, despite the formal abolition of untouchability by article 17 of the Indian constitution, de facto segregation of Dalits persists, particularly in rural areas, in respect of places of worship, housing, hospitals, education, markets and other public places, and water sources. The committee urged the Indian Government to intensify their efforts to enforce the Protection of Civil Rights Act, 1955, especially in rural areas, by effectively punishing acts of untouchability, by taking effective measures against residential segregation and segregation in public schools, and by ensuring equal access for Dalits to places of worship, hospitals, water sources and any other places or services intended for use by the general public. It is worth noting that an estimated 700 million people in India live in rural areas. The majority of the Indian population live in rural communities.

Against that backdrop of continuing caste-based discrimination, it is no wonder that Dalits are one of the groups that endure the worst socio-economic conditions in India. The estimated proportion of Dalits below the poverty line is 35 per cent. in rural areas, compared with 21 per cent. among other groups, and 39 per cent. in urban areas, compared with 21 per cent. among other groups. Those figures are based on the most recent large-scale national sample survey, which was carried out by the Government of India in 2000. The overall proportion of the population living in poverty was assessed as 35 per cent.—360 million people in total—according to the international definition of poverty, which is based on income of $1 or less a day.

Child mortality for those under five years old among Dalits is 83 per 1,000 live births, compared with 22 for the general population. In fact, on virtually any statistical measure of well-being that one may choose, the figures for Dalits are much worse than the national average.

I appreciate that the Minister is not responsible for international development, but perhaps he could shed some light on whether any of our aid to India is targeted specifically at Dalits, with the aim of closing the gaps between life outcomes for Dalits and those of the wider community.

Dalits experience violence committed with impunity, severe labour exploitation and modern forms of slavery, and discrimination in almost every sphere, yet escape from the shackles of the caste system is beyond the realm of imagination for millions of them. Freedom from the identity conferred on Dalits and low castes by the caste system is crucially important, and they have long seen the embracing of new faiths as a route for escaping from their identity. Of course, to say that is not to identify the caste system wholly and exclusively with the Hindu religion. It is practised by every religious group in India, including Muslims and Christians.

I recently met a well-respected Dalit activist, Dr. Kancha Ilaiah, who stressed to me that religious freedom is a vital right in the struggle for self-awareness and identity among the Dalit people, but that that right can be severely curtailed through legislation and social pressures. Dalits who embrace Islam or Christianity lose their eligibility for the benefits of the reservation policy that reserves certain jobs in the public sector for Dalits. State level anti-conversion laws are an increasingly prominent way of obstructing freedom of religion and are in force in seven states; further laws are expected soon. I would welcome hearing the Minister's thoughts on the use of anti-conversion legislation in India. What discussions have he or his colleagues had with the Indian Government about such laws and does he think that they are compatible with the ideals and aspirations of the new India?

India is a beautiful and wonderfully diverse nation. It is also a truly remarkable liberal democracy. Human rights issues in India relate to a fundamentally different set of problems than those associated with the authoritarian regimes of Burma and North Korea. There is freedom to debate the issue of caste in India and an increasingly critical media respond to the new aspirations and values of young Indians. Earlier this year, a BBC World Service poll found that 55 per cent. of Indians think that the issues relating to caste are holding their country back.

Last December, Prime Minister Manmohan Singh became the first sitting Indian Prime Minister to openly acknowledge the parallel between the practice of "untouchability" in India and apartheid in South Africa. He described "untouchability" as a "blot on humanity" and added that

"even after 60 years of constitutional and legal protection and state support, there is still social discrimination against Dalits in many parts of our country."

[Mr. Crabb]

Opponents of that view in India maintain that, unlike apartheid in South Africa, the constitution in India does not endorse or tolerate any form of discrimination. Other Indians prefer to think that the situation facing Dalits is comparable to that faced by blacks 40 years ago in the southern states of the United States when, even though Supreme Court rulings had outlawed segregation, the reality of daily life for many was de facto segregation, barriers to advancement and continuing poverty.

When discussing possible remedies to the effects of caste-based discrimination in India we need to tread carefully and respect the fact that these are fundamentally questions for Indians themselves to resolve. However, I will put a number of questions to the Minister about what the British Government can do to assist the Indian Government and people in addressing this difficult issue. What assistance are we giving to organisations in India that represent and provide a voice for Dalits? Are we providing any specific assistance to organisations that are trying to raise the issue in India itself? What advice and assistance can we offer to help the machinery of Indian Government—the judicial system and the array of public services—to stamp out caste-based discrimination and to work more effectively for Dalits and those of lower castes? What encouragement and assistance can we provide to UK investors in India explicitly to recognise the plight of Dalits? How can UK companies build into their investment plans and corporate social responsibility plans a commitment to seeing their investments deliver real gains for Dalit communities?

At the end of March this year, the Conservative party's human rights commission hosted a hearing at Parliament with Dalit representatives from India to take evidence on this subject. One of the strongest calls from that group of people was for greater English-medium education for Dalit children. In the new India, the ability to speak and write English is more important than ever, so what assistance can the Government provide to enable the expansion of English-medium education to Dalit children?

The nature of our relationship with India was described in a Foreign Office briefing paper as "strong, wide and deep". Shared interests with India across many different fronts bind our two countries together: economically, commercially, strategically and environmentally—in the way that we try to tackle climate change—and through our shared language and history. Most fundamentally, we are connected to India through our shared humanity and commitment to freedom.

Will the Minister and his team make a commitment today that they will not allow a single opportunity pass them by to encourage our friends in the Indian Government to renew their efforts to end all forms of caste-based discrimination? I also ask the Minister not to let our common European position on India prevent us from raising the issue vigorously and on a bilateral basis. We should not let sensitivity about our colonial past prevent us from robustly raising the issue and we should not be fearful of undermining commercial and economic interests. As a good, critical friend of the Indian Government, we should offer whatever assistance we can to help stamp out caste-based discrimination.

I am hugely optimistic about India's future, but we know that the societies that are likely to do best in the 21st century are those in which the conditions of freedom and social mobility are maximised. Human capital is India's greatest asset and yet almost a quarter of the Indian population are held back by systemic discrimination, segregation and human rights abuse. Caste-based discrimination constrains the life chances of approximately 200 million people and must have no place in the new India.

In conclusion, I ask the Minister to express his strong commitment to working with the Government of India to challenge, not least through education, the persistence of a degrading and pernicious system that threatens the social stability and economic progress of India.

11.25 am

Rob Marris (Wolverhampton, South-West) (Lab): It is a great pleasure to follow the wonderful speech of the hon. Member for Preseli Pembrokeshire (Mr. Crabb). I speak as an unpaid trustee of The Dalit Solidarity Network UK and regard myself as a critical friend of India. I am aware that millions and millions of Hindus in India and around the world, including the UK, object to casteism and consider that it entrenches discrimination based on work and descent. The hon. Gentleman mentioned that Dr. Manmohan Singh has recently likened casteism to apartheid and called it a "blot on humanity". That is a significant step forward.

Hon. Members often discuss poverty in Africa, and rightly so. However, there are more poor people in India than in the whole of Africa. One of the main causes of poverty in India—although it is not the only cause—is casteism because it holds people back from development. Some of my points have already been raised by the hon. Gentleman in his excellent speech, but one aspect that was not mentioned has a huge bearing on the UK as an international power: it is what was said to me and other hon. Members when a group of Dalit leaders visited the House this spring. We were told that there is a significant risk of civil war in India unless the Dalit issue is addressed—and I do not say that lightly.

For the past 35 or 40 years there has been an incipient naxalite rebellion, particularly in the north-east of India. That rebellion is spreading because of the frustration of Dalits at their lack of life chances and with the daily discrimination, violence, poverty and rape that they face. A growing number of Dalits do not believe that those issues can be adequately addressed within the constitutional framework of India. I dearly hope that they are wrong. I do not believe that engaging in violence provides a tit for tat solution for the daily violence suffered by Dalits and I stress that that is not the way forward. However, I understand why, 60 years after independence and after a huge number of laws have been passed to address Dalit discrimination, a growing number of Dalit in India feel that the laws and the constitution are simply not working.

A civil war in India would be a disaster for India and its residents, but it would also be a disaster for other

countries, including the United Kingdom, as we have close family and historic ties with India—it is the leaders of the Dalits, not me, who are giving that warning. I emphasise that they are not in favour of a civil war, but that they recognise the risk of it happening. The pot is starting to boil and things must change.

If we are honest, one of the many difficulties is that the rule of law in India is, to put it mildly, somewhat weak. The Dalit are excluded from enforcing their rights and victims of anti-Dalit action often find that the police will simply not investigate their complaint. If they do record it, they do not investigate it.

Education is part of the reason. Police officers must be better-educated perhaps than the average person in India, which means that it is harder for Dalits to become police officers. All too often—not all the time—the prevailing culture of the police is anti-Dalit. All the laws in the world giving people rights are almost useless if people do not observe them and there is no effective sanction for breaking them, which happens in India all too often.

Coupled with that is corruption, which is still far too widespread in India. Naturally, it is not confined to the private sector, but leaks into the public sector, including the police and judiciary. Dalits face another obstacle even if they manage to get the police to record and investigate an incident: in many parts of India, proceedings in the higher courts are still conducted in English. Owing to a lack of educational opportunities, the vast proportion of the overall Indian population are not fluent in English, but that proportion is disproportionately large among Dalits. The courts in their own country are conducted in a foreign language. That is most regrettable.

The lost opportunities for India's economic development resulting from the blocked potential of hundreds of millions of Dalits can be highlighted by the example of one of my political heroes, who is well-known to my hon. Friend the Member for Islington, North (Jeremy Corbyn)—Dr. Ambedkar. He was born a Dalit—an untouchable—in 1893, but through patronage he became an incredibly well-qualified polymath in the social sciences, economics and law.

Dr. B.R. Ambedkar chaired the committee that drew up the Indian constitution, behind which he was the driving force. He had help, but effectively he wrote the constitution—certainly, he set the tone. Many of us in the Room have visited India—I have done so on two occasions. Across the country, one can see—rightly—statues of Dr. Ambedkar. He rose from his humble background to great heights. In 1956—the year of his death—he converted to Buddhism. He was frustrated after more than 50 years of trying to get his countrymen—principally, but not exclusively Hindus—to recognise and act against caste-based discrimination.

Hundreds of millions of people in India have that potential, but they do not receive the kind of patronage that Dr. Ambedkar was fortunate enough to have in his youth. They do not get to travel to America to study, or to London to become a barrister at the Inns of Court. They do not receive the same education. That affects UK businesses operating in India as well, because the pool of labour—often educated labour—from which they would like to draw is correspondingly smaller than it should be, owing to those blocked opportunities.

I pay tribute to companies such as Cobra Beer, headed by the noble Lord Bilimoria, which has tried to address that problem. In particular I pay tribute to Richard Stockdale, the chief executive officer of Lloyds TSB plc in India, whom I met in Mumbai and again when he came to London, partly in order to push issues concerning Dalits. Such companies should be encouraged by the Government to observe what are rightly—I think—called the Ambedkar principles, which were launched in London, last July, at a meeting of the London School of Economics. I had the pleasure to be at that meeting, along with Baroness Royall who was representing the Government.

I shall not read out all of the Ambedkar principles, but refer briefly to them, if I may. They state that companies should have an employment policy that reflects

"the unacceptability of caste discrimination",

that they should develop

"and implement a plan of affirmative action, including training on caste discrimination"—

we would call that "awareness"—

and that they should ensure that they and their suppliers

"comply with all national legislation".

I stress the word "comply". The legislation exists, but too often it is honoured in the breach.

Fourthly, companies adhering to the Ambedkar principles should recruit fairly. Fifthly, they should take

"full responsibility for their workforce...including the supply chain".

That is very important because globalisation, including in India, brings long supply chains with component manufacturers and so on, and too often the large corporation at the top of the chain is not aware of the employment practices further down.

Sixthly, a company should provide comprehensive training opportunities, particularly for Dalit employees, who all too often, owing to their position in society, have been denied them. Seventhly, a company should designate a senior manager to carry out those policies and—this is the tenth principle—appoint a specific board member for overview. Eighthly, there should be

"effective monitoring and verification mechanisms"

Most importantly, from the United Kingdom's perspective, the ninth principle states that the company should publish an annual report on its progress so that UK businesses operate transparently in India and other countries and we know what progress is being made.

That is likely to affect UK businesses, not only now, but particularly in the medium term, if the growing demand in India for reservation in the private sector is met, which is possible. Currently, there is job reservation in the public sector for Dalits. We might call that affirmative action. It is to ensure, as far as regional state Governments and the Union Government in Delhi can, that the work force of public sector organisations are reflective of the population that it serves.

In the last 15 years, however, the proportion of the population covered by public sector reservation has been shrinking owing to privatisations. That has

[Rob Marris]

corresponded with India's welcome economic growth, although sadly it is confined mostly to urban areas and has not extended to the 650,000 villages inhabited by 750 million people—one hopes that it will get through. Of course, the private sector is growing without reservation, but the public sector, where that protection exists, is shrinking.

Jeremy Corbyn: I acknowledge the value of the reservation system in the public sector. However, does my hon. Friend acknowledge that one of the problems has been that although the reservation system has led to employment for some Dalits, anti-Dalit attitudes remain among high-level management throughout the public and private sectors? Great difficulties remain for Dalits in breaking into other non-reserved jobs in the public sector. Obviously, if the same thing applied in the private sector, we might have the same problem.

Rob Marris: I agree wholeheartedly with my hon. Friend. Often there are difficulties with anti-discrimination legislation, although I support it entirely—we have it here. The Government, on the basis of the democratically expressed will of the people, can try to set the tone, but in every workplace, household, village and so on, there will be different manifestations as to how deeply that goes. One has to press for a change in attitudes. The legislation sets the tone, but my hon. Friend is right that in too many workplaces there is a ceiling. I do not know whether one would call it a glass ceiling in India, but there is a ceiling, and cold-shouldering and similar things are going on.

If it comes to pass that there is reservation in the private sector, that will affect UK business. I have mentioned some good examples, but to the extent that UK business has not already done so, it should be gearing up for that; otherwise it will come as a tornado for those businesses and they will find it very difficult to adjust.

With regard to the Ambedkar principles, I have the honour to be a member of the Select Committee on Trade and Industry. We visited India in March 2006 as part of our preparation for a report on trade with India. I pay tribute to my fellow Committee members who were on that visit for the patience that they accorded me when I persistently asked business leaders and others whom we met about caste-based discrimination in India. I have to say something about the body language and sometimes the verbal response of those of whom I was asking the questions, none of whom I strongly suspect was a Dalit, although I do not know, partly because I did not know their names sometimes. Their response was too often negative—as though I was asking them an unseemly question such as how often they washed their underwear. People should not ask such questions, whether they are foreigners or people within India—that was the tone of too many responses that I received.

In the Trade and Industry Committee report, published in June 2006, we said in recommendation 30:

"We recommend that UK companies operating in India should be careful not to break the letter or spirit of the laws protecting Scheduled Castes and Scheduled Tribes. Preferably, they should take note of the 'Ambedkar Principles', launched by the International Dalit Solidarity Network, and look carefully at their recruitment and employment policies in India."

May I say to my right hon. Friend the Minister that I was very pleased with the Government response to the report? That response, published last October, referred to Baroness Royall going to the launch of the Ambedkar principles in the UK and mentioned certain big corporations in the UK that are supporting the Ambedkar principles, including Lloyds TSB, which I have mentioned, Standard Chartered, HSBC and Barclays. The Government response also stated:

"Under the UK Presidency the EU-India joint action plan was agreed, identifying key areas in which the EU and India agree to work together including human rights. The British High Commission in New Delhi has also discussed the issue of caste discrimination with the Indian National Commission for Minorities and National Commission."

I am pleased with that response. As supplicants such as myself always do, we want more, and I will come to that, but the UK Government are starting to move on the issue, which affects not only hundreds of millions of people in India of course, but people in places such as Bangladesh, Pakistan, Sri Lanka, Japan, parts of Africa, Yemen and so on. I am referring to discrimination based on work and descent. However, we are focusing today on India. I pay tribute to what the Government have done thus far, but we need to recognise, if you will allow me a little latitude, Mrs. Humble, the risk of caste-based discrimination in the UK.

There are thought to be 50,000 Dalits in the UK. We do not have numbers because we do not collect figures. However, the Dalit Solidarity Network-UK, of which I am a trustee, published a report last July called "No Escape—Caste Discrimination in the UK". I have passed that to my hon. Friend the Minister for Women and Equality and she is looking into it, because as well as trying to encourage India and assist India as much as we can to move on from caste-based discrimination, which to say the least is an affront to humanity and is an historical anachronism, we need to have a look at our own backyard to ensure that we do not import caste-based discrimination into the UK.

When we are unifying legislation through a single equality Act in the UK under the Commission for Equality and Human Rights, based in Manchester, we should consider having caste-based discrimination as one of the threads of discrimination that that unifying legislation, which will be very welcome, should address. Were we to do that, we would set a tone around the world, because I think that we would be the first country outside India to be dealing with the matter, in respect of what is very much a minority population in our own country, and I think that it would improve relations with India.

Many powerful people in India support caste-based discrimination, but growing numbers of powerful people in India oppose it, and that is the case from the top down. The Prime Minister, Dr. Manmohan Singh, to whom we have referred, is, as his name suggests, a Sikh. Guru Nanak founded Sikhism as a religion of equality, and one of the founding tenets that he and the subsequent nine gurus espoused, was to be against caste-based discrimination. Sad to say, that has not worked out fully, although there is much less caste discrimination in Sikhism. Dr. Manmohan Singh

comes from that background. As an Indian, he will of course be aware of the issue of caste, but as a Sikh he will have a particular angle on that, so although the United Kingdom and Her Majesty's Government always have to be careful about how they seek to transmit views, and about the views that they transmit, to a sovereign foreign country, which India happily has been for 60 years, we should also be aware that some of the nuances mean that to some extent we may be pushing at an open door, and that will be in the interests of our country, as well as in the interests of hundreds of millions of people in India.

I shall finish by posing some questions, in time-honoured fashion, to the Minister who will reply to the debate. First, what encouragement are the UK Government giving UK business to ensure that UK business, when operating in India, observes the spirit and the letter of the laws of that country on caste-based discrimination? Secondly, how frequently does the UK raise with the Government of India the issue of Dalits?

Thirdly, what steps do the UK Government take to seek to ensure that aid in India, whether it is what one might call routine aid or emergency aid, is not distributed on a caste basis? There were widespread reports after the hurricane in Orissa, the earthquake in Gujarat and the tsunami, for example, that aid from abroad, including from the UK, was not distributed fairly. A major reason for that—I can tell my right hon. Friend that there is very good evidence of this—was not any action of the UK Government, but inaction. Again, when it comes to education, it is often the case that Dalits have less education, not because they have less potential but because they are blocked, as I have termed it. People distributing aid tend to be higher up the social scale and therefore more likely to give in to caste discrimination, perceiving it to be in their own interests and in the interests of their family and friends to preserve the social hierarchy and ensure that aid goes higher up the social scale rather than to Dalits at the bottom of the social scale. What steps are we taking to try to prevent that from happening?

Fourthly, do the UK Government agree with the resolution passed by the European Parliament, in January I think, on the human rights situation of the Dalits in India? Fifthly, will the UK Government assist with English-language education programmes in India, as asked for by Dalit leaders, if the Union Government of India ask for such support? Clearly, it is a delicate issue. As a former colonial power, we cannot swan in and say, "We're going to teach you all English"—that would be an unacceptable affront. However, can my right hon. Friend assure us that the UK Government would step in to assist with English language training—within our means, of course—if the national Government in Delhi asked us to do so?

I finish by welcoming the cross-party consensus that we are starting to build on this issue. My hon. Friend the Member for Islington, North has been toiling on a long and lonely furrow in seeking support in the House, although the same is not true of support outside the House. Our numbers are expanding, and to my knowledge there are now three MPs—myself, my hon. Friend and the hon. Member for Preseli Pembrokeshire—who are very much seized of the issue. I hope that we can get other right hon. and hon. Members to take it up and encourage the Government to do even more to address this ongoing, abhorrent atrocity in India and other countries.

11.51 am

Jeremy Corbyn (Islington, North) (Lab): I commend the hon. Member for Preseli Pembrokeshire (Mr. Crabb) for securing the debate and for what he said. By way of a declaration of interest, I should say that, like my hon. Friend the Member for Wolverhampton, South-West (Rob Marris), I am a trustee of the Dalit Solidarity Network, as well as its honorary chair. I hasten to add that no fees are paid for either of those positions; indeed, if anyone wants to make a donation to the network, that would be extremely welcome and well received.

As my hon. Friend said, a small number of hon. Members have regularly taken up this issue, including myself, my hon. Friend and the hon. Member for Hazel Grove (Andrew Stunell). I take this opportunity to invite the hon. Member for Preseli Pembrokeshire to join the Dalit Solidarity Network and attend our meetings in the future. What he has done today has been of enormous help to the network's cause, and I thank him for that.

I have been involved in the issue for some time, and it is hard to describe to anyone who has never witnessed it the way in which Dalit people are so grossly discriminated against, not only in India—although it is the main place—but in other countries. It is also hard to describe the sheer verve and exuberance of Dalit campaigners in India, who are doing their best to overcome the most appalling discrimination and suffering.

I have had the great fortune to go to India on a number of occasions and I was a guest speaker at the World Social Forum in Mumbai in 2004. The event was preceded by a Dalit rights march throughout the country, which was designed to be equivalent to the great marches that Gandhi organised in the 1930s. When the marchers finally arrived at the former factory where the World Social Forum was being held, there was a fantastic sense of joy and exuberance among the Dalit people, not only because they had achieved something by having the march, but because, in the confines of the World Social Forum centre, they could be treated like normal, decent human beings like everybody else. That experience is not part of the daily life of Dalit people in India or elsewhere.

As part of the World Social Forum, Rodney Bickerstaffe, the former general secretary of Unison, Rev. David Haslam, who has done fantastic work on the issue, myself and many others addressed a Dalit rights conference. We were joined by the vice-chancellor of the university of Mumbai, who is himself a Dalit. Again, there was a sense not only of injustice, but of joy at the achievements of Dalit solidarity campaigns around the world and at the fact that people in other places recognised exactly what was going on.

It is hard for anyone outside to understand just how huge the issue is. At some point, everyone in this room will have campaigned against apartheid in South Africa. It was an evil and pernicious system if ever there was one, and many of us spent an awful lot of time campaigning against it. Fortunately, it is now behind us in legal terms and, largely, in reality.

[Jeremy Corbyn]

However, for at least 260 million people around the world—mainly in India—the caste discrimination system is alive and kicking. It discriminates from cradle to grave, and the fact that it is so discriminatory means that that journey from cradle to grave is unfortunately very short for most Dalit people. Discrimination exists in education, health, employment, daily life and, of course, the legal system.

As my hon. Friend the Member for Wolverhampton, South-West said, the Indian constitution was drafted by Dr. Ambedkar, a Dalit, who later renounced the Hindu religion and adopted Buddhism as his faith. Article 14 provides for "equality before the law" for all citizens. Article 15(1) refers to non-discrimination on the basis of caste and gender. Article 21 deals with the right to life and security of life. Article 46 relates to the protection of Dalits from

"social injustice and all forms of exploitation".

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 does much the same. It is therefore clear in Indian law that caste discrimination is completely illegal, but it happens in every aspect of life there.

Caste discrimination is also illegal under the terms of the universal declaration of human rights of 1948. Article 6 states:

"Everyone has the right to recognition everywhere as a person before the law."

Article 7 states:

"All are equal before the law and are entitled without any discrimination to equal protection of the law."

The universal declaration was followed by the international covenant on civil and political rights and the international covenant on economic, social and cultural rights of 1966, the international convention on the elimination of all forms of racial discrimination of 1965, the international convention on the elimination of all forms of discrimination against women of 1979 and the declaration on the elimination of violence against women of 1994.

However, those of us who attend the United Nations Human Rights Council—formerly the UN Commission on Human Rights—will find that as soon as one wishes even to raise the subject of discrimination on the basis of work or descent—in effect, discrimination against Dalit people—one is met with the most ferocious objections from Indian delegations. When the subject was raised at the millennium summit in Durban, there was enormous opposition from the Indian Government even to discussing it. It is not anti-India or anti-the Indian Government, but pro-human rights to demand that everyone be treated equally before the law, wherever they are on this planet. That, surely, is what the universal declaration of human rights is all about and what it was designed to achieve.

Rob Marris: Would my hon. Friend, like me, find it difficult to support India becoming a permanent member of the UN Security Council until it started fundamentally addressing this huge human rights issue?

Jeremy Corbyn: It is hard to see how one could believe that a country should be on the Security Council permanently to defend human rights around the world if it was clearly doing nothing like enough to address caste discrimination in its own society. My hon. Friend makes a strong point.

As my hon. Friend and others have said, the problem exists not only in India. If I may crave your indulgence for one second, Mr. Conway, I should like to mention the related issue of Dalit discrimination in Nepal. Last year, in this very Room, I hosted a representation by Dalit women from Nepal and colleagues from India about Dalit discrimination. For those women, who had been abused and forced to work as prostitutes, and whose lives had been destroyed by the very fact of their place of birth as Dalit people, it was an incredible achievement simply to be able to present their case in this hall in the Palace of Westminster.

We owe it to those brave women, who have stood up against caste discrimination, and to many others to do our best to do two things. First, we must ensure that the Government do all that they can to support measures to eliminate caste discrimination. Secondly, we must get the message across to the Government and lawmakers in India and other places.

The Hague declaration on the human rights and dignity of Dalit women was made in November last year. It pointed out the vast numbers of people involved, and made a series of demands, including identifying the millennium development goals with the cause of Dalit women, and placing the focus of international development on the elimination of caste discrimination. It made recommendations to the international community, the United Nations and the European Union. Recalling that India, like many other countries, is a signatory to the universal declaration of human rights, it called for a reduction, as quickly as possible, in the large gap in living standards between Dalits and other people, particularly women and girls. It called on the

"United Nations Human Rights bodies and mechanisms, the United Nations organisations, intergovernmental institutions and organisations...to give full recognition and effect to the content and the recommendations of the Hague Conference on the Rights of Dalit Women"

and on the

"international community to express its outrage against the caste-induced, systematic practice of untouchability and atrocities against Dalits in South Asia in general and against Dalit women in particular".

It continues by calling on the Human Rights Council to address the issue; perhaps the Minister will be able to help with regard to the UK Government's doing all that they can to ensure that that happens.

In parenthesis, one of the problems with the UN Human Rights Council, as with several UN agencies, is that too often we hide behind a bland Euro-formula, in which the European Union speaks for all 25 member states, but the reality is that there is hardly any verve in the contribution, for fear of offending any one of the 25. I wonder whether it might be an idea to opt out on this occasion, and say something a little stronger, if that is possible.

The International Labour Organisation's annual report on fundamental labour rights specifies adherence to the policy of no child or forced labour, non-discrimination

in employment, and the right to association and collective bargaining, but for Dalit people in India the idea of being active in a trade union and ensuring that their employment rights are complied with and wage demands met is a difficult one. I hope that, again, our representatives at the ILO will ensure that those demands are met.

In 2002, the UN Committee on the elimination of all forms of racial discrimination drew substantial attention to the issue of caste discrimination, and suggested that the state parties should take several courses of action, including to

"identify those descent-based communities under their jurisdiction who suffer from discrimination".

That is a requirement on all member states, including Britain, not just India. Secondly, it suggested that they should

"consider the incorporation of an explicit prohibition of descent-based discrimination in the national constitution".

It is very unclear what part of British law would apply if it could be argued that descent-based discrimination was happening in this country. I say that without hostility towards the Government; however, issues of discrimination against Dalit people do arise in this country. As well as calling on the state parties to

"review and enact or amend legislation to outlaw all forms of discrimination"

the committee demands a comprehensive national strategy to carry out the actions identified.

To conclude, discrimination against Dalit people in India is an outrage of the first order and must be dealt with, so pressure must be put on the Indian Government. Following the raising of this question with the Department for International Development it has been made clear to us that there is no discrimination on the basis of caste or descent associated with any British aid going to India. I am very pleased about that and ask for as much aid as possible to be directed particularly towards education in Dalit communities. It seems that discrimination is strong throughout, but particularly in education.

My hon. Friend the Member for Wolverhampton, South-West helpfully quoted the Ambedkar principles. The Dalit Solidarity Network has done a great deal of work in promoting them and hosted a conference last year on private sector involvement with them and the attempt to encourage foreign investors in India, who are now quite substantial, and substantially involved in employment, to adhere to the principles. That initiative is supported by the Amicus trade union, Lloyds TSB and others. It will be helpful if the Government also give full support to that approach.

We all today applaud the abolition of the slave trade 200 years ago, and at this very moment Kofi Annan is about to speak on that subject. It was an incredible achievement, although unfortunately slavery went on for several decades after that. However, we must ask hard questions. When a Dalit child is making carpets or bricks, or working in whatever other horrible occupation they are forced into, denied education, health care and childhood, is not that slavery in another form? We should not be too self-congratulatory. We have a long way to go to ensure that the UN declaration of human rights of 1948 means something to the people for whom it was intended to mean something—those at the bottom of the pile, suffering centuries of discrimination and the horrors that go with it. We must do all that we can.

12.6 pm

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): I am grateful to you for presiding this morning, Mr. Conway, and grateful to see the Minister for Europe here this morning. I congratulate my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb) on his comprehensive, mature and knowledgeable introduction to the debate. Although it is not particularly well attended this morning—and we particularly mourn the absence of any Liberal Democrat representation—the subject is an important one. The fact that it has been raised again in this Parliament shows that the issue is increasingly recognised on the international stage and that the Indian Government will increasingly have to act to deal with the dreadful problem that hon. Members have described.

There is not much time and I want to give the Minister plenty of time to reply so I shall make my remarks brief. My hon. Friend the Member for Preseli Pembrokeshire chaired the Conservative Human Rights Commission earlier this year, as he mentioned in his speech, and, to show what I think should be the tone of the whole debate, I shall quote his public statement:

"We conducted the hearing very much in a spirit of friendship with India, recognising the long-standing and special relationship between our two countries. But we would not be a true friend to India and its people if we did not raise these very serious issues."

He is right: a true friendship involves telling one's friend when they have got it wrong, and the Indian Government do need to take action over those serious problems.

India is, nevertheless, one of the world's largest democracies. It is reckoned, by Freedom House, to be in the free category. It allows public assembly and has a relatively impartial judiciary, particularly at senior levels, and, above all, it has a relatively free press. Without that free press it would not be possible to report some of the atrocities happening to Dalits, such as the Khairlanji incident that he referred to. I think that that free press will eventually bring about change in the system for Dalits.

I was a little concerned about the remarks of the hon. Member for Wolverhampton, South-West (Rob Marris). Violence is never the way to bring about change. Change should be brought about by peaceful means and campaigning, and people in a democracy and those who believe in democracy should respect that.

The plight of Dalits continues to be a serious concern. Amnesty International has termed India's caste system the hidden apartheid, as many hon. Members have mentioned this morning. The Indian caste system has historically prevented the Dalits, or untouchables, as they are called, from doing any but the most menial jobs. Today's speeches have highlighted the very real sense of discrimination against Dalits that still exists, particularly in rural areas. Dalits continue to face socio-economic discrimination, abuse and sometimes torture, and indeed death, simply because of their family descent.

[Mr. Geoffrey Clifton-Brown]

As I said in an intervention, those people are born into the system and discriminated against from the very time that they are born. That is quite unacceptable.

It is estimated that the system affects up to a fifth of the population in India—so up to 200 million people. Most of those affected are based in India, but not all of them, as we have heard from the hon. Member for Islington, North (Jeremy Corbyn), who met Dalit representatives in Nepal—as, indeed, did I when I went there last year.

The United States Department of State 2006 human rights report notes that:

"Social acceptance of caste-based discrimination remained a problem, and for many, validated human rights violations against persons belonging to lower castes."

The Select Committee on Foreign Affairs heard testimony that

"25-30 per cent. of the population that is 'dalit'...is, despite positive discrimination, extremely poorly educated, still fighting contemptuous treatment and generally confined to sanitary work, agricultural labour and construction sites."

Amnesty International estimates that at least two thirds of bonded labourers in India are Dalits. It says that redress is limited, and that

"*dalit* communities continued to be victims of violent backlash when asserting their rights"

under the law. Amnesty claims that as well as facing problems in seeking redress for abuses from other castes in their communities, Dalits may have problems accessing the criminal justice system.

As I said earlier, in an intervention on my hon. Friend, there is a problem with the anti-conversion laws. Dalits who seek emancipation by converting to a religion that does not have a caste system face tough punishments. As Christian Solidarity Worldwide states in its 2006 annual report:

"This is obstructed by so called anti-conversion legislation, which has become closely associated with the political agenda of Hindu nationalist groups".

Article 17 of the Indian constitution states that the practice of untouchability is abolished and forbidden, and the Indian Government introduced the Protection of Civil Rights Act as early as 1955. That Act was followed in 1989 by the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and in 1995 by harsher penalties for breaching the law, but the abuses still continue.

There is good transatlantic support for ending this discrimination, and that is hardly surprising given India's position as the United States' largest trading partner and key regional ally. On 3 May, Republican Congressman Trent Franks of Arizona introduced a concurrent resolution

"Expressing the sense of the Congress that the United States should address the ongoing problem of untouchability in India".

If India wishes to become one of the world's foremost international powers, it must address the dreadful stain on its character of Dalit discrimination. Our Government have made positive statements about India's application to become a permanent member of the Security Council. I agree with the hon. Member for Wolverhampton, South-West that if it really aspires to that position, it must do something about this dreadful problem.

I end by asking the Minister to reply to one or two short questions. What representations have the Government made to the Indian Government on this matter? What Department for International Development projects are targeted specifically at eliminating Dalit discrimination in India? What action has the Minister taken to bring this issue to the attention of British companies that trade with India? We have heard about some of the more enlightened, large companies that trade with India which adopt better practice, but many do not. Finally, what action are the Government taking to raise this matter in international forums? The Minister for Trade places great store in the new Human Rights Council. Will the Government strongly pursue this issue at that council, so that together, on an international basis, we can put more pressure on the Indian Government to do something about one of the greatest human rights abuses that remains in the world today?

12.14 pm

The Minister for Europe (Mr. Geoffrey Hoon): Human rights remains at the core of the agenda of the Department of Foreign and Commonwealth Affairs, and we should seek to expose and end all abuses of human rights, wherever they are committed. The debate is both timely and relevant, and I thank the hon. Member for Preseli Pembrokeshire (Mr. Crabb) for securing it. I also congratulate all hon. Members who have spoken in the debate: they gave a series of extremely good speeches and I shall do my best to maintain the standard that they have set.

A caste system is one in which an individual's occupation and marriage prospects are determined by his or her birth. Such discrimination perpetuates social exclusion and keeps large numbers of people in poverty. India has what is, perhaps, the best-known example of a caste system, in which up to 250 million Dalit and tribal communities traditionally form the lowest layer of Indian society. There is a debate as to whether any caste system is, de facto, automatically, an abuse of human rights, but I shall not enter into that debate today. Some argue, on the contrary, that the caste system can provide a sense of community. Speaking entirely personally, I must say that I have difficulty in accepting that argument.

I hope that we in this House and the people of India and the wider international community can all agree that we oppose all forms of discrimination, whether on the grounds of race, religion or of descent—as the UN Committee on the Elimination of Racial Discrimination has labelled caste-based discrimination. On that note, my hon. Friend the Member for Islington, North (Jeremy Corbyn) raised a very interesting point about the position in UK law regarding discrimination based on descent, to which I shall give further thought.

As we have heard, the Dalits in India suffer multiple forms of discrimination including racism, social exclusion and poverty. For centuries, they have been segregated from mainstream society and their employment options have been limited. Shortly after independence, the Indian Government made efforts to redress that age-old discrimination. The Dalits are no longer known as the untouchable caste. The concept of untouchability was abolished in 1950 in the Indian constitution, which also prohibits discrimination on the grounds of religion, race, caste, sex or place of birth.

Also in 1950, the Indian Government introduced a series of practical measures, through the Constitution (Scheduled Caste) Order, to reverse the Dalits' historical position. As scheduled castes, Dalits have quotas of reserved places in the central and state governments and in employment and educational establishments. They also have preferential access to low-income housing and agricultural land. Dalits have produced remarkable men and women throughout Indian history, and it is worth noting that since independence both an Indian President and Chief Justice have been Dalits.

The positive discrimination in India is not without its critics, but that must be set against the fact that discrimination against Dalits remains endemic throughout the sub-continent. Whilst we welcome the legislation that is in place and the initiatives that the Government of India have to address caste-related issues, we remain concerned about reports of continuing discrimination against Dalits. One example that has been highlighted today is the Kharirianji massacre and our high commission continues to monitor that case closely.

There are further practical problems with the practice of bonded labour. The word "dalit" does not mean untouchable, it means downtrodden, and the majority of bonded workers are Dalits. They are not the only victims of that contemporary form of slavery. Bonded labour was legally outlawed in India in 1976, but it is still widespread. However, the Indian Government are taking steps to tackle the problem. They have established regional vigilance committees, they provide grants to rehabilitate bonded labourers and last year they banned the use of child labour for domestic help.

As India moves towards becoming a global player, it is even more important that it continues to focus on its international obligations. It has signed and ratified all six of the core UN human rights treaties except the convention against torture, which it has signed but not ratified. Its election to the UN Human Rights Council last year was a clear indication of the importance that it places on human rights. We welcome its active role on the council and are keen to maintain an active dialogue with it on human rights issues both within and outside India.

India has ratified the international convention on the elimination of all forms of racial discrimination, and we therefore trust that it will take on board the committee's recommendations that discrimination based on descent should form part of its reporting obligations. Throughout the EU, there is regular dialogue with Indian officials on human rights. The issue of minorities was discussed at the last EU-India human rights dialogue in December 2006, at which both sides agreed to continue discussions on this issue. In March, a seminar was held in Delhi that focused on the discrimination against minority groups in both the EU and India.

Several hon. Members have asked about the UK's role. We remain determined to address these issues through a combination of political dialogue and practical support. Our high commission in New Delhi has raised our concerns about discrimination against Dalits and other minority groups with the Indian Government and will continue to do so. High commission staff have called on the National Human Rights Commission, the National Commission for Minorities, the National Commission for Women, the National Commission for Scheduled Castes and Scheduled Tribes and various state level authorities.

I was also asked about the role of the Department for International Development. It has worked with the Indian Ministry of Health and Family Welfare to develop targets for Dalit and Adivasi women and children in its child health programme and supports similar initiatives in education. The UK Government also fund a number of programmes to tackle the issue of bonded labour. We are helping civil society organisations in the 100 poorest districts to address discrimination against Dalits and to educate marginalised groups on their entitlements. We also support the Andhra Pradesh rural livelihoods project, which offers credit to poor families in drought-prone areas and sets up village-level sub-committees to address issues of bonded labour, child labour and child marriages.

The issue of UK companies investing in India has been raised. We want them to work to combat caste-based discrimination, and it is important that they take their responsibilities seriously. The UK Government are dedicated to promoting the corporate social responsibility agenda in India and in all other markets around the world. We have actively encouraged UK companies to adopt an approach that recognises the wider contribution that businesses can make to communities.

Mr. Clifton-Brown: Will the Minister tell us whether UK Trade and Investment, which is part-sponsored by the Foreign Office, takes any specific measures to inform companies that are trading with India about the Dalit problem?

Mr. Hoon: I cannot answer that question specifically, but, obviously, UKTI certainly emphasises corporate social responsibility, which includes the whole question of discrimination and the way in which our major companies have a responsibility to those whom they employ in other parts of the world.

Technically, the employment of Dalits or other minority groups by UK companies is governed by local laws and regulations. We have rightly heard that the law in India is clear about employment discrimination on the basis of caste. The UK will continue to encourage the Government of India to enforce rigorously those laws and seek to ensure that minority groups have an equal opportunity to share in the growth of the Indian economy.

The hon. Member for Preseli Pembrokeshire, like all of the hon. Members who have spoken, was right to draw attention to this issue in the House. The UK recognises that there are still areas of concern regarding the treatment of Dalits and other minorities in India. While we welcome the Government of India's commitment to addressing human rights issues, we will continue to raise concerns with the relevant authorities and look for further opportunities to work with non-governmental organisations to tackle them.

12.22 pm

Sitting suspended.

Suez Canal Zone (Medals)

12.30pm

Mr. Neil Turner (Wigan) (Lab): I speak on behalf of Bill McKnight and other Royal Navy personnel who served in the Suez campaign from October 1951 to October 1954.

First, I apologise to the Minister that, having said that I would give him my notes prior to the debate, I could not do so because of the bank holiday. However, the issue has been much discussed and I am sure that there will be no surprises in my speech.

In 2002, the Government asked the Committee on the Grant of Honours Decorations and Medals to review whether the Suez campaign was worthy of the award of the general services medal. A sub-committee was set up under General Guthrie to investigate that. It did so, and after consideration agreed that an award should be made. The Sub-Committee issued a paper setting out the detailed criteria for the award of the medal and the covering letter in 2003 referred to the

"Paper in respect of Suez, which has been cleared by the Chiefs of Staff and the Secretary of State for Defence."

One cannot get much higher than the Chiefs of Staff and the Secretary of State for Defence.

The paper is very detailed, which is important, and went into a number of areas. Paragraph 7 detailed the length of service, paragraph 8 the geographical area, paragraph 9 the eligible personnel, paragraph 10 the qualifying period, paragraph 11 the type of award that should be given—the general services medal—and paragraph 12, on aggregation, says, "Service can be aggregated." Paragraph 15 summarises that by saying in sub-paragraph a that the award should be for personnel

"on the posted strength of a Ship...for 30 or more days for operations...within 3 miles of the Egyptian coast".

Sub-paragraph d says:

"Service may be aggregated and any day, part of which was spent as defined above, will count as a qualifying day."

Those issues are important, and I remind the Chamber that they were cleared by the Chiefs of Staff and the Secretary of State.

In December 2002, the sub-committee reported to the HD committee, concluding that the case had been made and that the qualifying service should be 30 days. It did not mention that the service should be continuous or aggregated. Its conclusion was merely that

"The sub-committee therefore recommends that those who served in the Suez Canal Zone between 1951 and 1954 for a period of at least 30 days should be eligible for the award of a Canal Zone clasp to the GSM (for Royal Navy personnel the 30 days should have been spent ashore, not at sea)."

That is important.

In October 2003, Command Paper 5999 was approved by the Queen and presented to Parliament. Paragraph 4 covers the length of service and makes a major change. It states:

"Qualifying service for each of these categories will be thirty days or more continuous service in the Suez Canal Zone."

That is a dramatic change from the original papers and has been questioned ever since by Royal Navy personnel, so it is important to look at the nature of the operations.

The Mediterranean is a short sea; it is not an ocean. Mediterranean fleet ships were able to leave the canal zone and return to Malta for refuelling and replenishing. The commander-in-chief at the time was Lord Mountbatten, who was very active and wanted his ships to have plenty of sea time. He did not want his ships tied up in port longer than necessary. The national archives file WO216/900 states that Lieutenant-General Sir George Erskine, commanding officer of British troops in Egypt, said:

"The operation of the Suez Canal by the royal Navy in spite of opposition, was of major importance".

That was due to the Egyptians withdrawing all their labour. A further quote is:

"In order to keep the Port Said, Adabiya, and Fanara (the latter being two purely military ports) in a position to meet the basic military requirements, steps were at once taken to supply essential service from service sources. This was greatly helped by stationing of H.M. Ships at Port Said, on Lake Timsah and at Suez".

Clearly, the Navy was an important part of the whole operation. Royal Navy personnel, as is normal, undertook shore, transport and escort duties in areas subject to conflict and ambush.

My constituent, Bill McKnight served on HMS Glasgow and his service was not atypical with seven stays in port not on patrol, totalling 72 days, the longest three being of 18, 20 and 27 days, in total 240 per cent. of the aggregate criteria, but none reached the 30-days criteria.

There are two critical questions. Is there a precedent for the 30-days or for aggregation? In other words, is the request usual or unusual? Clearly, it is usual. The point has been made in a number of areas. In Palestine, the Aden peninsular, the gulf of Suez, South Arabia, Northern Ireland and Lebanon the period was 28 or 30 days, not necessarily continuous. Thirty continuous days is not a requirement for a clasp to be awarded.

The second question is: why was "aggregate", as approved by the Chiefs of Staff and the Secretary of State for Defence, changed to "continuous"? It has been much more difficult to find the answer to that. A Cabinet Office letter of 20 July 2005 says that

"it was clear from the sub-committee's discussions that their intention was that there should be a requirement for continuous service and the published qualifying criteria were drafted accordingly."

That is the criteria in Command Paper 5999. The letter continues:

"The requirement for Royal Navy personnel to serve for 30 continuous days ashore was to ensure that naval personnel would not qualify for the award while serving at sea in the Canal Zone theatre of operations, i.e. off shore, or for service not in direct support of activity in the interior of the Canal Zone."

That was covered by the criteria on the geographic area, and the answer was rather feeble.

The MOD letter, reference D/US of S/TW 3015/06/ L/sb, from Tom Watson to the Solicitor-General, my hon. and learned Friend the Member for North Warwickshire (Mr. O'Brien) on 27 June 2006 gave a further excuse when it stated that it was

"inappropriate for the Royal Navy or the Royal Air Force to have any less rigorous eligibility criteria"

than people in the Army who bore the brunt of the service. That is a canard. At no time has anyone suggested that the service qualification for Royal Navy personnel should be any different from that for any other service. All that we are asking for is that the whole period should be counted as aggregated service rather than continuous service.

A letter to Mr. L. Golder, MBE of Bolton on 30 May 2006, reference D/DS Sec/1102/10, answers the question about who and attempts to say why. It says that

"the word "continuous" was inserted by Mrs. Catto instead of "aggregated", as it reflected the decision of the chairman and the sub-committee."

No it did not. It was clear that the declaration was "aggregated" and that that criterion was approved by the Chiefs of Staff and the Secretary of State. An earlier Cabinet Office letter on 16 June 2006 to Bill McKnight said:

"The sub-committee report recommended that service of at least 30 days would be required. It did not indicate whether eligible service must be continuous or aggregate...The HD committee, on the advice of the sub-committee, with agreement from MOD, and as confirmed by Lord Guthrie, took the decision to set the qualified criteria at 30 days continuous service."

That is quite different from the documentation.

A further letter from the Cabinet Office to the Air Chief Marshal Sir Jock Kennedy on 30 June 2006 said that the report by the sub-committee

"did not contain and was not intended to contain a detailed account of the eligibility criteria."

It continued:

"No Ministry of Defence staff members had been present at the discussions of the sub-committee; they were therefore not aware that the sub-committee had agreed that the service should not be aggregated but continuous."

There is clearly a problem with the differences between the two.

There are two broad reasons for opposing the change from continuous to aggregate service. First, there are the differing criteria. I do not think that anybody wants them, so we do not need to discuss them any further. As I said, it is an absolute canard, and frankly, I hope that the Minister will not bother dealing with the issue. There is also the issue of the reflection of the advice from the sub-committee's discussions. And secondly, the sub-committee's criteria were not detailed.

The only evidence that we have is a written submission from the sub-committee, which clearly says that service should be aggregated. It cannot be clearer: four words make it clear that service should be aggregated and not continuous. If the criterion was to be continuous service, why did no one say so? It is not a subtle change or a minor issue; it diametrically opposes Command Paper 5999. It is as different as black and white, as up and down—as aggregated and continuous. The only evidence that has been presented to me is hearsay versus clear documentation, and in a court of law documentary evidence would take precedence over hearsay.

The evidence in the document that the sub-committee produced and sent to the committee is also more detailed than in Command Paper 5999. As I have said, the Command Paper was approved by the Chiefs of Staff and the Secretary of State for Defence, and changes were made—apparently without their knowledge. Perhaps we are being asked to believe that the Secretary of State signed it on the understanding that continuous meant aggregate and that aggregate meant continuous. I cannot believe that. It is stretching credulity too far to believe that the Secretary of State and the Chiefs of Staff did not understand that the documentation meant aggregated and not continuous service.

Why was the Secretary of State not informed of the re-documentation and the changes that were made? Were the Chiefs of Staff informed? I do not know; I have not found any evidence to say that they were or were not informed. If they had been notified, would they have approved it? I doubt that they would, because of the nature of the Mediterranean fleet and of the operations in the Mediterranean sea. The change would have meant that, in effect, every single Royal Navy sailor serving in the Mediterranean sea was denied the opportunity to add a clasp to the general service medal for Suez canal service.

I do not expect my hon. Friend the Minister to say that he can make a change today; I know that that is not how things work. However, I ask him to consider the case very closely. He should not deny the case today; he should have a clear look at it, and consider all the papers. I am sure that he has more available to him than I do. He should also try to obtain the answers to my questions. If he is not satisfied that the case has been made, and if he is satisfied that the Royal Navy and all other service personnel who served in that theatre for 30 days' aggregate service should be awarded the clasp, he should ask the HD committee to review the case. Only then will the sailors feel that their service for our country has been properly recognised, and that the dangers that they were placed in have been understood. They will then be able to take their place with pride alongside their brothers in arms in the Royal Marines, the Royal Air Force, and the Army, who served our country in a difficult and dangerous time.

12.44 pm

The Parliamentary Under-Secretary of State for Defence (Derek Twigg): I congratulate my hon. Friend the Member for Wigan (Mr. Turner) on securing the debate and providing me with an opportunity to speak about this emotive issue. My hon. Friend is a strong supporter of veterans and he takes great interest in veterans' issues. He has done so for a number of years. I hope to address the issues that he has covered today, but I may not be able to do so in the time that I have available, so I shall write to him about the issues that I do not cover during my response.

It may be helpful if I explain the current position. In July 2002, following protracted representations from veterans who had served in the canal zone in the 1950s, who said that their service had not been recognised by the issue of a medal, the Government set up a sub-committee of the pan-departmental committee on the grant of honours, decorations and medals, known as the HD committee.

Since the end of the second world war, the HD committee has maintained the policy that it will not

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consider the belated institution of awards and medals for service given many years earlier, because it cannot put itself in the place of the committee that made the original decision, which would have been able to take account of the views of the Government and other interested parties at the time of the decision. In response to requests for the institution of belated awards, the committee has made it clear on a number of occasions that it will not change that policy. If an exception were to be made for one case, it would be almost impossible to refuse to reconsider every other claim for the retrospective institution of an award or medal.

The case for the Suez canal zone, however, was considered unique. Although there was some contemporary evidence to indicate that a request for a campaign medal had been submitted, there was no conclusive evidence to prove that the matter had been considered at the time. As a result, and in view of the exceptional circumstances, the HD committee established a special, independent sub-committee to look specifically at the case for a medal for service in the canal zone in the early 1950s.

The sub-committee was chaired by General Lord Guthrie of Craigiebank, a former Chief of the General Staff and former Chief of the Defence Staff. Lord Guthrie's sub-committee also included Field Marshal Sir John Chappie, also a former Chief of the General Staff, Air Vice Marshal Keith Filby, and Sir Max Hastings, the noted military historian.

The sub-committee, in reporting its conclusions, recommended that those veterans who had served in the Suez canal zone between 1951 and 1954 for a period of at least 30 days should be eligible for the award of a canal zone clasp to the general service medal. With regard to Royal Navy personnel, the sub-committee indicated that the 30 days should have been spent ashore, not at sea.

The sub-committee's report did not contain, nor was it intended to contain, a detailed account of the eligibility criteria. The main focus of the report was on the justification for the institution of a new medal. The report merely indicated that the sub-committee recommended that service of at least 30 days would be required. It did not indicate whether eligible service must be continuous or aggregated. The report, however, drew a parallel between the circumstances surrounding the award of a medal for service in Palestine, which required 28 days' continuous service, and the Suez medal question.

Subsequently, the full HD committee discussed the question of eligibility for the Suez award. On the advice of the sub-committee, as confirmed by Lord Guthrie and agreed by the Ministry of Defence, the full HD committee took the decision to set the qualifying criteria at 30 days' continuous service. The recommendations were duly submitted to Her Majesty the Queen, and in October 2003, the Government were pleased to announce that Her Majesty had graciously agreed to the institution of the canal zone clasp to the 1915 naval general service medal and the equivalent Army and RAF medal, the 1918 general service medal, to recognise service in the canal zone in Egypt between October 1951 and October 1954.

There are no contemporary lists of naval ships that served in the canal zone between 1951 and 1954. The decision was therefore taken that the assessment of "unit eligibility"—that is to say, "Was a ship in the zone, and if so for how long?"—would have to rely in the first instance on naval veterans applying for the medal. Once veterans began to apply, a list of potentially eligible ships was established. Using the list, it was possible to investigate whether the ship had been present in the canal zone.

Establishing whether individual naval personnel met the qualifying criteria was much more difficult. Neither naval records nor surviving ships' records were found to be sufficiently precise. They had not been created to support applications for medals—certainly not some 50 years after the event—and available records did not specify whether ships' personnel had served ashore in the canal zone. The decision was therefore taken that, providing it could be confirmed that a particular ship had been present in the canal zone for a period of 30 continuous days, and providing the applicant's personal records confirmed that he was serving on the ship at the time, an assumption would be made that he had been subject to a similar degree of risk and rigour as personnel serving ashore.

The qualifying area was Port Said and Port Faud in the north and Port Suez in the south, or in the lakes or waterways of the canal between the ports, although not for ships in transit through the canal. An assumption was made that many naval personnel, whose ships were in the area, would have gone ashore on duty or for other purposes, and that when ashore they would have been as vulnerable as their colleagues in the Army and RAF.

It is probable—although it has not been possible to validate this—that some ships' staff would also have been employed in an internal security role or on sentry duty, guarding their ships and other naval facilities and installations. Based on the applications received from naval veterans so far, the records of more than 140 naval units have been assessed. From that, it has been established that 30 or so ships meet the requirement of having spent 30 continuous days in the qualifying area.

The individual eligibility of naval veterans for the canal zone award has been assessed by the Ministry of Defence medal offices, initially at the Royal Navy medal office in Gosport and latterly at the joint-service Ministry of Defence medal office at Innsworth. I fully acknowledge that some veterans have indicated their disquiet that, in so far as the Navy was concerned, the 30 continuous days' service was overly restrictive. Concern has been expressed that the deployment pattern of Royal Navy ships at that time was not fully taken into account when the qualifying criteria were under consideration, and that in some cases ships had limited capability to remain on station in the canal zone. The point has also been made that had the qualifying criteria been 30 days' accumulated service rather than 30 days' continuous service, more naval veterans would have been eligible for the award, as my hon. Friend has made clear.

Mr. Turner: Can my hon. Friend the Minister confirm that the membership of the sub-committee that considered the issue did not actually include any personnel with naval experience?

Derek Twigg: I can confirm that there is a range of people with military experience on the HD committee. I am not aware of anyone with naval experience who sat on the sub-committee at that time, but I mentioned Lord Guthrie, who is obviously a distinguished person who served the country as the Chief of Staff, and others. The selection of members to serve on the sub-committee is not a matter for the Ministry of Defence, as my hon. Friend knows, and the brunt of the service fell on the Army and the RAF in that case, as he also knows.

I recognise all those concerns. It is, however, a matter of historical record that the brunt of service in the canal zone fell on the Army and the RAF, whose people operated and lived in close proximity to the threat. Of course the Royal Navy made a worthy and important contribution in the canal zone; but it was the view of the HD committee, as advised and informed by experienced senior military officers, that a period of 30 days' continuous service was appropriate to qualify for the award. I am sure that the Chamber will agree with me that it would be inappropriate for Royal Navy personnel to have any less rigorous eligibility criteria than their Army or RAF colleagues. My hon. Friend has made the point that he does not consider that to be the main issue, but it is worth re-emphasising.

It gives my officials no satisfaction to turn down applications for the medals. It may be appropriate at this point to quote Winston Churchill on the very issue of medals and awards. He said:

> "The object of giving medals, stars and ribbons is to give pride and pleasure to those who have deserved them. At the same time a distinction is something that everybody does not possess. If all have it, it is of less value. There must, therefore, be heartburnings and disappointments on the borderline. A medal glitters, but it also casts a shadow. The task of drawing up regulations for such awards is one which does not admit of a perfect solution. It is not possible to satisfy everybody without running the risk of satisfying nobody. All that is possible is to give the greatest satisfaction to the greatest number and to hurt the feelings of the fewest."

I understand entirely the disappointment of those who have not been able to receive the award. They feel passionately about the case that they have made, and my hon. Friend has made that point passionately, too. However, I should like to make it clear that the position in no way undermines the important contribution that people such as his constituent made to the conflict. We hold them in high esteem for their service to the country during a difficult time.

We have no plans at this stage to review the eligibility criteria for the award. I recognise that that will be disappointing, but I shall reply to my hon. Friend with details on one or two of the issues that he raised. However, at this stage I cannot hold out any hope for reviewing the eligibility criteria.

Derek Conway (in the Chair): Order. As the hon. Member for Southport (Dr. Pugh) and the Minister who will reply to the next debate are here, it will be possible to move on without waiting until 1 o'clock. Therefore, when Members have managed to settle themselves into their respective places, we shall move on.

Road Schemes

12.56 pm

Dr. John Pugh (Southport) (LD): I apologise in advance for spoiling your lunch, Mr. Conway, and probably that of the Minister. It will not displease me if we do not take the full allotted time, but get straight to the point. I am glad to see the Minister here, because our careers have crossed in a very helpful way. He went from the health team in the Labour party to the transport team, whereas I passed the other way but on the Liberal Democrats' side. He also knows my area—he has certainly visited it on a health matter and he has a personal connection with it. He also represents the seaside, so I could not ask for a better Minister on this occasion.

Under the old system of developing road schemes—it was long before my time, and probably long before yours, Mr. Conway—one simply sidled up to a Minister a few years before an election and emphasised the fact that one represented a marginal constituency. Road schemes then simply happened, through the whim and desire of the Department for Transport.

Fortunately, those bad days of patronage, skulduggery and political manipulation are obviously behind us. They were replaced by the epoch of the local transport plan, whereby passenger transport authorities were asked to put together schemes for road development and, sometimes, rail development in their area. The plans had a learning curve and schemes were graded as good or bad by Ministers, who scrutinised them and made announcements. LTPs were judged on an annual or sometimes triennial basis by the Government, and they were funded according to whether they reflected the policy flavour of the month or were well constructed, well argued for and seemed to deliver some of the benefits that they claimed.

There were extraordinarily wide variations in the quality of work done in LTPs by passenger transport authorities. Some, as supplicants to the Department for Transport, were genuinely deeply puzzled as to why their LTP had enjoyed so little success and received so few approvals to spend. Others were only too delighted to see the good efforts in their LTPs well rewarded. In my area, Merseyside passenger transport authority did particularly well on local transport plans. In comparison, just down the road, Lancashire county council did surprisingly poorly in terms of the amount of funding that it received, yet Lancashire probably covers a wider area than Merseyside.

Nowadays, we have a new system of regional prioritisation. Regional prioritisation is done by regional forums appointed by regional assemblies, yet without the essential element of regional government. I found out about the process relatively late, almost as it was occurring. As a member of the Select Committee on Transport, I was standing in for the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) in a debate in this Chamber. I remember being surrounded by all sorts of experts, journalists and so on in the transport field, and breaking to them the news that regional transport schemes were being funded and were well advanced, and that they were proceeding in an almost secret, secluded fashion. Most people looked on to the

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schemes fairly late. They did not really recognise the process for what it was until it had more or less happened. That was the Government moving to a fairly fast time scale.

In a sense, one might see the regional transport forums as a positive development. There was a predefined allocation, apparently based on a relatively fair distribution of resources, on a per capita basis. Will the Minister confirm that? In respect of prioritisation, the process transparently has to be evidence-led. The company W.S. Atkins was employed in the north-west to score the schemes sent in by the passenger transport authorities and evaluate them on an objective and fair basis. That is how big schemes happen at the moment. The process is new and we are getting used to it, but it is one of the few games in town. Superimposed on that is what are referred to as the transport innovation funds. PTAs, or whatever body is involved, have to promise to inflict pain—a congestion charge for residents, or whatever—to reduce traffic, before securing funding for genuinely popular projects such as trams. Under the system there is, if you like, no gain without pain. I understand that the negotiations take place between the Department for Transport and various transport bodies. By and large, the transport bodies try to inflict as little pain as possible to secure as much gain as possible—the "gain" meaning funding for popular transport projects.

The problem is that there is a substantial omission in the system. Good, popular, needed and affordable schemes that do not have pan-regional significance get left out of the system altogether, particularly if they cost more than £5 million, which I think is the current limit. If they cost less than that, they can be done by the local transport authority, but if they cost more they must go to regional prioritisation.

I am delighted that the hon. Member for West Lancashire (Rosie Cooper) is here, because I am about to talk about schemes such as the Ormskirk bypass, which is Lancashire priority No. 2, but relatively low in the current regional prioritisation. The bypass passes all the tests that one would expect a good scheme to pass. It certainly impresses me and the hon. Lady. It impresses my constituents and hers because it offers real benefits, and it impresses West Lancashire district council, which is controlled by the Conservative party, from which neither I nor the hon. Lady come. The bypass scheme also impresses the people of Ormskirk, who have long wanted it and have thought that they might get it for almost 30 years. Hopefully, it will impress the Minister on objective criteria.

There are some very good reasons for the scheme. First, it would take considerable pressure off the town of Ormskirk. Secondly, it would appreciably improve access and transport between Southport and Formby district general hospital and Ormskirk and district general hospital, which operate under the same trust; from past experience, I know that the Minister is very familiar with it. The two hospitals were merged and their services configured as a result of a report written by a Professor Shields.

As I have probably told the Minister, the report had a very telling line. It said that the service configuration was supported by Professor Shields and the like, but that there were transport difficulties, which, it went on to say, were not within the remit of the health service. The health service did not need to consider those difficulties; that was for somebody else. There is an important public service aspect to the road, given that it could facilitate transport between two relatively small hospitals that are not as well linked as people in Ormskirk and Southport would wish them to be. Increasingly, people have to travel between the two clinical centres and find that problems with access are less than tolerable.

There are other reasons, unconnected with health issues, for the bypass. Southport's economy is unquestionably expanding. The Minister may have been lucky enough to catch the last edition of the programme presented by Sir Trevor McDonald, which was about coastal towns. As an example of genuine regeneration and expansion, Southport was contrasted with other coastal towns. All the research by bodies such as the Southport Partnership has identified that there are only two limits on further successful economic expansion, which would help the north-west in general: housing, which I shall not go into now, and transport links. The hon. Member for Pontypridd (Dr. Howells), in his previous capacity as the Under-Secretary of State for Culture, Media and Sport, travelled around all the coastal towns. When he got to Southport, I asked him what his conclusion was. He said that every town that he had been to, with the possible exceptions of Bournemouth and Blackpool, wanted a better route into them. We do not simply want a better route; we have an economic case for having one.

I am pleased to see the hon. Member for West Lancashire in her place; she is slightly more optimistic than I about how quickly the Minister will respond to my supplications, requests and well reasoned arguments.

Rosie Cooper (West Lancashire) (Lab): The hon. Gentleman rightly says that I am more hopeful than he. That is because we have secured a promise from the Minister that sub-regional priorities will be considered again in 2009. The county council should be congratulated on working with us and ensuring that the scheme will go ahead for planning permission in July this year. It has even allocated a spot for a public inquiry and done the environmental impact study. The message for the Minister is that we will be ready and waiting to make the scheme work.

Furthermore, as a result of my discussions with the regional development agency, I believe that the rather non-transparent way in which the Atkins evaluation of regional priorities took place will not happen again. The information is now to the fore and there is acknowledgment of how much the scheme is needed. Yes, I am much more optimistic that the Government, the regional development agency, W.S. Atkins and others involved will recognise that unless the scheme picks up money from slippage or regional priorities next time round, the economies of my constituency and that of the hon. Gentleman—West Lancashire and Southport—will suffer greatly. The scheme is absolutely necessary and the work that I have done in 18 months—

Derek Conway (in the Chair): Order. I am sorry to interrupt the hon. Lady. I have allowed her a long intervention because of the constraints on Adjournment debates. However, Dr. Pugh must have the Floor.

Dr. Pugh: I am grateful for the hon. Lady's intervention and her clarification of the Government's promises. Obviously, I wish to see them firmed up and delivered.

Clearly, the effects of there not being development can sometimes be negative. I recall going to the Government office for the north-west in the company of the then deputy chief executive of Blackpool Pleasure Beach Ltd to discuss the case for better road links. As the Minister will be aware, one of the few negative things to have happened in Southport recently is that Blackpool Pleasure Beach Ltd has withdrawn from Southport. Obviously, one element of that decision was that, because of the transport issues, the company could not see the increasing flow that its investment had led it to expect. It is probably wrong in that suspicion, but that is how it has perceived the situation.

We seem to be on the cusp of some interesting developments. The chief executive of the Southport and Ormskirk Hospital NHS Trust wrote recently to the hon. Member for West Lancashire and me, suggesting that the problem needs to be addressed. We have been addressing it for some time, but none the less his intervention is helpful. He is suggesting that the hospital trust will not sit back any longer and simply expect transport arrangements to take place, but consciously wants to work with others to try to accommodate such arrangements. That attitude reflected that of the previous chief executive, who had a particular interest in transport. Ultimately, the economic and health cases stack up, and the issues connected with the health service are increasingly to do with access.

We are between a rock and a hard place. What happens to pan-regional schemes that are not genuinely pan-regional but cost above the limit allowed for local schemes? Frankly, not a lot of tarmac can be bought with the money that local schemes are allowed to spend. The Ormskirk bypass will probably exceed the limit, however it is done and however costs are pared down.

I do not think that my suggestions are unique. The Minister might find himself in an Adjournment debate soon where an hon. Member from another part of the country makes an analogous claim, although the hon. Member for West Lancashire and I like to think that our case is particularly robust and well supported by the evidence provided. However, the predicament is common to many good schemes. Many schemes that the Minister will have to deal with will involve an appreciable amount of local opposition, but there is zilch opposition to this scheme. Everybody in the area wants it, but the problem is simply how to acquire the funding under a regime in which we fall between two stools. That is the question that I want to put to the Minister.

1.11 pm

The Minister of State, Department for Transport (Dr. Stephen Ladyman): I congratulate the hon. Member for Southport (Dr. Pugh) on securing the debate. He and my hon. Friend the Member for West Lancashire (Rosie Cooper) have made a powerful case for the Ormskirk bypass, as part of the hon. Gentleman's more general comments about the regional funding allocation process. The hon. Gentleman is right to say that I have a connection with the area—I was born in Ormskirk hospital, which makes me wonder why anybody would want to bypass the place. I would have thought that everybody would want to go there, perhaps to see the blue plaque that my hon. Friend is arranging to have put on the hospital wall any day now to honour my place of birth.

Before I address the specific points that have been raised, I hope that the hon. Gentleman will forgive me if I make a few points about the contribution that the Government have made to local transport schemes and to schemes such as the one that he mentioned. There was significant under-investment in local transport, so in 2007-08 we have provided more than £1.25 billion of transport funding to local authorities, including £683 million for highways capital maintenance to improve local road conditions and £571 million for smaller transport improvement schemes. That represents a trebling, in cash terms, of Government support for council investment in local transport projects since the late 1990s.

The north-west region—the hon. Gentleman mentioned once or twice that the sum that it had received was not as large as he would like—received £76 million in 1997 and £213 million in 2007-08, an increase of 180 per cent. That is being translated into delivery on the ground, and it has enabled councils to deliver far more projects for the benefit of their areas. Across the country, there have been 2,889 new junction or junction improvement schemes, 210 new or improved access roads with specific regeneration or social inclusion benefits, and considerable increases in the length of cycleways and bus lanes as well as corridor improvements.

Dr. Pugh: I will certainly not argue with the Minister's well informed statistics, but he would probably acknowledge that a large percentage of that money has been spent on a small number of large projects, so some of the smaller projects might have to wait in a much longer queue.

Dr. Ladyman: That is certainly an issue, and I shall come to it in a moment. However, my remarks highlight the rationale of the regional funding allocation process. To be fair to the hon. Gentleman, he acknowledged that it is an improvement on the previous arrangement. It is more transparent. The way that we did it first time round might not have been perfect, but it beat the heck out of my sitting in my office in Whitehall making all the decisions by myself without any reference to local people and stakeholders. Under those circumstances, big road schemes that seemed to distort local priorities were often prioritised. Sometimes, the Minister of the day thought that it would be politically better to have lots of small schemes and no big schemes—again, that was a distortion of priorities. It is far better to ask local people about their priorities for the region. That is what the regional funding allocation process was set up to do.

We intend to continue to deliver sustained improvements to the transport infrastructure. We announced in July 2005 that each English region would be given indicative regional funding allocations for transport, housing and economic development in each

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year up to 2015-16. That covered major transport schemes costing more than £5 million promoted by local authorities and by the Highways Agency on trunk routes of regional importance and funded by specific grants from the Department. The hon. Gentleman mentioned that and talked briefly about the distribution of funding. Before we introduced the funding formula through which we decided how much money will go to each region, we consulted all the regions about what they thought was the most appropriate way to distribute the money. We accepted that advice, and the money is basically distributed per capita around the country.

The process has given us an opportunity to see how the interrelated areas of transport, housing and economic development could be better aligned. Each region's schemes were assessed by the respective regional development agency, regional assembly, local authority partners and other key interests against regional, sub-regional and local transport policy criteria, as well as value for money and deliverability criteria. In that way, a realistic, prioritised and affordable programme was developed to meet those objectives.

The regions devoted considerable care and effort to developing their advice and to securing a consensus on what needs to be done to improve the transport infrastructure. In January 2006, each region submitted advice to the Government setting out those transport projects that it considered should be given priority for funding in each year up to 2015-16. We announced our response in July last year. It included formal approval for various transport schemes in each region, as well as a list of further schemes that the Government expect to fund over the 10 years. Largely, we accepted the advice from the regions. In the case of one or two areas, we went back to the region, made comments and asked for comments back before we confirmed the advice. In the north-west, we accepted the advice that we received following clarification from that region.

The advice has identified the further schemes that the Government expect to fund over the next 10 years. For example, the regions recommended a further 39 local road schemes that could be delivered over the next 10 years to 2015-16, subject to a satisfactory business case being submitted and all necessary statutory approvals being secured. We also accepted the advice to slip a number of schemes to later start dates, as well as not to prioritise a number of other schemes that were already in the programme. In responding to the regions, we also explained that we expected to seek further formal advice on transport priorities within the next two years.

Both points are important. On the advice of the regions and of local people, we were prepared to slip back schemes that were moving forward and had been put into the programme by ministerial diktat. We have acknowledged, too—my hon. Friend the Member for West Lancashire made this point—that we need to ask the regions to go back and have another think within two years of the original advice to see whether they feel they have made any mistakes and whether any schemes they have suggested for later in the period could be brought forward. The Ormskirk bypass is clearly one such scheme, so the region might want to reconsider it.

The regional funding allocation process has been generally recognised, and the hon. Member for Southport has acknowledged that it is an improvement on ministerial diktat. However, I recognise that it is far from perfect. That is why we carried out a consultation seeking views on how it could be improved for the next round. That consultation ended on 31 October 2006 and the Department is now considering the responses received, a number of which shared the hon. Gentleman's concerns about how the process affected schemes of predominantly local importance that were not identified as regional priorities.

We are also considering options for taking forward the wider regional funding allocations exercise as part of the sub-national review of economic development and regeneration, which will report to the Chief Secretary to the Treasury ahead of the comprehensive spending review for 2007. For the first round of the regional prioritisation exercise, it was the responsibility of the regions themselves to determine their own methodologies for prioritising schemes within the overall framework set out in the guidance issued in July 2005. It was therefore open to regions to decide whether they wished to set aside some funding for smaller, locally important schemes. That is one issue that we will consider before seeking further formal regional advice in the future.

Rosie Cooper: When will we be given some indication of when we will know about the priorities that my hon. Friend mentioned? In the previous round, the big city regions grabbed the funding and had their paws on the major part of it. Sub-regional priorities were way down the list. The Ormskirk bypass, for example, was in the third quartile. Everyone acknowledges that the process is subjective and that the project ought to have been much higher up the list. If my hon. Friend is saying that there will be a cut-off or an amount of money set aside, when will we be given an indication of when that might happen?

Dr. Ladyman: That is not quite what I am saying. The consultation that we have been doing in recent months and are now analysing was about how the regional funding allocation process works. Our understanding in the Department for Transport was that people out in the regions understood that they could decide such matters for themselves. If they wanted to top-slice some money for local schemes, they could have done that before making their prioritisation. The feedback that I have been receiving is that some regions did not realise that they could do that, so they put all the money into one big pot and prioritised it from there. That perhaps led—I am not saying that this is definitely the case, but it is arguable and hon. Members have argued it today—to the big city regions dominating the taking of that money out of the pot so that there was not enough left for smaller schemes.

I hope that we will indicate some time this year how we believe the regional funding allocation process could be worked better. Perhaps it will simply be a case of us explaining that we are happy for the regions to make decisions for themselves before they do their

prioritisation, and maybe we will give clearer guidance on the best way they can do that. It will then be for the regions to go away and produce new advice, which I expect from them next year.

Some regions have not stopped the process and have taken the view that they want it to be continuous. They continue to discuss their priorities and progress on the schemes that they have advised us to follow, and they write to us from time to time telling us what is happening and how their minds are changing. Other regions have taken the view that they were asked to do it last year and will be asked to do the review next year, and that there is nothing in between, so they have not continued to meet and discuss the matters. At the moment that is entirely a matter for the regions to decide for themselves, and if my hon. Friend the Member for West Lancashire thinks that it would be good for the regions to have interim meetings in the run-up to the next decision point and the next set of advice that we are to receive, she is free to suggest through her county council, the regional assembly or the regional development agency that people should get together again and chat about how things are going to ensure that they understand her priorities for the Ormskirk bypass.

We accepted the advice of the north-west region that the Ormskirk bypass should not be a priority for funding in the period up to 2016, and I understand that that was disappointing to the hon. Member for Southport and my hon. Friend the Member for West Lancashire. I emphasise that that does not prevent Lancashire county council and other supporters of the scheme from making the case either for funding to be made available from the regional funding allocation in the longer term or for the scheme's inclusion in the region's priorities at an earlier date should that become possible, which could happen in three ways.

The first is that we may give out some more money. I am not sure whether that will be the case, because we are already working to tight spending guidelines, but who knows? Future Governments might make more money available. The second way in which it could be done sooner is if there is slippage in other schemes and the region decides that it is the best one to bring forward. The third is if the hon. Member for Southport and my hon. Friend the Member for West Lancashire win the argument in the region that their scheme is more important than one of the others, so that it is give priority. I encourage them to make such a case.

Dr. Pugh: The Minister is being constructive and helpful, and he is giving us some hints as to how we can make progress. However, there is a fundamental problem. To win the argument we have to consider objective criteria, and one that will come up every time is whether a scheme is of pan-regional economic significance. Every local scheme will fail that test again and again unless there is an exception that raises the limit for local schemes—in other words, an excepted small schemes fund within the regional transport allocation—or it becomes easier to achieve small schemes through the local transport plans. One of those things needs to happen, because at the moment we are between a rock and a hard place.

Dr. Ladyman: I understand the hon. Gentleman's point but the key thing to recognise is that, as he identified, local transport plan schemes have a £5 million threshold. People have interpreted that threshold as being absolute. It is absolute in the sense that the regional funding allocation process will not normally be interested in schemes of less than £5 million. However, it does not prevent a local authority from going ahead with schemes of more than £5 million from its own resources, if it will pay the bills itself either from the integrated transport block or through developer contributions to subsidise a regeneration scheme. That is nobody's business but the local authority's, and there will be no appraisal of such a project by central Government. If the local authority thinks that it represents value for money, fine—it can go ahead and do it.

If a local authority wants to make a case that money from the regional funding allocation should be set aside by the region for local schemes, it can do so before the next round of prioritisation. If that is agreed to, as seems to be happening in some regions, that could be a separate source of funding for such schemes.

Rosie Cooper: My hon. Friend has given us three options. The first was this Government or the next giving more money. The second was essentially that we need to get some money set aside. I assure him that we are putting a great deal of pressure on the regional people and making a strong argument that our scheme definitely needs doing. On the third option, which involves the county council, by going ahead with the planning, setting aside time for a public inquiry and doing all the impact studies we are doing everything in our power to ensure that the scheme happens for the benefit of our constituents. I promise my hon. Friend that I am optimistic and will not give up until that Ormskirk bypass is there.

Dr. Ladyman: I never had any thought that my hon. Friend would give up on the Ormskirk bypass. I am sure that her constituents have no thought of that either. She and the hon. Member for Southport are doing absolutely the right thing—making the case locally either for money to be set aside by the region to be prioritised by the local authority or for the scheme to be given greater priority by the region. If they work together on that, they will hopefully succeed in making their case. The hon. Member for Southport pointed out that some schemes are more—

Derek Conway (in the Chair): Order. I am sorry to interrupt the Minister mid-flow, but time has expired on him. We now have to move on to the next debate.

Ironbridge Gorge

1.30 pm

David Wright (Telford) (Lab): It is a great pleasure to see you in the Chair, Mr. Conway. I am sure that you, as a former Member for the constituency of Shrewsbury and Atcham, will be keen to hear what is happening in Ironbridge. As they say, once a Salopian, always a Salopian.

I want to take this opportunity to raise the issue of land stability at the Ironbridge Gorge world heritage site. As you know, Mr. Conway, Ironbridge gorge, which is in my constituency, is one of the UK's world heritage sites. It is numbered among the most important heritage sites around the world. The area's connections with the birth of the industrial revolution through the work of innovators such as Abraham Darby I and the Darby family is well documented. The area still contains many of the buildings, structures and artefacts from that period, including the iron bridge itself, which is a symbol of the industrial revolution that is recognised around the world, and which is one of the icons of England. I am proud to represent the area.

The bridge was built in 1779 and opened in 1781. Richard Hayman and Wendy Horton say in their book, "Ironbridge History and Guide", that the bridge was eulogised in the Houses of Parliament. I would not want to stray from that tradition some 300 years later. The bridge is absolutely fabulous, and it attracts an enormous number of tourists to the gorge every year. It was built by Abraham Darby III. His grandfather, Abraham Darby I, stands as one of the giants of British innovation. The environment of Ironbridge gorge inspired generations of innovators such as William Reynolds, William Ferriday and my favourite, Iron-Mad John Wilkinson, who is reputed to have had himself buried in an iron coffin—not something that I would particularly recommend. I love the phrase, "iron-mad". It is tremendous.

There has been a tradition of iron smelting in the gorge since 1709, when Abraham Darby I smelted iron with coke for the first time, thereby inspiring the industrial revolution. The tradition continues today: Aga cookers are manufactured in Telford—indeed, they are manufactured a few hundred yards from the place where Abraham Darby I first smelted iron with coke. We are proud to have Aga-Rayburn in our area.

The Ironbridge Gorge world heritage site is the focus of a thriving tourism industry in Telford and Wrekin. Each year, 2.5 million visitors come to the area. They spend more than £100 million in the local economy, which helps to support more than 3,000 jobs. The Ironbridge gorge has a thriving living and working community. It is home to more than 4,000 people and is a much sought after place in which to live.

World heritage status clearly brings great benefits to an area. It attracts visitors and promotes economic growth, and it can endow the area with a sense of historic significance, which, in turn, stimulates civic pride among people in the local community. However, it also brings responsibilities. This nation and our local communities are entrusted with the care and protection on behalf of the wider world community of the 27 world heritage sites within our borders. That is something that we committed ourselves to when, in 1984, the Government ratified the UNESCO 1972 convention on the protection of the world cultural and natural heritage. The state signed up to protecting world heritage sites via its commitments to UNESCO. I shall return to that issue in a few moments.

The problem in the Ironbridge gorge is that the world heritage site is under serious threat. Flooding and land instability act on the natural features of the River Severn and the gorge's geology, which were the very reasons for the area's emergence as the birthplace of industry in the early 18th century, and threaten the long-term future of the site. There has been significant investment in respect of the flooding problem by the Environment Agency in recent years, and the new pallet barrier, which is used on the Ironbridge wharfage when flooding occurs, has been extremely successful. However, there is an ongoing problem with land instability, which is the real focus of this debate.

In geological terms, the gorge is fairly new at just 13,000 years old. It cuts into rocks that are in excess of 280 million years old, and is still forming by the process of landslides. The natural valley formation process has been accentuated by past mining activity and the weight of development, and by tipped waste materials that were placed on the hillsides and river banks during the great explosion of industrial expansion in the 18th century. That particularly relates to coal mine tipping and tipping associated with iron production but also tipping associated with clay, pottery and tile production. Waste material was dumped directly outside manufacturing environments, often on the banks of the Severn.

The process of land instability is also accentuated by heavy rainfall and flooding, which I have already mentioned. They are occurring more frequently because of climate change, and that problem is likely to grow in coming years.

What have we been doing in recent years to tackle the issue and deal with it? Over the past five years, significant advances have been made in our understanding of the causes, extent and impact of the land instability. The principal local authority, Telford and Wrekin council, has been working with world-renowned consultants to quantify the extent of the problem and the risks that it presents to the historic environment and human life.

In 2001, the world heritage site management plan highlighted the need for action to address land instability in the gorge. Since then, the council has accessed European, national, regional and local funds to undertake a range of investigations and works, including a site-wide land instability study in 2003, which was followed in 2005 by more detailed ground investigation and ground behaviour studies of the areas that we think are at greatest risk. Stabilisation of Jiggers bank, one of the main approach roads to the world heritage site, took place in 2002. Phase one of the stabilisation of The Lloyds, which is a major route through the site, is ongoing. An emergency plan and residents' land instability information packs were produced in 2004 and 2005, and ongoing ground monitoring is taking place to measure the speed, amount and direction of ground movement in the gorge.

Within the past month, the situation has deteriorated significantly, which is why I welcome the opportunity to raise this issue today. Further landslide activity is happening at The Lloyds and on the opposite

side of the river at Lloyds Head. The latter serves as the access road to a major museum site and to homes and businesses. However, because of distortion and fissuring of the highway, and the risk to life and property posed by slippage, the council has been forced to close sections of the road, which has resulted in a detour for local and tourist traffic.

To date, some £7.3 million has been spent on investigative and stabilisation work in the gorge. Throughout the past five years, the local authority has worked closely with local and regional partners, including, for example, the Government office for the west midlands, which has assisted in sourcing funds for the works undertaken to date. However, the scale of funding now required to provide a comprehensive and long-term solution to land instability in the gorge requires a national response.

So, what further action is required? As I have mentioned, consultants have identified the areas of highest risk that require priority action, which include, The Lloyds, where stabilisation work has commenced, and Lloyds Head, which I mentioned a few moments ago and which is the location of the recent slippage and road closure. In addition, other works have been identified as necessary to protect the long-term future of this world heritage site. I am aware that the leader of Telford and Wrekin council, Keith Austin, wrote to my hon. Friend the Minister on 3 May and outlined the on-going concerns of the council about the situation. He told the Minister that the Government office had visited the gorge on 5 April, inspected the situation and listened to the technical assessment undertaken by the council. It was interesting that the chief executive of the council told me that when the Government office officials went into the gorge, they had to be moved back from the river bank at one point because a crack emerged as they were talking. That is how serious the problem is around The Lloyds and Lloyds Head area. I am sure that the Minister will respond to the leader of the council's comments in a few moments.

Our current basic knowledge of the scale of the problem indicates that a further £86 million is required to address areas of known high risk, including an investigation into the built-up areas of Ironbridge. At this stage, it is unclear what an investigation will reveal, but, on the basis of current knowledge, significant further expenditure is inevitable, which is likely to take the total cost to more than £100 million.

The priority areas of instability that require urgent funding of approximately £30 million are: Jackfield, which requires stabilisation of the only road access to a community of homes and businesses and where there is an important tourist site—the Jackfield museum; Lloyds Head, which requires stabilisation and re-opening as it is an important route through the world heritage site; and central Ironbridge, which requires completion of ground investigation. Central Ironbridge is the largest urban area within the world heritage site and its stability is dependent upon numerous retaining walls, including, most importantly, the wharfage retaining wall, which sits alongside the river. In addition, The Lloyds requires further work and the completion of phase 2 of the stabilisation works to protect a key route though the world heritage site.

Evidence and history suggest that without intervention, at some stage, a major landslide will occur in the Ironbridge gorge. Major events of that nature took place in 1773, 1952 and 1982 and the Ironbridge gorge museums hold footage and photographs of landslips that took place over that time, all of which resulted in partial blockages of the river and the loss of roads and buildings. This is a serious matter as it involves a world heritage site that, in terms of significance, sits alongside places such as the Taj Mahal and the Grand Canyon. It is one of the most significant sites on the planet and the iron bridge and the gorge are an icon for this nation. It is up to the state party to play a role in ensuring that this world heritage site is properly protected as it is part of our commitment as a nation to UNESCO to protect such sites.

We know much more about the causes and likely impact of land instability because, through the work of the local authority, we have assembled the technical expertise to manage the process and to ensure that we make the gorge a safe environment for the coming years. The scale of funding required cannot be found locally and it is not fair that local tax payers should pick up the tab. It is clear that local residents, businesses and the entire community across Telford and the Wrekin should share some of the cost, but the lion's share clearly must fall to regional, national and possibly European Government. It is important that we continue to ensure that, after ratifying the UNESCO world heritage convention commitment, we deliver on those commitments. Under the UNESCO world heritage convention the Government have committed themselves to

"ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory."

The convention refers to the "duty" placed upon each state party and the obligation to do "all it can" to utilise "the utmost of its resources" in carrying out its duty. By bringing together a range of partners such as, the local authority, regional government tiers, Departments at Whitehall, local businesses, parish councils, and the Ironbridge Gorge Museum Trust, we can ensure that local residents realise that the protection of the gorge and of their homes and environments will continue long into the future. We can also ensure that one of this nations great tourist assets and destinations is preserved for the future.

The gorge gave the world industrialisation. It has a unique place in the history of humankind and we have a responsibility to secure the long-term future of this unique asset and to ensure it is enjoyed and appreciated by generations to come. We should also ensure that those who live and work in the gorge are satisfied that their homes and communities are protected.

1.46 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. David Lammy): I thank my hon. Friend the Member for Telford (David Wright) for introducing this important debate about the land instability of the Ironbridge Gorge world heritage centre. It is important to put on the record that by its very nature, this issue is of paramount importance, not only for the long-term preservation of a unique place, but for the safety, well-being and reassurance of the people who live there.

As you are familiar with the area, Mr. Conway, I will start by saying that my Department leads on world heritage for the Government. We are responsible for

[Mr. David Lammy]

ensuring that the UK fulfils its obligations under the world heritage convention for the conservation and protection of our world heritage sites. It is an important responsibility that, of course, we take very seriously. We recognise the need to react positively and quickly to the sort of environmental threats potentially facing Ironbridge today.

Ironbridge Gorge is one of 27 outstanding world heritage sites in the UK, of which there are a rich variety geographically and in terms of type. Ironbridge has a unique place in world history because of its role in the birth of the industrial revolution of the 18th and 19th centuries. It has made a significant contribution to the rapid development of the industrial economy of the region. The bridge itself was the first constructed of iron, and had a considerable influence on developments in the fields of technology and architecture. Today it is under the ownership of the borough of Telford and Wrekin local authority, which manages the site. It is also maintained by English Heritage.

The bridge and the other attractions in the gorge area are, of course, colourful and are key visitor attractions. As the hon. Gentleman said, they play an important role in contributing to the regional economy, but, more importantly, the location is home to around 4,000 residents, and over the coming months, we must seek to safeguard homes, schools and livelihoods.

On the environmental threat, the effects of land instability, coastal erosion, and flooding all threaten the long-term preservation of our world heritage sites and any other area in this country today that faces such pressures. Dealing with such threats is generally beyond the means of the local communities within which such sites are located. That point underlined much of what the hon. Gentleman said. Some local authorities consider that the primary responsibility for ensuring the protection of these sites rests with central Government. In this case, central, local and regional government are working together, and have been for some time, but it is imperative to understand fully the position, the issues involved, the nature of the threat and possible solutions.

We are aware, of course of the problem of land instability at Ironbridge. It is not new—it has been a problem since the gorge was formed some 10,000 to 15,000 years ago, and it is impossible to predict if and when further movements will occur. Indeed, only recently, erosion caused ground movement at the Lloyd's Head site leading to emergency repairs to the road and its temporary closure.

Flooding and land instability pose a real threat to local residents and their homes in and around the gorge—I sympathise with them. My hon. Friend has brought to our attention the pressure and stress on the minds of many of his constituents. It is of great concern. Remedial works have been identified and early indications are that costs will reach some £28 million in the short term, and that a longer-term stabilisation programme could reach in excess of £90 million. But the analysis is still being tested. However, the problem is unlikely to be solved entirely because the natural and relatively young geological structure makes the land inherently unstable. Matters have been worsened by the extent of past mining, the frequency and extent of flooding and the potential impact of climate change.

What is being done? Considerable efforts have been made to manage this serious problem. The Government office for the west midlands has been proactive on behalf of my and other Departments in working with the local authority to better understand what local, regional and national partners—including the utilities—can do to address the problem. I understand that consultancy work has been undertaken by EcoTec consultants for Telford and Wrekin borough council and is due to reach a conclusion shortly. Furthermore, in December 2005, £1.8 million was released from the region's local transport plan fund for urgent maintenance on a road in the gorge, and a further grant of £2.4 million from the European regional development fund has been secured specifically for land stability works.

We are keen to support Ironbridge in its efforts to find a solution to the land instability problems at the gorge. Although my Department has no funds to contribute to a land stabilisation program, as the champions of world heritage in Whitehall, we must and want to be involved in discussions with the appropriate people in the Government, local authorities and other agencies in order to minimise the risks—as far as possible—and to find a practical and sustainable solution. Meanwhile, the local authority will be encouraged—I hope—by the approval of £154 million for the stabilisation of the Combe Down quarries in the city of Bath, which is a world heritage site, announced by the Office of the Deputy Prime Minister in 2005. Where a need has been identified, and where we have been able to engage with national, regional, local and other partners, we have acted. That should continue.

The potential impact of any landslip on the unique cultural heritage of Ironbridge, tourism and the local economy would be considerable. However, the prime consideration must be public safety. The world heritage convention, which the UK signed in 1984, and to which I and my hon. Friend referred earlier, has proved to be an enormously effective and positive force in bringing together nations all over the world in order to act collectively and to safeguard sites of outstanding universal value at a global level. Those are powerful partnerships and we need to ensure that we follow the same approach at home in order to secure a sustainable future for Ironbridge.

We are not complacent about our responsibilities. Today's debate has highlighted some critical issues that need to be faced urgently. There is much that we can do at national, regional and local levels. Of course, I shall respond to the local authority that wrote to me in the last few days, but before doing so I shall write to appropriate ministerial colleagues in Whitehall.

I say to my hon. Friend who brought these facts before the House today that I am happy to meet with him in order to secure an inter-departmental response in partnership with the local authority, when the latter has identified fully the costs of consultancy work and so on, and in order to ensure that the world heritage in his constituency is preserved for future generations.

Question put and agreed to.

Adjourned accordingly at three minutes to Two o'clock.

Westminster Hall

Wednesday 9 May 2007

[MR. MIKE WEIR *in the Chair*]

UK Atomic Energy Authority

Motion made, and Question proposed, That the sitting be now adjourned.—*[Liz Blackman.]*

9.30 am

Mr. Iain Duncan Smith (Chingford and Woodford Green) (Con): I rise because other hon. Members and I requested this debate, and Mr. Speaker granted it as his personal choice. We have several different concerns relating to reports about the United Kingdom Atomic Energy Authority, some of which have been in the newspapers and some of which concern the chairman, although I shall discuss the UKAEA's handling of events at Dounreay and its aftermath.

Let me say at the outset that I have generally been a supporter of using atomic power to generate UK energy. I have generally been open to the idea that we should increase the amount of energy produced by nuclear means as part of our control and reduction of harmful greenhouse gases. Although I do not come here to make a major case in that respect, I should add one caveat. For some time, I have been dealing with the concerns of my long-term friend Geoffrey Minter and his family, whose deeply troubling involvement with the UKAEA regarding the pollution of their land in Caithness and of surrounding areas has lasted several years. In that time, I have often been forced seriously to question my previous acceptance of many, it not all, of the nuclear industry's assurances about the safety of nuclear installations and its sense of responsibility towards them.

Although others may want to make particular comments about the UKAEA's chairman, I shall not do so, because that is not my concern today. I simply note in passing that Lady Judge was asked in an interview in the *Daily Mail* the other day about her qualifications for the job. There are many qualifications that one needs to be a chairman, but—perhaps this should be a lesson to us all not necessarily to give interviews to newspapers—she said that when she was offered the job, she prepared for her unique role by studying her son's physics books. After the Deputy Prime Minister resigns, he could presumably put in for the job of chief scientific adviser to the Government on the basis of such qualifications, although I am not sure that we would be too happy to see that come about.

I simply want to raise the case of Mr. Geoffrey Minter, which highlights the abuses that have taken place and the UKAEA's terrible failure in terms of its duty of care towards the land around Dounreay and the people whose livelihoods depend on what goes on there. In May 1997, the first hot particle—for those who are not aware of it, hot refers to metallic contamination—was found on the 4 miles of coastline at Sandside beach. The pollution continues to this day, and its effects will continue long into the future. Since that find, 91 items of nuclear waste have been removed from Sandside. In 2006, 19 were removed. Already, in the past four months, 14 have been removed, including the most radioactive ever. The UKAEA has strict liability in law.

I shall return to 1997 later in the chronology of what has been going on, and colleagues will be shocked to learn what has and has not been happening. In 1977, a shaft containing a cocktail of nuclear detritus exploded, but that was kept secret until 1996. In 1983, metal particles were found on Dounreay's foreshore, which were presumed to be of the MTR—material test reactor—type.

In 1984, the UKAEA said in the *Caithness Courier* that non-metallic radioactive material found on Sandside beach was comparable

"to that of a luminous dial of a clock".

On or about 28 April, the Lyall team—the people responsible at Dounreay—found big radioactive metallic fragments of live nuclear fuel in the east bay using a Geiger counter, some of which were 18 in deep in the sand. The particles were between 10 and 100 times the magnitude of any found since 2005. No public announcement was made, and the find was kept secret until 2004. Such particles are simply not comparable to the luminous dial of a clock. The items that are being found are very dangerous and would kill somebody if ingested.

On 30 May 1984, the director of Dounreay stated in the *Caithness Courier* that some of the non-metallic matter at Sandside was

"radiologically insignificant and no more harmful than that"

emerging—

"in 3 seconds from a coal fired power station".

I have to say that I was not aware that coal-fired power stations produced fission materials. Such statements are good indications of the terrible way in which those charged with responsibility set about, essentially, to lie to the public and to those who need them to act with the necessary care.

In 1990, my friend Mr. Minter contracted to buy Sandside. He carried out full diligence and even contacted Sir Gerard Vaughan—an MP at the time—who, having checked with the Ministry and carried out voluntary checks, told Mr. Minter that there was no record of particular problems. The hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) has been diligently working on this issue—he may want to say some words later—and he is fully aware that that was the case, as he has made clear on several occasions.

In May 1997, the first hot particle was finally found at Sandside beach, although, as I said, many others had already been discharged and were found but kept secret. In October, an emergency food exclusion zone was imposed 2 km around the sea outfall, but it did not extend into the bay, where metallic fragments are found to this day. In November, another fuel fragment was found, but the director of Dounreay told Mr. Minter that he should not worry, because a lobsterman stored shellfish in the centre of the bay. He added that the lobsterman would not do that if it was not safe, but I am not sure that we should judge the nuclear safety of areas on the basis of what lobstermen do. Even the fishing zone was not properly policed, and, as a result, people went in and out of it. In any case, I am not aware that fish read safety notices too well, and

[Mr. Iain Duncan Smith]

bottom-feeding fish tend to move out of exclusion zones, although that does not seem to have occurred to anybody at Dounreay.

Mr. Minter was advised to cease a number of activities and did so as a result. They included wild salmon fishing, cattle calving on dunes and using shell sand from the beach and harbour for farm fertiliser—for the lime equivalent that is extracted from them—or for roads, building purposes, cattle courts, grouse and so on. In other words, the whole area could no longer be part of a normal productive estate.

Mr. Minter also met the UKAEA's then chairman—I hasten to add that it was not the present chairman—who, as witnessed at the time, told him:

"Anything I say I shall deny in a court of law".

At the same time, Friends of the Earth and Greenpeace called for Sandside beach to be closed.

It is interesting that as early as 1998, Donald Dewar, the then Secretary of State for Scotland, called for the Scottish Environment Protection Agency to ensure that

"any particle arriving at Sandside Bay be promptly detected and removed".

Importantly, SEPA also called for Sandside

"to be restored to a clean and pristine condition as a matter of urgency",

but that has never happened. As hon. Members will see in a second, Donald Dewar's clear statement has never been properly followed through at all. The detection and checking never covered more than half the beach, and even then, the level of detection was very low, with many of the more radioactive particles deeper in the sand simply being ignored.

I shall rush through the next part of my speech a little, but I want to give hon. Members a flavour of the abuse that has taken place. It is no good saying that these things are all history, and I hope that the Minister will not do that. I must tell him and the Department of Trade and Industry that history is about what happens now as much as about what happened then. The effects of what happened, which are referred to as history, are destroying Mr. Minter's estate, and the family has suffered enormously without receiving any serious reparation.

In 1999, from July to December, five more radioactive fragments were found, and in 2000 hundreds more fuel fragments were found on the sea bed. UKAEA monitoring was found, by key officials, including Dr. Day of Manchester university, who was also employed, I understand, by the UKAEA, to be less than 1 per cent. efficient in detecting and removing those particles. Six more MTR fragments were found in that year. In 2001 a peculiar statement was made by the UKAEA solicitor, D. J. West, who promulgated a very false choice. He wrote from Harwell to the local newspaper:

"Every additional pound spent on monitoring is a pound which will not be spent on decommissioning, nor on building schools, roads and hospitals. Public money must be spent properly."

It is such statements that must leave the public with a very peculiar sense of the priorities. This is not a matter of a Labour or Conservative Government; this is about the responsibility to be discharged by all Governments and their officials. The very idea that there is a choice to be made between schools and hospitals and returning the environment to a usable state is a strange one.

The chairman resigned in 2001 and the chief executive officer then offered to buy the coast at valuation plus. Mr. Minter refused that, on the simple basis that he did not trust the authorities in question. The idea that once any of them were to take over an area they would become diligent and careful, and clean it up, is shown to be nonsense by the history of their involvement.

More particles were found in 2002. On 17 November 2002 Dounreay finally admitted that hundreds of thousands of hot particles—irradiated fragments—were now located on the sea bed in the bay. It took those responsible that long to admit, absolutely, what was happening. In 2003 Mr. Minter had to proceed to a court hearing, because he was getting nowhere with the UKAEA. Finally the UKAEA admitted to groundwater pollution from the shaft as well. On 8 August the judge in the case, Lady Paton, ruled in favour of Sandside—Mr. Minter—that the public were not being protected. She was highly critical of the UKAEA's behaviour throughout, and its deceit. Dr. Day, of Manchester university, to whom I referred earlier, produced some raw data analysis showing that only half of Sandside beach was being monitored. Thus, in October, Mr. Minter simply withdrew access to the beach, because it was pointless and allowed the UKAEA to engage in a cosmetic process in which it told people that it was dealing with matters when it was not. There were 23 more hot particles found in that year.

In March 2004 Dounreay agreed to fit a filter on the discharge outlet, after pressure from a number of people, including Mr. Minter. It is worth reminding the House at this point that all other Scottish nuclear plants, which do not even discharge into the sea, have filters already fitted. Had a filter been fitted at Dounreay in the first place, particles would never have been discharged as they were into the bay. I remind hon. Members of the date that I gave at the outset: the problems had been going on for nearly 10 years, when it was finally decided to fit a filter on the discharge in question.

In 2005 the Select Committee on Trade and Industry, sadly, tried to suggest a lack of due diligence, in an inquiry and interview with the then chairman. Mr. Minter wrote to the Committee to correct that, and I am sad to say that the Committee never responded to his letters. I hope that one day it will. I understand that in that year the then Minister, the present Minister for Science and Innovation, wrote to the hon. Member for Caithness, Sutherland and Easter Ross that he wished for a new spirit of openness and co-operation and to learn from the mistakes of the past. He also wrote to me in 2006, saying much the same thing and hoping that he would put right all that had gone wrong in the past.

I shall return to what happened then, but I want to complete the litany that I have been engaged in. Despite all the assurances from the then Minister, and, after he moved on, the present Minister, Lord Truscott, it is fascinating that even at the beginning of the year, at the time of Mr. Minter's meeting with the new Dounreay management—who are infinitely more positive and constructive than their predecessors—and

even as some agreement is reached about the heads of terms under which a resolution can be reached, and as that decision is passed on to the UKAEA board and then, as I understand it, to the Ministry, Mr. Minter is informed of an issue that the Department of Trade and Industry is now raising. I shall return to that, because it is quite important in relation to the final discussions and what should have been happening.

In May 1997, Harwell sought consent to access to the 500 acres of land. That was subject to a formal agreement. I remind the House that rights of property have always been enshrined in common law, and are only ever overturned with real reason. Governments should hesitate to do anything of the sort, so it is right that any agreement to gain access to someone's land should come with some financial arrangement and reparation. To this day the UKAEA has never stuck to the agreement or paid any such reparation.

In 2001, following the difficult mediation that the owner of Sandside, Mr. Minter, had agreed to, the UKAEA offered, peculiarly, to buy the demised land on surrender of all his legal rights. He does not want to sell, as I said earlier, because he has always been concerned that once it is sold the land will be shut up, no one will ever know more about it, and no pressure will be brought to bear to clean up the effects of the damage. Anyway, that damage will go on affecting him whether he sells the land or retains control of it, unless it is cleaned up.

The important thing about the monthly collecting at the beach is that on average removal is less than 10 per cent. efficient. The points made by Dr. Day are still relevant. Mr. Minter has always been allowed to deal directly only with the polluter—never with those who hold the purse strings or the decision-making capacity at the Ministry. It would be far better if the Ministry would engage directly with him to resolve the matter; it seems, at this stage, to be the sticking point for any further resolution.

Mr. Minter has always been the recipient of considerable public vilification, throughout the process that I have recounted. The part of it that really concerns me is that the UKAEA has too often tried to shoot the messenger—to try to deal with him, because he is a pain in the neck, will not go away, and cares about his land and the environment. He has been subjected to the force of the UKAEA publicity machine, which has been turned on him. I find it unbelievable that an organisation of that kind should have attempted to use its power to crush someone who was simply worried and making complaints, and who wanted a resolution of the situation, and reparation for damages resulting from its action.

The three ministerial letters that I referred to are relevant to what I want to say about the position today. They all seemed to me—and, I suggest, to the hon. Member for Caithness, Sutherland and Easter Ross—to refer to the positive resolution that would be in everyone's interest. In fact, in correspondence of 6 and 26 March, Lord Truscott, the Minister for Energy, wrote of wanting to ensure a settlement that would be in everyone's interest, and positive. The problem is that despite such public expressions of good will, I have been horrified in the past few weeks—this was the catalyst for my application for the debate—by the fact that something else seems to be going on at the DTI, which undermines those statements by the Minister.

At Dounreay, after all these years and all the problems and false starts, some sort of agreement to settle the matter, at least in the framework, appears to have been reached. However, behind the scenes at the DTI, where the matter now rests, notwithstanding the earlier statements of good will, someone is trying to figure out a way of not having to deal with Mr. Minter; in fact, they have decided on that. They believe that the Radioactive Contaminated Land (Scotland) Regulations 2007, which come into force in October, will allow them access to the land without any further discussion. There is an attempt to settle this problem and deal with this awkward individual by bypassing the whole concept of property rights and simply dispossessing him of his normal and acquired rights over his land purchase.

Mr. Minter has taken the matter up with the dean of the Faculty of Advocates in Edinburgh, who is, arguably, Scotland's most senior QC. The dean makes it very clear to the DTI that it is barking up the wrong tree and that the delay is complete nonsense. We know what it is all about, but I will come back to that. The dean said, categorically, that under section 15 of the enabling Act, the Radioactive Contaminated Land (Scotland) Regulations 2007 do not apply to Sandside beach and never will. I shall not get into a legal debate with the Minister today, but if that is what the DTI is doing, the relevant Ministers are breaching expressed articles of good faith. Ministers should be ashamed if they have been saying those things while attempting to reach a back-door settlement by seizing the land. I have even heard, from a reliable source, that when this case was passed back to the DTI, an official said, when they were told of the dean's advice, "Well, that section can be altered by the Government, so it doesn't matter." In other words, if the Government do not like a law, they simply change it so that they can abuse it and the individual concerned.

I hope that the Minister will understand why I consider this case to be an appalling breach of duty of care. The DTI has expressed a desire to settle, but at the 11th hour is looking for a cheap way around the problem. That raises questions about who is really running the show. We cannot have the Minister writing and making those sorts of statements while others attempt to trample over Mr. Minter's land rights. I remind the Chamber that the concept of property rights was established by an Englishman, the Bishop of Chartres, in the 11th century. Those rights have always set English law pretty much above others; the same applies to Scotland and Scottish property laws.

After years of the UKAEA's prevarication, deceit and deliberate delay, which have resulted in it being found guilty of four charges of breaching the Radioactive Substances Act 1993, this issue should have been settled, but still has not been. All that has led to concerns about the UKAEA, which, I suspect, it could have done without. Even after those years of deceit, prevarication and delay, it wants a settlement, but it is now up to the DTI to get on with things and agree a settlement. The current chairman, Lady Judge, wrote to Mr Minter on this matter. In her letter, she

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made an interesting statement that shows what has been the problem with the UKAEA's mindset. She said:

"UKAEA has invested significant time, effort and expense in investigating and attempting to resolve the issues that you have raised over the years".

That is a bland statement of fact, but I remind hon. Members that none of this is his fault. Why has the UKAEA had to expend so much energy, time and effort? Because it polluted the bay in the first place. Why has it all taken so long? Because the UKAEA lied about things and refused to accept responsibility.

That mindset seems to have percolated through to the DTI. It is time to settle this case, to accept what has happened and to deal with it, but one can almost see officials at the DTI wonder whether to drag it out a bit more. They might think that Mr. Minter is a private individual with limited means and that if they drag the case out and go to court and make him go through all that, at some point he will break himself, because he does not have very deep pockets. They might think, "He is just an ordinary individual: the Government are always going to win in the end," so the UKAEA will also win in the end. That is a critical point because this case is about the abuse of power.

What was Mr Minter's crime? It was simply to care about the land that he owns and loves. If he did not love and care about the land, he would surely have taken up one of the purchase offers and walked away from it, but he cares about what will happen. He cares about the next generation, to whom he wants to hand on his land, and about others in the area who will have to pick up the pieces of the appalling deceit.

I have three words to say to the Minister: "Shame on you." Shame on the Government, shame on the UKAEA and shame on those people who have deceived, cheated, delayed, prevaricated and refused to settle. Shame on those who polluted the land and shame on those who have lied about it and attempted to hide things. I know that the Minister is not directly responsible—the responsible Minister is in the other place—but I ask him to reconsider the case. I ask him to imagine himself in this position and that someone had dumped radioactive material on his land, which was consequently being damaged. Would he be quite so blasé or circumspect in those circumstances? Would he care quite so little about the outcomes and pressures not only on the Minter family, but on other families whose livelihoods are at stake?

If the UKAEA cared about this case enough, it would drive it to a settlement and would apologise absolutely for everything that has gone on. It must ask real questions about the care, safety and environment of every site that it has controlled throughout the relevant period. I started by saying that I am generally a supporter of nuclear energy, and I remain so, but I have had that belief severely tested when dealing with this case. People who I believed and trusted have shown that they did not deserve that trust. I now say to the Government simply that if someone has dumped the garbage, it is time to pay to clear it up.

Mr. Mike Weir (in the Chair): I intend to call the first winding-up speech at 10.30 am, so will Members bear that in mind when making contributions?

9.57 am

John Thurso (Caithness, Sutherland and Easter Ross) (LD): I begin by declaring an interest. I am not sure if I need to declare it, but it is worth doing so. I recently served on the steering group for the public consultation to find the best practicable environmental option for dealing with the particles that we are debating, which gave me access to a considerable amount of independent advice on the particles. The UKAEA is engaged in a widespread consultation, which is guided by the steering group's work, into who it should see and how things should be done.

The right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) is right to say that the particles could prove fatal if ingested. The information that I saw showed that risk is a measure of the severity of an incident multiplied by its probability, and I wish to reassure those who plan to spend happy times touring the north coast that the risk is relatively small. I say that not to take anything away from what has been said, but to put matters into context.

I congratulate the right hon. Gentleman on securing this debate on the UKAEA's legacy. He concentrated largely on the disturbing case of my constituent, Mr. Geoffrey Minter, on which I shall remark. However, I shall also discuss the UKAEA's legacy generally, which is, in large part, beneficial and one to be proud of. It is no secret that I am in no way opposed to the nuclear industry, but I am sure that we will hear a different view from my Front-Bench colleague, my hon. Friend the Member for Cambridge (David Howarth). I believe that nuclear power may prove to be the least worst option in addressing climate change, and it is one that should certainly not be ruled out.

The legacy of the UKAEA's work at Dounreay is some of the best scientific and engineering work that has taken place in the field. The UKAEA and the UK were top of the tree in fast-breeder technology in the 1960s and 1970s, although we have now given all that away. Many patents came out of that work, such as the one for the battery that is in most people's mobile telephones—the lithium ion battery. That battery makes up part of the power for the Bowman 2 communications system and is made in the battery factory in Thurso. Those things are all part of the asset side of the legacy balance sheet, but there is also a liability side to it, and we cannot and should not shy away from that, because it must be dealt with. The right hon. Gentleman raised one particular liability: the particles arriving on Sandside beach.

I should make the quick general comment that it is important to put comments into the perspective of time. It is easy to look back on past events and judge them in the light of today, as happened recently on the question of the tissue samples. It is important to put that in the context of the time. When X-rays were first invented people did extraordinarily stupid things that we would not even countenance today, but that does not lead us to throw away X-rays. That brings me on to the fact that today is different; as the right hon. Gentleman mentioned, there is a more open and positive culture, and the current management at Dounreay are to be congratulated on that.

I first became involved in the specific case of the particles on Sandside bay in 2000—before I was elected

to this place—at the invitation of Mr. Minter, when I accompanied my predecessor, Lord Maclennan of Rogart, to what became known as mediation one. It involved a meeting in London attended by the then chief executive of the UKAEA, John McKeown, and some legal advisers, the outcome of which was that Mr. McKeown said that there was no liability, that they were completely covered, that they had insurance for anything that might come up and that, in any case, Mr. Minter must have known what he was getting into when he bought the land.

After my election, I spoke to Mr. McKeown, whom I met several times to discuss this issue, and I believe that I had reached the point of persuading him that a settlement was in order. He went off to talk to his board, but unfortunately he left his post shortly thereafter, so that process came to an end. I then spoke at considerable length to the new chief executive officer, Mr. Dipesh Shah, pointing out to him the damage that the repeated publications about this issue were having in the local community and the fact that it was imperative for my constituent to have a just settlement and for the community to have a resolution. Both Lord Maclennan and I worked hard to persuade Mr. Shah—who then agreed—and Mr. Minter that the best way to deal with this was through a mediation process.

That process became mediation two. As that has largely been covered, I shall not go into detail, suffice it to say that it ended with a unilateral offer that was not based on the discussions that had taken place. I am sorry that that happened, because during the process there were moments when I thought that both sides were close to dealing with this. The great frustration that I have had as the constituency MP seeking the best for my constituent and for my wider community is that we have so often been within a fingertip of sorting this matter and somehow we have slipped away from doing so.

Last September, I had a chance meeting with members of the Nuclear Decommissioning Authority on another subject and I raised the fact that I thought that a settlement was possible and should be attempted. In the light of that, a non-executive director of the UKAEA was invited to meet Mr. Minter. That process began in October or November and culminated in a wish to recommend an offer. I understand that it was discussed at the Department of Trade and Industry in February and has remained there more or less since then. I have had a number of meetings with various people in the UKAEA, and their view is that they would like this matter resolved, because it is a big drag on them, it has a huge cost, and they would like it to be gone. I was therefore very disappointed to be told yesterday that the offer recommended by the UKAEA has been rejected by Ministers. I ask them to re-examine it, because I feel that there are grounds for a settlement and that it remains by far the best way forward.

I turn to the general issue of the UKAEA's legacy, which, as I have said, contains many positive parts. I shall touch on one specific aspect of it: the socio-economic legacy. To date, one of the legacies in Caithness of the UKAEA's involvement is a larger, more prosperous and better educated population than would have been the case without it. For 50 years, the Dounreay drive-to-work area has had the highest gross domestic product in the highlands, and that has resulted in infrastructure.

I remember my mother taking me as a four-year-old to watch the cranes digging the estate where the "atomics", as the milk rounds people named them, were going to live. The point being that the local council at the time, of which my father was a prominent member, decided that it would welcome them with open arms and integrate them into our community. The result is that Thurso and Caithness is a cosmopolitan community that has high levels of education and skills.

Whether that legacy is a good one will depend on whether the work currently being done on the socio-economic legacy can be brought to fruition and on whether this challenge is the opportunity that it could and should be. I have been chairing the socio-economic strategy taskforce for the area. Let us try to understand the scale of the problem. The Nuclear Decommissioning Authority now accepts that this is, in relative terms, the biggest socio-economic challenge that it has faced. If we consider the percentage of the community's GDP and the percentage of the work force involved, it is, relatively, the single biggest challenge that it has.

We have worked to help ourselves. Our strategy group has produced an excellent strategy, the result of which is a partnership between Highland council, Highlands and Islands Enterprise and the NDA, with a specific body set up—an action board—to deliver results, and new people and money to make things happen. A couple of months ago, we even had a visit from the enterprise Minister in Scotland. I hope that, whatever the shade of the new Administration, we may look forward to similar attention from the new enterprise Minister.

Last July, I spoke to the Secretary of State for Trade and Industry, inviting him to visit Dounreay. I did so because morale is fragile—we are losing people to Aberdeen—and we need to show that the Government are as committed to the socio-economic legacy of decommissioning as they were to the experimental stage that took place all those decades ago. I am sad to say that despite an agreement in principle to come, notwithstanding a multiplicity of invitations and reminders, since then no Minister has been able to find themselves in Caithness. The signal that that has sent to our community is not a good one, so I gently urge the Minister to take back to his Secretary of State the fact that we are having a conference in the week of 5 September—the exact date can be of his choosing—and if he would be good enough to attend that, I am sure that all would be rectified.

Our community is working hard to find solutions to our problems. We are doing our bit, but we now need the active and positive interest of the DTI to help us find them. The points have been made on the constituency case. It has been unfortunate that much of this has been fought out publicly in the press. Will the Minister put all those considerations aside and do what our community would like and what the UKAEA management would like—find a proper settlement of the case?

10.10 am

Mr. John Gummer (Suffolk, Coastal) (Con): First, I declare an interest in that I have two nuclear power stations in my constituency. Were the UK to extend its

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nuclear capability, I would fight for a third. I have always supported nuclear power and my constituency might well have written the same sort of encomium about the effect of the Sizewell nuclear power stations A and B that the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) has just done about Dounreay. Secondly, I have known Lady Judge, chairman of the UKAEA, for some years, so I also declare that interest.

My right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) promised that he did not intend to make personal comments, and repeating a statement from the *Daily Mail* was perhaps unfortunáte. After all, he and the rest of us ask for public support because of our abilities without being able to show academic reasons for that. He sought the public's vote to become Prime Minister, but found it rather difficult to suggest that he had the academic qualifications for that. What happens is that people are chosen because of their qualities.

I want to say absolutely clearly that Lady Judge's qualities are remarkable. She is a good chairman of the UKAEA. She works much longer and harder than she is employed to do, and I am a ittle tired of people who do good public service being undermined because we follow the easy path, which has now become popular, of making anyone who puts their head over the parapet a subject of criticism. I want to put it on the record that Lady Judge is a fine public servant of remarkable ability who has led the UKAEA with considerable distinction.

My problem with the whole discussion is that it seems to be a perfectly understandable argument between two neighbours. No doubt, there have been all sorts of mistakes on both sides. I have read the details of the other side and I have heard the details from my right hon. Friend. I do not believe that this sort of discussion is suitable for a debate in the House of Commons, because an awful lot of such arguments happen between neighbours—in this case a neighbour who bought his land when he knew that the Dounreay building was next door. He might have thought that such discussions would arise.

Mr. Duncan Smith: Will my right hon. Friend give way?

Mr. Gummer: In a moment.

I am no more in touch with the details, except that I have heard both sides of them. I merely wonder whether in this debate to discuss the future of the UKAEA we should use words such as "lies", "deceits" and "cheating", all of which I have found during my many years in the House do not help debate.

Mr. Duncan Smith: I hope that my right hon. Friend is not inferring that Mr. Minter was or should have been aware of any pollution before he purchased his property. The position was clearly established by checks at the Ministry and at the time. I hope that my right hon. Friend is not inferring that Mr. Minter disregarded that with some other intent.

Mr. Gummer: No. I am not inferring that. I am merely stating the fact, which is clear, that Mr. Minter bought the land knowing that Dounreay was next door. That is all I am saying, and nothing more. I am also trying not to use any of the words about Mr. Minter which one might wish to use, having read the details, because I do not believe that any debate is advanced by using words such as "deceit", "cheats" and "lies". I do not believe that that is the way to debate.

The issue is that on a number of occasions, Mr. Minter has been offered ways in which the problem might be solved. It is clear that there is difficulty on both sides in coming to an agreement. I have had many constituency problems during the 30 years that I have been a Member of this House and often it is not a question of one side or the other. People get themselves into a mess, and begin to dislike each other because they both feel that the other person did not do what they said they would do, and by the time one gets to the present stage, it does not help to dig over the past. What matters is that an agreement is made, and that would have been the better way to proceed.

I do not have a very high opinion of the Department of Trade and Industry, and I think it is the most reactionary Department in the Government. It is the least environmental; it largely holds up any policies that would be good and finds good reasons why things should not be done. It is a dreadful Department, and the sooner we get rid of it and put trade into the Foreign Office and industry into a department for the environment, the better. I hope that the new Prime Minister will do that.

I do not believe that there should have been attacks on the individuals concerned. Quoting and referring to officials who cannot answer for themselves is unfair and unacceptable. There should be access for the UKAEA across the land to carry out the decommissioning properly. That is the first thing that is necessary. The second is that there should be a clean-up process that ensures that the land is returned to its pristine condition. Thirdly, it is necessary to ensure that we retain and protect the contribution that the UKAEA has given to the area over many years.

I support the words of the hon. Member for Caithness, Sutherland and Easter Ross. We do not help by exaggerating the concerns, or by pretending that there are no concerns. Hon. Members with such constituencies, who must deal with these issues day in, day out, must strike a careful balance. We must choose our language carefully.

Will the Minister hurry the matter up, because the long delay has not helped, and it is a great pity that we are still at the same stage? I want to hurry him up for two reasons: first, for the area itself and, secondly, for constituencies such as mine. I have come straight off an aeroplane to this debate because of my constituency. I want my constituents to feel that when such issues arise they are dealt with rapidly, cleanly and clearly, and that the UKAEA has greater power to make decisions. One matter about which I am concerned and with which my right hon. Friend struck a chord is the long time it takes the Ministry to do anything. I am surprised that it manages to find its way to the House of Commons without special guidance, because it takes so long. Why are we still waiting, month after month, since earlier this year for a decision on a perfectly simple matter?

Could we have a new spirit abroad in the Ministry? When it gets a letter, can it reply within a week, and when there is a problem, can it reply within a fortnight, but can it not leave it to fester? If the Minister could make that change, there would be a big difference, so I hope that he will tell all of us who represent constituencies with nuclear power stations that we can expect the DTI to move at the pace of private industry, to answer questions when they are asked, and to recognise that compensation paid in due time and changes made rapidly usually cost a great deal less than what must be paid after 10 years.

10.19 am

Mr. Brian Binley (Northampton, South) (Con): Mr. Weir, I assure you that I do not wish to talk about the subject of English legal supremacy over the property matters of Scotland; I shall leave that to my colleagues. I am sure that you will be relieved.

I do, however, wish to widen the debate to encompass the protection of the citizens of this country. We are talking not simply about factories that sit in constituencies, but about sites that affect all the citizens of the islands in which we live. We must recognise that the United Kingdom Atomic Energy Authority and its board have a particular responsibility of diligence and protection. They must instil in the citizens of this country the confidence that the UKAEA can guarantee a degree of safety in those sites, which, from a citizen's point of view, is not necessary in many other industrial sites in the country.

Of course, safety is directly related to a smaller or wider area depending on what happens on the site, but the question of nuclear waste is vital not only to the energy industry's well-being and our nation's future, but to the safety and well-being of the people whom we serve. I want to consider the UKAEA's record, and I want to ask questions about whether the board is capable of doing the job that it should do to protect us all.

There has been a history of cover-up, and my right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) outlined some of the details at one particular station. However, we know that concerns have arisen not only at that site. There is a history of concern, and it places even greater onus upon the UKAEA board to ensure that its responsibilities are carried out properly.

I am a chairman of a company, and I regard my board as being responsible in several areas, but most of all it is responsible to its customers to ensure that they are not only treated to the very best service possible, but protected in the very best way possible from any eventuality that might befall and concern them. I am not sure that the UKAEA board does so. My hon. Friend the Member for Wantage (Mr. Vaizey) is smiling. I do not know the members of the board personally, and I am not interested in knowing who they are.

Mr. Edward Vaizey (Wantage) (Con): I am the constituency MP for the United Kingdom Atomic Energy Authority, and I wonder whether my hon. Friend will help me. Although he does not know any members of the board, he appears to be making allegations that the current members are involved in a cover-up. Will he specify the board members and the cover-up to which he refers?

Mr. Binley: I shall proceed at the pace at which I wish to proceed and in the way in which I wish to proceed, and I shall come to the matters that I wish to come to in the way in which I wish to come to them. My hon. Friend knows that all too well from past discourse. Let me continue after his interruption.

The truth is that we seek responsibility from members of the board, and I need an assurance that the non-executive members are able to carry out their responsibility to protect my constituents in that highly dangerous but vital industry. I am not sure that they are qualified to do so, so I shall ask a fair and proper question and then sit down. I make it clear that I have no personal knowledge of the board; I simply want from the Minister reassurances that I can take back to my constituents about the role of protection that a board ought to assume in serious terms. From some of the appointments that the Department for Trade and Industry has made, I am not sure that either the expertise or the time needed to do the job are in place to carry out that function.

I go no further. I simply ask the Minister to assure me so that I can assure my constituents, because I can tell him and the rest of the people listening to the debate that there is deep concern about the way in which the DTI has dealt with the matter. There is a deep concern also about some of the appointments that have been made, and there is a real need for reassurance.

Mr. Mike Weir (in the Chair): Before I call Mr. Vaizey, I remind him that I wish to begin the winding-up speeches at 10.30 am.

10.25 am

Mr. Edward Vaizey (Wantage) (Con): Mr. Weir, I am very well aware that I have only five minutes to ride in on my charger to defend the reputation of the chairman of the United Kingdom Atomic Energy Authority. That is one matter on which I shall touch during my brief remarks.

As I said when I intervened on my hon. Friend the Member for Northampton, South (Mr. Binley), the UKAEA is based in my constituency. I have the privilege of knowing the previous chief executive, Dipesh Shah, extremely well. He was a very effective chief executive, and I know the current chief executive, Norman Harrison, pretty well, too, and he is very good indeed.

Given the febrile climate that surrounds the position of Lady Judge, may I put on record my relationship with her? I have met her three times: accompanied by her chief executive, she came to the House to discuss constituency matters, and I bought her a cup of tea; I met her at a dinner at which the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) and other MPs with UKAEA establishments in their constituencies were present, and I had the privilege of sitting next to her; and I also met her in her apartment, because as is well known, her husband, Sir Paul Judge, is a great supporter of the Conservative party, and he

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was holding a reception on behalf of the party. It is interesting to note that Lady Judge's husband is a supporter of the Conservatives but that, nevertheless, Lady Judge was appointed under this Government to do her job. It is a testament to her neutrality and to her ability to undertake the task.

I echo the comments that my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) made: nothing succeeds like success. I should think that anyone with even a smidgen of common sense would say that if somebody holds a number of directorships, it seems to imply that the organisations involved—many of which wish to be successful organisations in seeking the services of Lady Judge—are seeking the services of someone who is clearly competent at their job.

I do not have a physics degree, although I am studying for physics A-level, because there is so much physics in my constituency with the Diamond synchrotron. Lady Judge does not need a physics degree to do her job at the UKAEA. It is an incredibly important part of our economy and it is adapting to the post- and pre-nuclear age in which we exist. Under her chairmanship, it has strengthened its position as the leading nuclear decommissioner in Europe; it has achieved a reduction of £1.76 billion in the undiscounted estimate of liabilities on its sites; it has delivered a programme that was agreed with the Nuclear Decommissioning Authority at the Dounreay, Harwell, Winfrith and Windscale sites, below the estimated costs and within its deadline; it has put forward a robust business plan; and it has provided space for important scientific establishments such as the Diamond synchrotron, which the Minister will refer to later.

My constituency interest in the UKAEA is the Harwell site, where I keep in close touch with the UKAEA in the hope that together, we can build a fantastic science business park, science centre and—building on the Diamond synchrotron—the Rutherford Appleton laboratory, which will be a beacon for my constituency and the whole of Oxfordshire.

Mr. Binley: My hon. Friend talks about the chairman of the board, and I made the point that I have no personal involvement whatever. However, the chairman is also the deputy chairman of the Financial Reporting Council. That body, which produces guidelines for boards, said that

"directors should not be involved in too many organisations with a normal ceiling of four directorships."

That is my point.

Mr. Vaizey: My hon. Friend's point—I would hesitate to say—is effectively made. I say no more except that as far as I and everyone I know at the UKAEA is concerned, Lady Judge is an effective chairman who gives more than twice the amount of time for which she is contracted.

I also echo a point that was made by the hon. Member for Caithness, Sutherland and Easter Ross and my right hon. Friend the Member for Suffolk, Coastal about the past and the future. There is absolutely no doubt in my mind that during the '60s, '70s and '80s, certain elements of the nuclear industry behaved in a cavalier fashion. I do not believe that such behaviour takes place at the moment.

Finally, the human tissue issue recently arose, and it came to light that certain autopsies may have been performed on people who worked at nuclear sites. The UKAEA has dealt with that issue in a completely transparent fashion, as have the Government. A helpline has been set up so that anyone with even the slightest concern can contact the UKAEA immediately. The organisation has also been utterly transparent in its dealings with me since the story broke. That is all that I have to say in the short period allotted to me.

Mr. Mike Weir (in the Chair): Bang on time.

10.30 am

David Howarth (Cambridge) (LD): Most of this debate has been about the case of Mr. Minter. I do not want to comment extensively on that case. However, I would say that it is perfectly proper of the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) to bring the case to our attention, as one of the House's traditional functions is to deal with individual grievances. I hope that the matter can be resolved amicably. If it cannot be resolved amicably, I hope that it can at least be resolved justly.

I shall certainly not respond to the points made about the interaction of Scots law, the Nuclear Installations Act 1965 and the legislation on contaminated land, especially as I had a small part to play in the drafting of the 1995 legislation. My memory is that my advice was ignored completely.

The one serious issue that the Minister should respond to, and which was mentioned by the right hon. Members for Suffolk, Coastal (Mr. Gummer) and for Chingford and Woodford Green, is the part played by Ministers in the latest round of negotiations and whether there has been a ministerial intervention in the proposed settlement. The Minister should properly reply to that point.

The case raised illustrates two of the permanent problems of the nuclear industry: waste and secrecy, which are intimately connected. There are those, including the Prime Minister, who sometimes say that the problem of waste has been resolved, because of the report of the Committee on Radioactive Waste Management, which said that the deep depository of radioactive waste could be a solution. In fact, the report said that there cannot be any such solution until there is consent.

One of the reasons consent is so difficult to obtain is the nuclear industry's record of secrecy and misdirection. Comments have been made about the industry's attempts to become more open, and I acknowledge those attempts, but the nuclear industry cannot be open in the same way as other industries can. That is because of its intimate connection with a dangerous technology that has security consequences. The nuclear industry cannot be—and never will be—a normal industry.

That is one of the reasons I am not convinced in any way that the nuclear industry is part of the future energy system of this country. Unlike my hon. Friend the Member for Caithness, Sutherland and Easter Ross (John Thurso), I do not think that nuclear power is necessary in the fight against climate change. The main problem is that the nuclear industry cannot be a normal industry. There never will be a purely private nuclear industry.

Turning to the UKAEA in general, I should like to hear the Minister's comments on the future of the organisation. It strikes me that it is in decline. Historically, a number of its functions have been taken away. Most recently, it transferred a large number of its functions to the Nuclear Decommissioning Authority. It has also transferred functions to the Civil Nuclear Police Authority, and in the previous round of reductions it lost the Atomic Weapons Establishment, among other things. The UKAEA is now fundamentally a decommissioning contractor, working with other contractors. It has a lot of expertise, but it is not entirely clear whether it is viable for the UKAEA to continue doing that independently at its current size.

The UKAEA also has a research function. It is mainly involved in research into fusion, which takes up 48 per cent. of the Engineering and Physical Sciences Research Council's budget. I wonder whether that is the proper balance for a research council's budget. For my entire life, fusion has been just around the corner—or to be more accurate, always one generation away. As the generations pass, fusion remains one generation away. There has been some progress, as the Select Committee on Trade and Industry reported. However, the question is one of balance, especially in the context of Research Councils UK losing £68 million of its funding, with a raid by the Department of Trade and Industry on its budget, £28 million of which came from EPSRC. I understand that one of the projects to be cut is the Diamond synchrotron, which raises interesting questions about the interaction of the various budgets.

EPSRC is still in a state of uncertainty. There is still a possibility of its losing £30 million from its budget this year unless it receives proper assurances about its end-of-year flexibility. Other energy research—not just on renewables, but on the grid and materials science—is urgently needed to improve transmission losses. It is not entirely clear to me that the UKAEA can claim the priority that it currently receives, over the research funding that our universities receive. To a large degree, the UKAEA is becoming a property company. The question is whether it has a future as one.

That is the context of the perhaps more newsworthy problems that have been mentioned in this debate. I do not want to go into those in any detail, as they have already been covered. They include the pollution problems, the £2 million fine for spilling 58 gallons of radioactive fluid, the £140,000 fine for releasing radioactive particles into the sea and the travails of Lady Judge—I do not want to comment on that, as I gather that there is to be an investigation by the National Audit Office. If there is not, however, I at least hope that the case will be dealt with fairly. People should not be tried in the media. On the other hand, if there are concerns, they should be raised publicly. People in public office cannot expect to be judged purely on a private basis.

Finally, there is the organ retention problem. I accept that that was the consequence of an older way of thinking about such matters, but it is an illustration of attitudes in the industry that are still there. It is not a normal industry, and I repeat that it will never be a purely private industry, acting in the way that the private sector normally acts, because of its connection with security.

I shall be interested to hear the Minister's reply on the individual case raised, and especially on the role that Ministers have played in recent events. More than that, however, I should be interested in his views on the future of the UKAEA. It is an important organisation, but its role has changed, declining dramatically over the past 20 years.

10.38 am

Charles Hendry (Wealden) (Con): We have certainly had a lively debate, but a serious and interesting one, too. There are some points that I have agreed with and some that I have not agreed with. The point that I agreed with least was the one that my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) made about how, departmentally, the DTI should be put under a department for the environment. There needs to be a Department and a Minister at the Cabinet table, arguing the case for wealth creation in this country. That Department can be the DTI or a department for economic affairs, but heaven help us—

Mr. Duncan Smith: Declare an interest.

Charles Hendry: Of course I declare an interest, with my aspirations to be a junior Minister in such a Department in a few months' time.

Other serious issues have been raised. I hope that my hon. Friend the Member for Northampton, South (Mr. Binley) has written to the UKAEA with the concerns that he has expressed today and that he asked for a response before airing them in public. Equally, I am sure that my right hon. Friend has written to the UKAEA to try to broker a deal between his friend and the company before raising issues in the Chamber. Clearly the answers that my right hon. Friend received were not satisfactory.

I have also known Lady Judge for some years, and I also have the highest regard for her. The question of her qualifications needs to be seen in perspective. Peter Sutherland, the chairman of British Petroleum, has an astounding record. I do not believe that he is a geologist, but he does know how to chair one of the world's leading companies. I do not believe that Lord Stevenson, chairman of HBOS plc, has a degree in finance, but he is an outstanding chairman because he brings other qualities to his role. Lady Judge is one of the most highly regarded business women in this country. She has worked for many other organisations—all of which, as far as I am aware, have been incredibly grateful for her input and contribution.

Under Lady Judge's chairmanship, the UKAEA has addressed many of the issues that it needed to. It strengthened its position as the leader in nuclear decommissioning in Europe, and it delivered on time and below budget its work with the NDA at Dounreay, Harwell, Winfrith and Windscale. Critically, it has driven forward the work at Harwell, to which my hon. Friend the Member for Wantage (Mr. Vaizey), as its constituency Member of Parliament, has referred. Harwell's work makes it one of the most pioneering nuclear science establishments in the world.

[Charles Hendry]

If, as we have all been hoping, we are to see the breakthrough for fusion, it will happen at Harwell. We should all pay tribute to the contribution that this country can make through the expertise and incredible knowledge of people at Harwell. I also pay tribute to the organisation for how it has reacted to the issue of human tissue experimentation. It has been incredibly responsible and has been working fast to bring reassurance to the families involved. We should recognise that as well.

My right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) raised some serious issues. My understanding is that the particles were generated from the milling of material test reactor fuel between 1958 and 1973, and that that resulted in active particles being discharged through the low active drain. The process continued for 15 years after the end of milling. A particle was first found in the Dounreay foreshore in 1983, and at Sandside beach in 1984. My understanding is that such particles are typically the size of a grain of sand, and that they can be categorised as significant, relevant or minor. I understand that the only significant ones have been found at Dounreay beach; at Sandside, 17 relevant ones and 77 minor ones have been found. I hope that the parties will be able to work together this summer to retrieve the particles from Sandside beach and finish the job.

I was slightly confused as I listened to my right hon. Friend's comments. He said that people had not got on to the beach to carry out the work. He then said that the beach had been closed to the UKAEA for other reasons.

Mr. Duncan Smith: That is part of the dispute. Only half the beach was being cleared and only at a depth that did not pick up the most difficult particle finds. All the scientists say that that is the reason for the dispute and why they have occasionally been banned from the beach. It is doing the job properly that counts.

Charles Hendry: I am grateful to my right hon. Friend. However, the evidence that I have had from the UKAEA is that it wants to go on to the beach to complete the work. I believe that it is genuine and sincere in that aspiration, but obviously it cannot do that without access rights.

I hope that the Minister can answer some questions. For example, can he give us information on how the general level of radioactivity on Sandside beach compares with the general background level of radiation? There is greater radioactivity generally in the environment. How different is it at Sandside beach in comparison with elsewhere? What about restrictions on bathing? Has it been established whether Sandside beach is safe for bathers? Is it closed to them? More generally, does the Minister believe that a study should be undertaken to review the areas surrounding nuclear sites which need to be off limits? That ties in with the comment made by my right hon. Friend the Member for Suffolk, Coastal about the wider implications of this debate.

Without doubt, the right approach is to get the parties involved back to mediation. I believe that both sides want a settlement, although I understand from the UKAEA—I have heard only one side of the debate in advance—that it is still looking to Mr. Minter to quantify what he is looking for. It does not yet understand exactly what he is seeking in order to take the matter forward. If that information has been given, I hope that it can be restated so that the parties can go forward. For mediation to work, both sides need to know where the other side is coming from.

In so many ways, the issues go back to the historic actions of the nuclear industry. Whether we are in favour of or against nuclear power, all in this House have concerns about the obsession with secrecy that has so often surrounded the actions of the industry—the initial desire to cover up when anything goes wrong and hope that people do not find out the facts. That has happened not only in the cases that we have discussed today, but time and again.

The industry has learned the lessons, including those from overseas. For example, Sweden and Finland have managed to get public support for their nuclear industries through openness and encouraging people to have a look at what they are doing. They have been as clear as they can be. Historically, the British industry acted in a way that today we find unthinkable; it was careless and there was often bad practice. However, we know that those practices have ended and now we should recognise that the British nuclear industry works to some of the highest safety standards and has some of the best practices of anywhere in the world.

Given that that is how the UKAEA and others wish to proceed, we should work with them. I hope that the Minister will be able to give satisfactory answers. I was greatly concerned to hear the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) say that he understood that a potential offer had been rejected by Ministers. I hope that the Minister can clarify that situation. The only way to resolve the matter is to get the parties together again.

As my right hon. Friend the Member for Suffolk, Coastal said, there is a huge issue of public confidence. We are expecting the energy White Paper next week, and there will then be a new opportunity for consultation on the whole nuclear power issue following the recent High Court judgment. If there is to be a new fleet of nuclear power stations and they are to play an important part in the future of electricity generation in this country—as the Minister knows, we are not enthusiastic about that, but accept that it might be necessary—there has to be confidence and trust in the industry. How the issue is discussed and debated will be integral to that process.

10.47 am

The Parliamentary Under-Secretary of State for Trade and Industry (Jim Fitzpatrick): It is a pleasure to see you in the Chair, Mr. Weir. I congratulate the right hon. Member for Chingford and Woodford Green (Mr. Duncan Smith) on securing this debate.

I should explain that the subject of the debate is normally outside my ministerial brief and my usual areas of expertise. The Minister for Science and Innovation would usually speak for the Department of Trade and Industry on these matters, but unfortunately he cannot be here because of an unavoidable overseas engagement on behalf of the Government. He sends his apologies to the right hon. Gentleman and others.

I shall make every effort to answer the points raised in the debate, and my prepared text will cover many of them. However, when my non-familiarity with the subject or lack of time mean that I am unable to do so, I will arrange for Members to be sent a written response on their individual points as soon as possible.

It would be remiss of me in a debate on the UK Atomic Energy Authority not first to acknowledge the progress that the organisation has made recently. It continues to be a leader in nuclear decommissioning in Europe, having dismantled 15 reactors and more than 40 major radioactive facilities. By constant and stringent scrutiny of its plans and the identification of new and innovative ways of approaching the clean-up of its sites, the UKAEA has successfully reduced the undiscounted estimate of its liabilities—and thus the expected cost to the taxpayer—by £1.7 billion.

At the UKAEA site at Harwell in Oxfordshire, some 7 hectares of land were delicensed in October 2006, the largest single area of land to have been delicensed to date in the UK. That is allowing the site to be turned over to other uses, including for the Harwell science and innovation campus. The UKAEA is leading the proposed development of the campus, in partnership with our newly formed Science and Technology Facilities Council, to create a leading global centre for science and innovation and a future home to some of the world's most prestigious research facilities, building on the anchor facilities such as Diamond.

The UKAEA is also key to the UK's role as a leading player in the search for a commercial fusion solution to future energy needs. At its site at Culham in Oxfordshire, the UKAEA manages the Euratom/UKAEA fusion programme, which is internationally recognised for its quality and effectiveness. The Culham team is also undertaking pioneering work on a design of fusion machine using its MAST—mega amp spherical tokamak—facility.

The UKAEA has responded well to the challenges brought about by the advent of the Nuclear Decommissioning Authority. It has already established a working alliance with two major international partners in preparation for the competition for the management of its sites. The UKAEA board's aim is to create a strong commercial business and the Government hope that it will flourish in the new competitive environment that the NDA has created. Given that impressive progress, it is hugely disappointing that one of the main people responsible—the chairman, Lady Barbara Thomas Judge—has been subjected to such unpleasant and unjustified personal attacks in the media. I want to use this opportunity to correct the inaccurate claims that have recently been made.

Few chairmen or board members devote themselves as fully to their organisations as Lady Judge. The claims that she has too many directorships to do her UKAEA job properly have been investigated and reinvestigated by the Department of Trade and Industry and have been found to be absolutely without foundation. Following a suggestion from the right hon. Member for Chingford and Woodford Green that her work load warranted investigation, the National Audit Office similarly concluded within the space of two days that there was no need for a special investigation. The NAO does not believe that the matter warrants any further work from it.

It is also worth remembering that as a non-departmental public body, the UKAEA routinely has its accounts audited by the NAO. Should that work identify issues of concern in any aspect of the UKAEA's activities, the NAO would, of course, consider reporting in the normal way. The fact is that Lady Judge's various non-UKAEA commitments take less than one and a half days of her time each week. She does a fair amount of that from her home and in the evenings or at weekends. Even her overseas-related commitments make a minimal impact on her time, with much of that work taking place over a telephone. We are therefore entirely satisfied that those non-executive and advisory positions, many of which relate to charities—although I did not realise until the hon. Member for Wantage (Mr. Vaizey) mentioned it that she has a strong family connection with the Conservative party—allow more than enough time for her properly to fulfil her chairmanship responsibilities at the UKAEA, which she does most efficiently, effectively and with complete dedication.

What is more, given the challenges that the UKAEA faces as it necessarily restructures to facilitate the Government's competition policy for the decommissioning of nuclear sites, Lady Judge is providing the necessary leadership to the board, executive team and employees during a challenging time for the organisation. Her remuneration from the UKAEA of £60,000 a year for two days a week represents good value to the DTI and the taxpayer. Indeed, we probably get twice as much of her time as we pay for.

I hope that the malicious and unwarranted campaign against Lady Judge will now stop. Although a level of scrutiny is entirely appropriate, excessive criticism will deter able people from working for the public sector when they can earn far more in the private sector without the unwelcome intrusion, which is the point that has been made by several right hon. and hon. Members.

Let me turn to the contamination of Sandside beach. I assure the right hon. Gentleman that the DTI is fully aware of the situation and receives regular reports from the UKAEA on the progress in the discussions between its representatives and Mr. Minter. Right hon. and hon. Members might appreciate an explanation of the nature and scale of the contamination. The UKAEA monitors nine beaches used by the public around Dounreay. That work is regulated by the Scottish Environment Protection Agency. As of 3 May 2007, 94 particles have been recovered from Sandside, which is the nearest public beach to Dounreay, and two from beaches at Dunnet bay. I understand that the particles are typically the size of a grain of sand, as the hon. Member for Wealden (Charles Hendry) pointed out.

All the particles found on public beaches to date pose little risk to human health. That scientific advice contradicts the assertion of the right hon. Member for Chingford and Woodford Green in his opening remarks. The probability of contact with a relevant particle at Sandside for a regular beach user has been estimated at one in 80 million. In the unfortunate event of contact, the Health Protection Agency has reported

[Jim Fitzpatrick]

that particles of the type found on beaches used by the public would have to remain in stationary contact with precisely the same area of skin for at least seven hours to have any discernable effect. If a particle were ingested, it would need to remain stationary against the gut wall for six hours to cause ulceration. In either case, the effect would be temporary or healed by natural regeneration.

Mr. Duncan Smith: Will the Minister give way?

Jim Fitzpatrick: If the right hon. Gentleman will forgive me, I did not intervene on him despite some of the outrageous remarks that he made. If I have time at the end, I shall certainly give way, but he made some points that I have to rebut on the record. If he will allow me to finish, I should have time to take an intervention.

The right hon. Gentleman will be aware that Lord Truscott of St. James's, the Minister for Energy, and his predecessor, the Minister for Science and Innovation, have taken a personal interest in the case. They had hoped that the authority and Mr. Minter could reach a fair, reasonable and documentable resolution. As the record shows, a deal has unfortunately eluded us despite every effort.

I understand that there was an unbridgeable gap between the parties on the numbers and that after careful consideration it was agreed last summer that the authority should bring last year's mediation to a close by offering a full and final settlement. The Government believe that the offer subsequently made by the authority was fair and equitable. The right hon. Gentleman has argued that in years past Mr. Minter's concerns may not have been accorded the concern or respect they deserved. Although that may have been the case in the early days, it is not our understanding of the situation now or since the mediation process that commenced in May 2005. It was probably not even the case even further back during the earlier mediation effort in 2001.

Furthermore, in January this year, Norman Harrison, the authority's chief executive, expressed regret to Mr. Minter on behalf of the authority for past statements. The mediation attempts did not succeed in the end. Many people on both sides worked exceedingly diligently and in good faith as part of a genuine attempt to find a solution. Whatever Mr. Minter may believe, I am assured that everyone connected with this case at the UKAEA, as well as in the DTI and more recently in the Nuclear Decommissioning Authority, has made every effort in good faith over the past two or three years to fashion a solution. That includes the authority's chairman, Lady Judge, who has been personally active in trying to promote a solution.

It is acknowledged that Mr. Minter, his business and his family have suffered damage. The authority has apologised for the contamination and, on behalf of the Nuclear Decommissioning Authority, which now has responsibility for the site, it is committed to remedying the situation and to reaching a solution that compensates Mr. Minter appropriately. It is not in any of the parties' interests not to reach a fair, reasonable and documentable solution. Finding a way through the current impasse would be in the interests of not only Mr. Minter, but the authority and the nuclear industry in general, which was the point made by the right hon. Member for Suffolk, Coastal (Mr. Gummer). It would clearly also benefit the local community, as economic and social development are critical for its future. It cannot flourish when the continuing dispute gives the impression that the area is seriously and permanently contaminated, which it is not.

It would not be appropriate for me to get involved in the detailed negotiations, or to speak about the process or results of the mediation, which are rightly confidential. The Government, however, remain keen to ensure that the parties find a resolution. To that end the Government have been pleased to support further discussions between Mr. Minter and the authority aimed at trying better to understand why Mr. Minter rejected the offer made to him last year, and the scope for recasting the detail of a settlement to achieve a mutually agreed solution. The authority's representative in the discussions, Mr. Wagner, acts with the full authority of not only the UKAEA but the DTI and, most importantly, the NDA, on whose behalf he is working.

The right hon. Member for Chingford and Woodford Green said that the UKAEA was fined for four offences in February 2007. That is true, but those offences related to four breaches of the Radioactive Substances Act 1960 that took place between 1963 and 1984. He said that officials holding the purse strings at the DTI should be involved directly in talks. The authority is directly responsible for remedial action and for settlement of the dispute with Mr. Minter. The Government are not working in some dark way to undermine a deal. The accusations are fanciful.

In his effective speech, the hon. Member for Caithness, Sutherland and Easter Ross (John Thurso) raised an invitation to my right hon. Friend the Secretary of State. I will ensure that that invitation is reinforced.

The UKAEA publishes details of all finds of particles on all the beaches that it monitors, including Sandside, irrespective of ownership. The right hon. Member for Suffolk, Coastal expressed his clear view on the DTI. Time will tell whether the new Prime Minister agrees with him. In the meantime, I can assure him that those of us working at the DTI—as Ministers or officials—will continue to do our best to serve the interests of the United Kingdom.

UK Bilateral Relations (Russia)

11 am

Daniel Kawczynski (Shrewsbury and Atcham) (Con): In my estimation we have never truly had close relations with Russia, certainly not during my lifetime, yet it is such an important country. It has a permanent seat on the UN Security Council and a huge influence in the middle east and other parts of the world where we are seeking to solve long-standing problems. I have visited Russia on a number of occasions and been in awe of it, but it has huge cultural differences from us that we must learn to understand and appreciate. We must learn to respect the fact that Russians think differently from us and do things in a different way. We need to achieve greater mutual respect.

Russia faces many foreign problems including in the Kaliningrad enclave, which borders Lithuania and Poland. Russia has borders with 14 countries and there are various problems with some of those neighbours, ranging from diplomatic spats to outright confrontation. I wish to mention a couple of them.

Russia has a long-standing dispute with the Japanese over the Kuril islands, which were seized after the second world war, and that has led to a lack of Japanese investment in Russia. Recently we have read about the growing tensions between Russia and Estonia, because the Estonians have taken down a statue commemorating the tremendous sacrifices of Russian soldiers during the second world war in liberating that country. That has led to some serious intimidation of Estonian diplomats in Moscow and, as an ally of Estonia in NATO, Great Britain has shown serious concern about the treatment of Estonians over the matter.

Belarus is, in my estimation, the last dictatorship in Europe—a most appalling, dreadful regime in the heart of Europe with which Russia is having to grapple. President Lukashenko is commonly known to have instrumented some of the worst human rights abuses and is causing the Russians a great deal of problems by blackmailing them to pay for the transit of Russian oil to Europe through the pipelines in his country.

Of course Russia has relations with North Korea, which is near Vladivostok on its far eastern border. Both Russia and ourselves are extremely concerned about nuclear proliferation in North Korea, which has an unstable regime that is extremely cruel to its population but is pursuing an extremely expensive programme of nuclear weapons production.

Russia has many problems but I have time to mention only a few, of which the last is Chechnya. The right hon. and learned Member for North-East Fife (Sir Menzies Campbell) has written an open letter to the Russian authorities, together with others including the Conservative former Foreign Secretary, my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind), and the former leader of the Liberal Democrats, the right hon. Member for Ross, Skye and Lochaber (Mr. Kennedy), outlining their concerns about the atrocities in Chechnya. It is an ongoing, terrible problem for Russia and there are appalling human rights abuses on both sides. That is happening in Europe, which is of great concern to us as well as to the Russians.

I wish to talk about the areas in which we need Russian support and why it is so important to have good relations with Russia. We need Russian support in the war on terrorism. Russia has a huge influence over Syria and Iran, and we know that there is an ongoing problem with border-crossing between Syria and Iraq. Insurgents and terrorists are coming from Syria and other countries across the Syrian border into Iraq, directly threatening the lives of serving British soldiers there because of the porous border. I know that Russia has long-standing trading and diplomatic relations with Syria.

On the other side of Iraq, Iran has allegedly been assisting insurgency in Basra and the rest of the south. Russia has huge influence over Iran and has been supplying it with a great deal of nuclear technology, ostensibly for a peaceful programme of nuclear power generation. We in Great Britain and others are concerned about the possibility that Iran may use that technology to produce nuclear weapons. Russia is at the forefront of supplying such countries with nuclear technology.

Just today we learn that Russia is allegedly selling attack helicopters and gunships to Sudan. An article from today's *The Daily Telegraph* states that Russia has

"broken a United Nations arms embargo by supplying Sudan with attack helicopters, bombers and other weapons in the knowledge that they are being used against civilians in Darfur, Amnesty International said yesterday."

It concerns me greatly that a country such as Russia, which has a permanent seat on the Security Council, is allegedly selling such appalling weapons to Sudan to enable the Sudanese Government to carry out some of the worst human rights atrocities imaginable. We should be putting a great deal more pressure on Russia and seeking explanations as to why it is breaking a UN embargo, which is totally unacceptable behaviour. I return to my point that we need a better relationship with the Russians in order to lobby them and put pressure on them. Many people in our own country feel strongly about what is happening in Darfur and look to us to stop the atrocities. We must use our influence as a major military and economic power in the world to lobby the Russians to try to prevent such exports.

What more needs to be done? I look forward to listening to the Minister, who will hopefully explain what he is doing to draw Russia ever closer to the European Union and into our camp to be our close allies. We must consider the Kaliningrad enclave, which is a remnant of the settlement of the second world war and is cut off from the rest of Russia, sandwiched between Lithuania and Poland. It has significant problems through being surrounded by European Union countries but not having the benefits of being in the EU. I am sure that we in the EU could do more to give special status to that part of Russia, which is almost encased within the EU, to assist with trade and better transport links. We want to encourage trade between the Baltic states, Poland and Russia. I would certainly urge the Minister to spend some time considering what could be done about that anomaly in Europe, and about whether Kaliningrad's status could be modernised.

We need to engage more directly with Moscow. That is the key point that I want to get across in this debate. When I speak to my friends in the Russian Foreign

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Ministry, they tell me that they get hardly any visits by British Ministers. That may or may not be true, but they also tell me that French and German Ministers are pounding on their doors all the time. Russia gets a huge number of delegations led by French and German Foreign Ministers, and also cultural and trade visits. My friends say to me, "We look to Great Britain as potentially a key strategic ally, yet you seem to ignore us. There are far fewer visits by your Ministers than there are by French and German Ministers, who seem to take us more seriously."

I would like more visits not just by Ministers from the Foreign and Commonwealth Office but by Ministers from the Department for Education and Skills and the Department of Trade and Industry, particularly the Minister for Trade. He should be leading far more delegations of British companies to Russia to look for business and start to make contacts with Russian companies.

One project that I am particularly interested in is the Sakhalin oil project off the far east coast of Russia. British Petroleum and Shell, among other British companies, are involved in one of the largest oil exploration programmes to date—there could be a huge oil find in Sakhalin—but I do not know how much help they are getting from Ministers. I would be interested to hear what the Government are doing to help BP fight its corner in Russia. The Russian President, Vladimir Putin, has had high-level meetings with BP. The Russians are tough negotiators, and I know that BP—

The Minister for Europe (Mr. Geoffrey Hoon): And Shell, which is also involved at Sakhalin.

Daniel Kawczynski: I know that BP has interests there, and Shell as well. More must be done for British oil companies. I would be interested to hear what the Minister has to say about the levels of engagement of British Ministers in helping British oil companies in their tough negotiations with the Russian Government. The Russian Government recently put a lot of pressure on our oil companies over certain environmental issues at Sakhalin, which they used as a bargaining weapon for concessions, so I hope that our Government are helping companies with negotiations. Of course, there are huge new opportunities in mining, gas and minerals, as well as in the oil sector.

I remember the tremendous good will that this country received when our specialists went out to salvage the Kursk submarine. British companies were involved in trying to free the people who were trapped in that submarine, and in some of the operations after the disaster. Tremendous good will was expressed to us by the Russian authorities. I hope that we can continue to work with the Russians to show how interested we are in their country. We need to make far more ministerial visits than we are currently making, and bring Russia not into our sphere of influence but certainly into our camp, as the country will become increasingly important in the coming years, particularly given the changes of political influence in China, Japan and the far east. I look forward to hearing from the Minister what the Government are doing in respect of this very important relationship.

11.14 am

The Minister for Europe (Mr. Geoffrey Hoon): I begin by congratulating the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) on securing this debate. I would like to emphasise, as he has already done, why it is important for the UK to work with Russia; and why we do so. We should not lose sight of the fact that Russia is an important player in enabling us to achieve our international objectives. I shall add to the examples that the hon. Gentleman rightly set out.

Russia remains a key player and an important partner in the United Nations Security Council. It is a major energy supplier to Europe. We need Russian assistance to tackle climate change—indeed, strong leadership from Russia will be required to do so—and Russia offers real potential as an important market for UK trade. Those are just a few of the reasons why we should engage with Russia to promote international security, stability, and prosperity.

We work with Russia in the UN to address challenges to international peace and security. We discuss issues such as Iran's nuclear programme, Kosovo and the middle east peace process. We have worked with Russia through the G8 to address, among other things, the challenges of climate and energy security, international development and avian flu. We are working with allies through the NATO-Russia Council to discuss plans for a ballistic missile defence system in Europe, and we are working with our European Union partners towards a new framework for EU-Russia relations. Negotiating a successor to the current partnership and co-operation agreement will give us a mechanism for discussing and resolving any disagreements on issues of key interest to the UK, including trade, energy and human rights.

In working to achieve the Government's international priorities, the Foreign and Commonwealth Office spends considerable time, effort and resources engaging with Russia. Russia's chairmanship of the G8 resulted in a particularly high level of contact in 2006, with 15 ministerial visits to that country. I visited last autumn, and I hosted Deputy Foreign Minister Vladimir Titov for talks in London in March this year.

My right hon. Friend the Secretary of State for Trade and Industry visited Russia in February with a high-level business delegation, and Ministers with responsibility for international trade and for energy have visited in the past two years. Notwithstanding the hon. Gentleman's assertions, the truth is that there has been high-level and high-quality engagement with Russia at ministerial level in recent times.

It is important to emphasise that engagement with Russia does not always mean agreement with Russia. Its status as a global player means that it must abide by international commitments and operate from the same international rulebook. We want Russia to be strongly committed to the rule of law, and to provide a just home for its citizens as well as a predictable partner for Governments and businesses to deal with. If we believe that Russia is falling short of the international standards to which it has subscribed, we will say so. Let me give some examples of that.

On energy security, which the hon. Gentleman referred to, the British Government were at the

forefront of efforts in the G8 that led to the St. Petersburg principles on energy security that were agreed in July 2006 under Russia's G8 presidency. The principles of transparency, predictability and stability of global energy markets and supply should underpin global energy markets.

On numerous occasions since the G8 summit in St. Petersburg, we have reminded Russia of the important principles to which it signed up. We have done so not least in the context of seeking protection of British investors' interests in the oil and gas sectors in Russia. We have repeatedly underlined to the Russian Government the importance of ensuring an operating climate that encourages investors to invest for the long term in that country, which in itself will help Russia to meet global energy security needs. I conveyed that message to all the Russian interlocutors whom I met last autumn, and I continue to do so.

On the specific agreements and contracts affecting British companies, it is important that the companies themselves should make decisions as to the right way forward. They have received strong and consistent support from the British Government, but, ultimately, it is for them to make judgments as to the best way to secure their own arrangements with and in Russia.

Furthermore, as we have stated on many occasions, the Government welcome investment in the UK by companies and individuals from Russia or, indeed, anywhere else who are transparent in their business, and who are prepared to operate in markets governed by competitive, liberal market principles.

The Government believe that respect for human rights, democracy and the rule of law promotes stability and economic development. That is as applicable to Russia as to any other country. As such, where we have concerns about Russia's human rights record, we will raise them. We do that through formal consultation mechanisms, such as the European Union and the Council of Europe, as well as bilaterally. For example, EU-Russia human rights consultations raised such issues only last week and in the Council of Europe we continue to work with Russia and others to ensure that all member states, including Russia, uphold their commitment as signatories to the European convention on human rights.

The hon. Gentleman referred to Russia's relations with its near neighbours and we believe that it is in our and Russia's interests to have stable and prosperous countries on Russia's borders. We regularly discuss the common neighbourhood with Russia and raise issues of concern, such as Russia's embargo on Georgia and the economic restrictions placed on Georgians living in Russia. Equally, we believe that Russia must treat our EU partners fairly and with respect. I mention that in the context of recent difficulties in relation to Estonia.

Another issue on which we do not see eye to eye with Russia is its attitude to the asylum or refugee status of individuals in the UK, and their continued presence here. Despite our continuing efforts to explain the nature of judicial independence in this country, the Russian Administration have not fully accepted that such questions are matters of UK law, not of politics or diplomacy.

Nevertheless, having set out the areas of critical concern, we should not lose sight of the positive aspects of the relationship between the UK and Russia. On trade, during the first three quarters of 2006, the UK was the largest foreign investor in Russia and accounted for about 18 per cent. of Russia's total foreign investment. Our trading relationship reached an all-time high in 2005 when annual exports were nearly £3 billion. In terms of people-to-people contact, the number of Russians visiting the UK has risen by 20 per cent. a year over recent years. The number of Russians who have visited the UK now exceeds 170,000.

The Government regard Russia as an important international partner and, as such, we expect Russia to meet its international commitments. As I have said, relations with Russia are underpinned by active, and, where necessary, critical engagement. When we disagree with Russia we say so, and where obstacles and disagreements exist, our aim will continue to be to seek to resolve them through a transparent, open and honest dialogue. It is a balanced approach that is aligned to British interests and I hope that the hon. Gentleman can support it.

11.22 am

Sitting suspended until half-past Two o'clock.

Committee of Ministers and Council of Europe

2.30 pm

Tony Lloyd (Manchester, Central) (Lab): I would like to thank colleagues from all political parties who are here this afternoon. One of the key features of the UK delegation to the Council of Europe is that, although inevitably we have political differences—it is right and proper that those should be reflected in the delegation—there is a common sense of purpose. The Council of Europe makes sense and does valuable work. I am grateful, therefore, to those who have found the time to be here today.

Let us consider the role of the Council of Europe. In this country, although considered important, it is little known. Last year, it was of momentary interest to the media during the debate on forced rendition. At that point, it got some attention in the press. More recently, it was probably of slight media interest when Britain signed up to the convention on action against trafficking in human beings. However, beyond that, I expect that most members of the public are largely unaware of the activities of the Council of Europe as a whole, the Committee of Ministers, the European Court of Human Rights, or indeed the Assembly.

That is in almost absolute contrast to the way in which the Council of Europe is seen in other parts of Europe, where its role and importance are considered significant to developing political cultures, and where it can bring pressure to bear and push for improvements in acceptable standards of democracy, human rights and the rule of law. That is very important. One of the central points that I want to make is this: I believe honestly that the Council of Europe is very cheap, but very good for diplomacy. It is beneficial to the UK's national interests. There is much to say on the matter and some of my colleagues will want to make different points.

I accept that there are matters of concern. For example, the relationship between the Council of Europe and the European Union has not yet been resolved properly. It has yet to be put to bed. As I think that the Minister knows, inevitably there is always a debate about whether the budget of the Council of Europe is adequate. However, I know of almost no one who would criticise its generic role. It is almost a commonplace for people to say that the Strasbourg Court is the jewel in the Council of Europe family. With the Court safely established, the rule of the judicial system at least operates from Vladivostok to Galway, and from the Arctic circle to the southern-most parts of the Mediterranean. That represents an important step.

Mr. Tim Boswell (Daventry) (Con): I appreciate that this does not apply to the remit of the Court, but would the hon. Gentleman like to remind the House that the Council has a number of observer members, such as Canada, one of whose senators I met at the last part-session? The Council reaches not only as far as Vladivostok—its footprint nearly joins up across the Bering strait as well.

Tony Lloyd: That is an important point, and one that I shall develop in a few minutes when I talk specifically about that matter. However, the hon. Gentleman is absolutely right.

The whole ethos and existence of the Council of Europe is aimed at generating a common culture and set of standards. I shall be quite frank: we are nowhere near that point. Some of our colleagues will be in Armenia this weekend for the elections. I do not mean to single out Armenia for insult, but we know that there are likely to be problems with large-scale electoral fraud. We have concerns about corruption and problems with the rule of law in that society.

The important point is that the Council of Europe and its institutions now provide a benchmark against which to judge countries—be they Armenia, Ireland or, indeed, our own country. It allows for reference to a common standard and an insistence on common respect for things that we take for granted, such as the rule of law and democratic standards.

Mr. Alan Meale (Mansfield) (Lab): May I add to my hon. Friend's remarks about our association with countries not in the great European area? He will be aware of the work being done by the Council of Europe on environmental issues and of the sterling work done by our friends across the Atlantic, particularly in Mexico and Canada, who heeded the Council's call to sign the Kyoto protocol and to put pressure on the United States of America. That was very helpful. Would he care to comment on that valuable work?

Tony Lloyd: My hon. Friend draws me on to a matter that I shall touch on in a few moments. On his central point about the role of environmental politics and the changes that have taken place, we know that by definition the EU cannot cover the whole of Europe. Certainly, it can be influential. The Council, however, is the whole of Europe, with the exception of Belarus. It has a mandate and sway over certain issues such as the environment—environmental destruction does not recognise national boundaries. As such, the Council is in a very strong position to exert influence in Europe as well as elsewhere on a broader basis.

Mr. Meale: Does my hon. Friend recall that over the two or three years when people sought to get Russia to sign the Kyoto protocol, it was the Council of Europe that bridged the gap—so much so that when Russia eventually signed, its Government sent their Environment Minister to attend the debate in Strasbourg?

Tony Lloyd: Again, that is an important point and central to what I want to establish today. We in this country will underestimate seriously the value of that institution if we do not recognise that for other countries, even those that still see themselves as relatively powerful global players, such as Russia, the Council is an organisation through which to pursue national interests by working in common with others. That is important. A central foreign policy concern of any British Government is how to deal with Russia and all its complexities. We should value institutions such as the Council of Europe. It can bring Russia together with people from our country and those in the rest of Europe. That makes a material difference to the way in which the Russians operate.

I was going to talk about the contribution made by our colleagues on matters that might not seem that important from the UK's perspective. It is always worth reflecting on the fact that in my constituency in

the centre of Manchester—this applies to many similar constituencies—there are permanently-based Kosovans who fled Kosovo at the time of the military action against Serbia. As everyone in the Room knows, the Serbs were attacking the civilian population of Kosovo. People fled their homes because of the level of instability. In this very small world of ours, we must recognise that instability anywhere, particularly in Europe, will have a material impact on our own country.

We have not just a passing intellectual interest, but a dramatic and real interest in ensuring that we do not take stability in western Europe for granted. We ought to encourage it at every level. Britain has a direct interest in encouraging and maintaining it throughout the whole of the European framework. For many countries, membership of the Council of Europe was seen as part of a process leading sometimes to NATO or EU membership. For other countries, membership of the Council of Europe was important in its own right, but at every level the very fact of those countries seeking some respectability and some measure of the progress that they claimed to have made from the totalitarian days of the communist era, for example, is symbolically important and important practically, because it begins the process of changing the culture. I would not claim that the Council of Europe is the only instrument, the only organisation, that is part of that culturisation process, because, frankly, that would be ridiculous, but it is important that the Council of Europe is one of the instruments through which we have managed to achieve that respect for the standards that we want to export and that help Britain by providing the stability that I have talked about.

Mr. Nigel Evans (Ribble Valley) (Con): We saw that first-hand only at the last part-session, when Montenegro applied to join in its own right, as it is now a new country. It is the 47th country to accede to the Council of Europe and it was not a case of it just walking in because it had been there before as part of another country. It had to be subject to proper observation and had to sign up to the principles of the Council of Europe before we would even consider it joining.

Tony Lloyd: That is absolutely right. We know that Montenegro does not come fully formed and fully committed to all the standards that the Council of Europe maintains, but the situation means that we have benchmarks against which we can measure the position in Montenegro. There will now be a process for some years of monitoring Montenegro, which will allow us to check the degree of progress. Sometimes it is a case of regress as well, because there are certainly countries in the Council of Europe family that have not moved continuously in an acceptable direction. We know that, but it is important that Montenegro chose to make the effort to join because, in doing that, it had to sign up to the basic standards of free and fair elections, the rule of law and respect for human rights. Those are important underpinnings for the population of Montenegro, as they are for every other part of this European family.

I shall refer to a couple of former members of the UK delegation, partly to draw attention to the fact that the work of individual parliamentarians has a material impact on behaviour, or in any case on the level of dialogue that takes place between parliamentarians in this country and those from elsewhere.

Dr. Rudi Vis (Finchley and Golders Green) (Lab): I have always found that the absence of the death penalty in all the nations of the Council of Europe is one vital principle. I am sure that my hon. Friend agrees.

Tony Lloyd: If we want to consider one of the great unifying standards, it is remarkable. However, I must say to my hon. Friend that I do not believe that if referendums were to be held in every Council of Europe country on the death penalty, they would all have what we would regard as a successful outcome. In Russia, a debate is taking place almost as we speak about the role of the death penalty. Russia has not yet properly abolished the death penalty. Nevertheless, it has had a moratorium on the use of the death penalty for a considerable number of years, which is a significant achievement in its own right, at least for those of us who believe that the death penalty is a totally misguided form of punishment. That is a real achievement for the Council of Europe.

I want to refer to one of our former colleagues on the delegation, the right hon. Member for Gordon (Malcolm Bruce), who is not from my party, so this is not a case of party polemics. He wrote a report about political prisoners in Azerbaijan, a country that is a long way away from here and that matters little to people in the Red Lion in my constituency, but the truth is that the issue of political prisoners should concern us, particularly, and ironically, in a country with which we have strong ties because of oil. We have a real interest in the stability of that country, for economic reasons, even if we do not wish to maintain, as we should, a proper and loftier standard of judgment.

Almost certainly, the right hon. Gentleman's report on political prisoners led to the release of a significant number of people from the prisons of that country, so that shows what can be achieved through the action of one parliamentarian through the institution that we are discussing. I think that I am probably right in saying that he did not know where Azerbaijan was before he was involved with the Parliamentary Assembly of the Council of Europe, but of course we are all educated by the process and we all become part of that educational process, through which, we hope, we change and improve not only levels of debate, but standards of action.

The other member of our delegation to whom I wanted to refer was Lord Judd, who, as it happens, is a close personal friend of mine. Although I do not think that I could claim that Lord Judd's achievements in highlighting the situation in Chechnya had the impact that we would have wanted in order to improve the situation on the ground there, they certainly engaged the Russians in an international dialogue in a way that simply would not have happened without the intervention of the Council of Europe. Probably little of that was reported in the media in this country, but in the Russian media Lord Judd was a name that people knew and, frankly, often criticised because of his trenchant criticisms of what took place in Chechnya. Again, it is important that parliamentarians from a country such as ours were able to have an impact that would be seen to be disproportionate by the standards that, I am afraid, our own media use. Lord Judd played an important role.

Mr. Meale: Perhaps my hon. Friend will also recall the contribution of the ex-Member of Parliament for Hull, North, Kevin McNamara, who, single-handedly

[Mr. Meale]

really, ensured that there was a wide selection of judges for the European Court of Human Rights, played such a part in getting fairness into that choice programme and improved dramatically the standard of judges who went into the Court.

Tony Lloyd: Again, in this political love-in, my hon. Friend is absolutely right to make that point. The role of the different institutions of the Council of Europe in achieving that balance and insisting on acceptable standards for those who are the judges in that Court is very important. We should emphasise that, because the selection of either a bad judge or a good judge from any one of the other member states of the Council of Europe could have a material impact on our own citizens, in that our citizens may access the Court and come before judges whose competence and standards then become relevant to justice not only in those individual cases but, as they make law, as indeed they do, for the British judicial system. We therefore have an absolute and fundamental interest in the correct operation of the system and the proper and unbiased selection of judges.

One of the debates that has taken place recently concerns the role of gender balance in such courts and the insistence by a significant part of the Parliamentary Assembly of the Council of Europe that there must be proper acceptance of gender balance in the selection of those who come before the Parliamentary Assembly for appointment as judges.

Dr. Vis: In that particular case, what does my hon. Friend think is the solution to Malta's representation in respect of the judges?

Tony Lloyd: My hon. Friend might be surprised to learn that I supported the idea that there should be proper balance. The rules of the Assembly are such that at the moment there is an insistence that any panel of candidates must be balanced for gender, so where normally there is a panel of three, no more than two should be men or women, so that there is a proper choice before the Parliamentary Assembly making the choice of who should be appointed as judge. There was a debate about whether there should be an exception for smaller countries such as Malta, but the general feeling was that that was not the right way for us to proceed. I think that in the end that is the way the Council of Europe will go and I think that most people would welcome that.

Mr. Graham Brady (Altrincham and Sale, West) (Con): Before the hon. Gentleman moves on from the judges, regardless of the gender of particular members of the judiciary in the Court, I am sure that he would want to join me in saying that one of the most impressive things is the courage that is frequently shown by members of the Court, who are often prepared to make controversial judgments relating to their own countries, sometimes in the face of quite considerable pressure.

Tony Lloyd: The hon. Gentleman is absolutely right to make that point. The situation can be quite invidious sometimes. We hear from time to time of the pressures that people seek to apply, but almost nobody argues that the decisions of the Court have been subverted by those pressures, which is a tribute to the Court and to the individuals who make up the Court. It is interesting that although the judicial systems of many of the countries that provide judges to the Strasbourg Court are neither perfect nor beyond corruption or influence, we have been able to create a culture in the European Court that transcends those national problems, so that we can genuinely claim to have an internationally high standard. That is the case with the Court, the Parliamentary Assembly and the Committee of Ministers, and it sends a clear message that although individual units may be venal, the collective can rise above that standard and aspire to the proper standards that we want at European level. That is an important example of how we can use these institutions for the betterment of the whole of Europe.

Mr. David Marshall (Glasgow, East) (Lab): Does my hon. Friend agree that the Court faces large problems, the biggest of which is probably its huge backlog of cases, which is largely due to budgetary restraints? Does he agree that extra funding for the Court must be found to tackle that problem?

Tony Lloyd: My hon. Friend is right, and I shall come to that issue, but first let me establish the importance of the Court. There is probably no justice or foreign ministry in Europe that does not say kind things about the Court's role, but it is less true to say that they all put in the effort to ensure that it works. As a former lawyer, my right hon. Friend the Minister knows better than I the concept that justice delayed is justice denied, but the Court's backlog has a material impact because we are trying to drive a common standard through the European Court.

In countries such as Azerbaijan, many of the decisions being handed down in the national courts are extremely dubious, if I am being kind. The European Court could be part of an important and exciting process whereby every judge in Azerbaijan is aware that their decisions in Baku may eventually be judged against the standards of the Strasbourg Court, and will therefore know that their activities might be examined by a superior court. Such a process would be important in setting standards, but only if those judges knew that the Court's judgments were likely to be proximate and to have an impact on them.

Mr. Mike Hancock (Portsmouth, South) (LD): Does the hon. Gentleman agree that it is essential, even though there are obvious budgetary problems, that the link between the Council of Europe and the Court should be maintained, and that we should not go down the route that some countries prefer of separating the two? Does he agree that the Court's stability and the way in which it is universally accepted is partly due to its strength in being linked to the Council of Europe?

Tony Lloyd: I agree absolutely. The concept that I have tried to get across today is that the Council of Europe is about changing cultures. It is fundamental that the Court, the Parliamentary Assembly, the Committee of Ministers and institutions such as the Venice Commission are all sewn together as part of one corporate body, because it does matter, in the end, that there is a common structure through which decisions are made and resources are channelled.

It is sensible for me to pick up the point about money. Indeed, the Minister would be surprised if I did not mention the Council of Europe's budget, because it is one of the outstanding and most difficult problems that we face. The Court's demands have grown and will continue to grow, and not only because of pressure from the relatively new entrants to the Council of Europe family; we use that system and still send a considerable number of cases to the Strasbourg Court. It is in all our interests that the Court operates effectively, and its effectiveness is at least partly determined by the timing of judgments, which should not be delayed for years and years, as some are at the moment. If we agree with those principles, we must agree to give the Court the necessary resources to deal with its present case load and to make significant inroads into its backlog.

Recently, there has been a temptation to divert resources from other parts of the Council of Europe family into the Court. It is hard to argue with that idea, because we are always paying lip service to the Court, but we must recognise that other parts of the Council of Europe family have important roles to play. I have tried to describe the culturisation role that comes with parliamentarians from the relatively new Parliaments mixing with parliamentarians from our Parliament and other more mature democratic societies. If that process has the effect that I believe it has of changing and cementing strong cultural underpinnings, we should not undervalue the roles of the Committee of Ministers and the Parliamentary Assembly.

We probably have one of the more Council of Europe-friendly Ministers with us today. I do not wish to be critical because I once would have been the relevant Minister for these matters, and the Minister is probably much more Council of Europe-friendly than I was then. That is a reasonable admission for me to make, and it allows me to trade on the Minister's good will. We need to consider the strategic importance of institutions such as the Council of Europe, which bring people together, and we should try to determine the value of those institutions to this form of relatively low-cost diplomacy. I know that the Foreign Office's budget is under pressure and that it is difficult to tell an ambassador somewhere that we are going to downscale their operation because our parliamentary colleagues have insisted that more should be done for the Council of Europe Parliamentary Assembly, but we need to have that debate.

There must be a proper examination of what the Council of Europe can do. If anyone were to argue that we could do without some of the things that it does, I would agree, but that will almost always be the case with an institution of that longevity and complexity when there is a degree of compromise on what activities it takes on. However, there is a central recognition that its overall role, through its Parliamentary Assembly, is very positive. That positive role is not measured only by the paper output or the words that have poured out. Indeed, I have sat through some speeches that I could have done without and I have managed to avoid papers at no obvious cost.

The Council of Europe's role has changed in some areas. In environmental policy, for example, its role was relatively insignificant and peripheral 15 years ago, whereas it now has a central role to play as a result of the changes in our views on the politics of the global environment. We should accept that the boundaries and what we expect from that institution have changed. I make a plea not for much greater funding, but for us to try to make sense of what the Council does well and what it can do well to influence materially the way in which we in this common European family relate and the way in which we gain advantages at a national level from our membership and use of that body.

I have spoken at reasonable length, and I am conscious that others want to speak in the debate, but I note that there are several areas of activity in which the Council of Europe has been involved recently that I could have discussed in greater detail. One such subject is the situation in the Balkans, which is always of lively interest because of its recent past. Others include places such as Moldova and Georgia; the frozen conflict between Azerbaijan and Armenia that still disfigures this common Europe of ours; and the situation in Belarus, which has not even made enough progress to enter the Council of Europe. Those are all important areas of activity and inevitably the Council of Europe is at its most sharply focused when dealing with current problems and such issues. The importance of these debates is measured not simply by the fact that they take place, but by the fact that they begin the process of changing people's minds about how they relate.

I believe that my colleagues would agree that there has been a change in the attitude of the Serbian delegation. Not everyone changes their attitude and mind, but as members of the Serbian Parliament come into contact with those from other Parliaments they must begin to reflect on how Serbia is seen in the wider world. It helps the process of bringing Serbia into the mainstream of how we view democracy in our continent and makes a material difference to the way in which politics is done in that one country and in all the others.

Mr. Meale: Would my hon. Friend care to put on the record the appreciation of all the members of the British delegation for the work of the staff from this Parliament and, last but not least, for the work of the ambassador and his staff in Strasbourg? I believe that the ambassador is shortly to retire.

Tony Lloyd: My hon. Friend makes a good point, and I shall return to that theme in a few moments.

Dr. Vis: I hope that this comment is of value to the Minister in particular. What annoys me is the fact that many of us are absent when a considerable number of votes are taken, and when the lists of the votes and how many times one has voted are published, we do not come out well. My hon. Friend may wish to comment on that, but should he not wish to do so, perhaps the Minister will.

Tony Lloyd: That is always a sore point with members of the delegation, who are bound to make that point. If we work elsewhere, we cannot perforce of circumstances be working here. It seems harsh that the media, on occasions, judges people by their seeming absence, when in fact they may be much more productively engaged in a direct national interest on Council of Europe work. I echo that heartfelt plea from my hon. Friend.

[Tony Lloyd]

I want to raise one other issue with the Minister: the roles of, and the relationship between, the Council of Europe and the European Union. That has not yet been properly bottomed out or put on a firm footing. I do not ask him to give us specific answers today, because I am aware that the complex process of negotiations through the Council of Europe's Committee of Ministers and the European Union's Council of Ministers is protracted, but we need to begin to establish a relationship between those two institutions that will lead us into the future.

I am not one of those who argues that the Council of Europe is the superior body—that it is older and such like—and thus has greater rights, because to do so would be nonsense in the modern world. We know that the European Union, with its enormous resource base and political clout, will dominate in many areas of activity, but it would be a mistake on its part to want to smother the legitimate activities of the Council of Europe, which even now, by definition, contains twice as many countries, more or less, as the European Union family. It is not a question of one against the other; it is a question of trying to put the balance between the two institutions on a more rational basis, where their activities can complement one another.

I shall draw my remarks to a conclusion by echoing the comments made by my hon. Friend the Member for Mansfield (Mr. Meale). I should like to place on record the thanks of the whole of the British delegation to those who support us: our parliamentary colleagues who work in the overseas office, whose work to ensure that we are able to do the work that we do is quiet but important; people in the Foreign Office; our permanent representative in Strasbourg, Stephen Howarth, and his colleagues, who are particularly effective; and those here in London who help to ensure that our delegation is properly resourced. They are all part of a process that gives a cost-effective form of diplomacy through the Council of Europe family. I hope that, if nothing else, this debate will begin to make people think about how we place that into the context not simply of an immediate demand for more cash in hand, but of how we work together to use this set of institutions to enhance and to advance what we regard as our legitimate interest: the pursuit of democratic standards, the rule of law and human rights.

3.4 pm

Mr. Nigel Evans (Ribble Valley) (Con): I congratulate the hon. Member for Manchester, Central (Tony Lloyd) on securing this important debate. It is the first such debate that I have participated in since becoming a member of the Council of Europe. If we were to ask almost anybody outside this place, excluding those who have been on the Council of Europe, what the Council of Europe is, the vast majority would say, "Oh, that is the European Union." They would immediately confuse the two institutions. That is what I find when I talk to people about what we do in the Council of Europe. People are totally ignorant of it until one mentions the work that it does, particularly its work on the European Court of Human Rights. They clearly understand the important role that the Council of Europe and its Assembly plays in that regard. Indeed, although I knew that the Assembly existed before I became a member, I did not realise that there is also a local government arm for councillors; they attend their own Council of Europe part two.

One of the important things is to bring politicians from the various 47 countries together so that we can talk about what is happening in all of our countries. I do not think that anyone can hold a superior hand by saying, "Because we are an older democracy, we ought to be listened to and we have nothing to learn from anybody else." We have a lot to learn from some of the other countries.

As the hon. Gentleman mentioned, one of the other roles that we fulfil in the Council of Europe is election monitoring and observing. I remember going to Ukraine to watch its elections. It was amazing to watch the enthusiasm for democracy. So many people were involved up and down the country. I was in Dnieperpetrovsk, which is a Russian-looking part of Ukraine, and I saw the enthusiasm and the number of candidates; I cannot remember how many elections were held there on that day, but the number was quite a few and the ballot paper was 4 ft long. I must say to the Minister that I do not think that there were as many errors there, despite the number of elections in Ukraine on that day, as there were in Scotland last Thursday. I do not know who has what to learn from that, but the fact is that although the situation was rather complicated for this fledgling democracy, the people all wanted to be involved.

The Council of Europe acts as a forum. The Ukrainian Prime Minister came to speak to us at the previous part-session. That gave us an opportunity to ask him questions directly about what was happening in Ukraine—we had heard that the President had called an early election. We had a good debate on the Ukrainian situation shortly after the Prime Minister left. I do not know whether it had any direct impact on the Ukrainians, but I am sure that they were well aware of the debate that we had that day and the questioning of their Prime Minister. I was delighted to learn that the Prime Minister and the President have come together on an agreement about a future election. It will not be in May, but it will be shortly after and at least all of the sides have been brought together. I am unsure that another forum would have been able to do what the Council of Europe did in the previous part-session; we made real advances. Clearly, other Prime Ministers and Presidents come to speak at our sessions and open themselves up widely to questioning. I suspect that that happens more so in the Council of Europe chamber than in their own Parliaments back home. At least we were given that opportunity.

The Council of Europe deals with democracy as well as human rights. The hon. Member for Finchley and Golders Green (Dr. Vis) mentioned the death penalty and its abolition in all our member states—in Russia, it is not being carried out at least—and that is important. I remember that in a debate not so long ago it was mentioned that the United States was an observer nation, despite my never having seen its delegation turn up. A motion was tabled to try to chuck the United States out even as observer, simply because people believe in the death penalty there. When it came to our group meeting, I said that I did not mind speaking on this, but that if I could be certain that someone was a terrorist involved in the innocent deaths in London, I

would have no problem in saying that they should be executed. The Russian chairman of our group replied, "Mr. Evans, it is very interesting what you have just said, and you can be the spokesman of our group—as long as you say everything different from what you have just said." It opens things up quite widely when a Russian says that such issues are important to the Council's core beliefs.

The exiled Iranian Opposition leader came to speak to some of us about executions in Iran, and I have also been able to talk to Iranian politicians about how the death penalty is used. It brings the whole thing into stark contrast when one learns that youngsters—people under the age of 18—are executed for being gay in countries such as Iran. At least we as politicians have a voice in the Council and can speak up together on issues that we feel deeply about.

Mr. Denis MacShane (Rotherham) (Lab): I agree with everything that the hon. Gentleman says, and this enthusiasm for matters European is very refreshing, particularly given that the Council of Europe devised the famous European flag with the 12 yellow stars and the blue background—it was nothing to do with the European Union and was brought into being after Winston Churchill's famous speech in Zurich. That aside, we will shortly all have a problem because Serbia will be the Council's new chair in governmental terms. The new Speaker of the Serbian Parliament, who has just been elected, is from the Radical party—what we could call a fascist, ultranationalist, Milosevic-supporting party. That happened thanks to the disgraceful switching of votes by one of the other party leaders, Mr. Kostunica, who broke with the democratic, pro-European group in Serbia. I therefore invite the hon. Gentleman and hon. Friends to raise their voices back at the Council of Europe and to voice our protests at Serbia's turn from the European democratic path and at its engagement with very ugly, unpleasant politics that are contrary to the Council's values.

Mr. Evans: I am more than happy to do that. In fact, before I came here today, I saw the press release issued by René van der Linden, the Council's President, in which he talks about his

"deep concern over the newly elected speaker of Serbia's Parliament, Tomislav Nikolic".

He says:

"I have learned with consternation of the election of Tomislav Nikolic, member of a political party run by an indicted war criminal, to the post of Speaker of the Serbian Parliament."

When one talks with Serbian politicians, one can see that they are enthusiastic to become a democratic country and to be accepted. My goodness, they want to be admitted to the European Union.

Mr. MacShane: Hear, hear.

Mr. Evans: Indeed. They want to be admitted to the Council of Europe and to live up to the code by which we all hope to operate. Events such as those in Serbia fill us with deep consternation and must be condemned. If we believe in human rights and democracy, we cannot sit idly by and take such news on the chin.

Tony Lloyd: It is, of course, necessary to condemn the Serbian Parliament for its decision; indeed, I know Mr. Nikolic, the new Speaker, and I am well aware of Mr. Seselj, the leader of his party, who is in The Hague awaiting trial for war crimes. Does the hon. Gentleman agree, however, that it is also important that we are seen to hold out the hand of friendship to the good democrats in Serbia and that we embolden them by making it clear that we can distinguish between the bad Serbs and those who want to take the democratic path?

Mr. Evans: That is absolutely right. I agree wholeheartedly. There are Serbian politicians in each of the political groupings in the Council, and we get to know them fairly well. I am sure that many of them will express the same concerns at our next part session. It would be completely erroneous to turn our backs on an entire country because of the activities of a few. We must extend the hand of friendship and see what we can do to assist people in their plight.

I know that other hon. Members want to get in, so I shall briefly mention just a couple of other issues. The hon. Member for Manchester, Central has already mentioned the co-operation between the European Union and the Council. There were fears that the Fundamental Rights Agency was encroaching on the work of the Council and the European Court of Human Rights. It is right to say that the Court is strapped for cash, but this new organisation seems to be rolling in it. It would surely have been far more appropriate to give some of that money to the Court so that it could do its job better. Let us at least admit that the 27 countries of the European Union are all members of the Council and that it would have been better to give the Court more money.

It would also be far better if we had better coverage of what goes on in the Council. The only time I can remember reading anything in our papers about what goes on there was when Dick Marty did his special investigation into extraordinary rendition. The BBC turfed up and we had good coverage in all the media. The Council discusses important issues all the time, and I hope that we can at least get better coverage. I suspect that the coverage in some of the 47 countries is much better than it is in the UK. Those countries are taking things far more seriously, and I hope that our country's journalists will do the same.

Apart from the Assembly, there are also a number of committees and sub-committees, which deal with a number of issues. The Council is not inward looking. A sub-committee of the Political Committee looks at the middle east. Using its observer status, the Committee on the Environment, Agriculture and Local and Regional Affairs carried out an extensive investigation into the clubbing of seals. Even though the Canadians were allowed to speak, they did not get everything their own way. We were able to speak up on behalf of our constituents and to voice their concerns about seal clubbing in Canada.

The Migration Committee, which I am not on, is important to all of us. It looks at enormous movements of people through not only Europe, but the world. Such movements have a massive impact on us, and we cannot just abdicate responsibility for what takes place on the other side of the world and think that it will have no impact on us if we just ignore it. The Council is not ignoring such issues, and one of its committees is

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looking in minute detail at why movements of peoples take place and what we can do back in our own Parliaments to influence our Governments to assist such peoples.

Two years ago, I would have shrugged my shoulders at anybody who mentioned the Council of Europe, but I am now a total convert. As I am sure that the Minister will know, I am not a great believer in the European Union and the way in which it operates, but I have seen what can happen when 47 countries co-operate. The European Union has a lot to learn from the Council of Europe—it is not just the other way round.

3.17 pm

Mr. Tim Boswell (Daventry) (Con): I am pleased to follow my hon. Friend the Member for Ribble Valley (Mr. Evans) because although nobody in the Chamber would ever regard me as a Eurosceptic, I certainly was a Council of Europe sceptic until I was approached some six months ago and went to see how it worked. I am now something of an enthusiast, for many of the reasons given by my hon. Friend and the hon. Member for Manchester, Central (Tony Lloyd), whom I congratulate on introducing the debate.

The only names that we might add to the list of personae whom the hon. Gentleman rightly praised, including our overseas office staff and diplomatic staff, are the members of the House staff who go over to staff the Council's sessions. It is perhaps somewhat reassuring and even a little humbling for us to remember, given the Council's origins in the wreckage of Europe after world war two, that the British Parliament and our French colleagues had a large input. Indeed, we are still responsible for a great deal of the day-to-day work, and familiar faces appear in the Table Office.

The Council appeals to me for three reasons. First, the exclusive subject matter with which it deals is dear to my heart. The commitment to the conduct of democracy, the holding of free and fair elections, the rule of law, free speech and the ongoing concern with human rights all form part of our distinctive business.

We are all familiar in this country with the work of the European Court of Human Rights. Since the repatriation of the convention into United Kingdom legislation, by means of the Human Rights Act 1998, there have been some interesting changes in the dynamic, and possibly, in certain cases, in the way in which it is viewed. I worry that too many Brits regard human rights as a matter for eccentric persons and often for objectionable persons such as terrorists. I am sure that some of our tabloid newspapers think that that is what they are about. Others think that they are about trivia—such as the constituent who recently wrote to me about the intrusion into her privacy, after a window was put into a house adjacent to her property. She thought that that was a breach of her human rights, and I politely responded to her. We should remember, if we ever become cynical about the Council of Europe, that many of the countries that have acceded to the Council in recent years have real human rights issues to deal with. It is a matter of life and death. We need only mention Srebrenica to be reminded of all the things that happened in our continent a very few years ago. To some extent we can modestly claim that the Council has played a part in reversing that trend and, as the hon. Gentleman said, that culture.

Mr. David Winnick (Walsall, North) (Lab): I have nothing against the Council of Europe; I have never been involved in it, but I certainly believe that it is a very good institution. However, I am worried—I hope that the hon. Gentleman shares my concern—about something that was raised earlier: the fact of the presidency of the committee of Ministers of the Council of Europe going to a Serbian with connections to a more extreme element. In view of Serbia's refusal to do more to bring to justice the two major war criminals who were undoubtedly responsible for the atrocities that the hon. Gentleman has mentioned, is it any wonder that there is now much controversy arising from the situation I have just described?

Mr. Boswell: It is a fine diplomatic judgment, but my view is that states that accede to the Council of Europe should meet its standards, and its parliamentary representatives should meet those standards as well. We need to consider the situation firmly, robustly and briskly. We do not have to accept it just because a particular nomination has been made. On the other hand, of course, we do not start with the presumption that people are delinquent, without having the opportunity to discuss the matter with them. However, the hon. Gentleman is of course right to raise that point. I shall come to some practical aspects of intolerance shortly.

The second main virtue of the Council is its huge geographic spread. I mentioned in an intervention on the hon. Gentleman the fact that observer status takes us almost around the globe, but even membership itself enables us to project what we might loosely, and perhaps rather arrogantly, call western values as far, at least, as the Caucasus and beyond. That is a huge strength. Wherever the final boundary of the European Union is set, it is likely to be much nearer to us than that, and membership of the Council enables us to widen our influence to the east.

The third point to be made about the Council, which has not yet been made explicitly, is that while it is understandable that as politicians we concern ourselves with peace and war, politics, diplomacy and immediate security threats—those are proper and right concerns, as is the threat to individuals' or groups' life and limb—there are, particularly in the committee work, a great many opportunities for wider discussion. It was put to me by one of the ambassador's officials that in their experience the Council of Europe operates as a high-grade think-tank in which issues that cannot be discussed in the House, where we are usually too busy with party politics, can be developed and thought about, experiences can be shared and a view can be distilled.

To give one example of what I mean about committee work, I am on the equal opportunities committee. I realise that there are people in this country for whom those words come with the automatic assumption that everything is deeply dripping with political correctness, and that no good can come from it. I had a slight feeling of that kind, if

I am honest, when I first considered a report, with an Azerbaijani female rapporteur, on the feminisation of poverty. However, on reading the report I came across extremely interesting perspectives, on, for example, women's position in relation to pensions, which is a matter that concerns many people here. I was able to pass that report on to colleagues here to think about.

Some hon. Members present today may be aware of the work that is being done in this Parliament on anti-Semitism. Coincident with that there is also a Council of Europe initiative on anti-Semitism, and I have taken some steps to see that the two initiatives are joined up, and that our work will feed into the concerns of the Council; the right hon. Member for Rotherham (Mr. MacShane), who attended the debate briefly, is also concerned about that.

The final point that I should like to emphasise is the personal aspect of the matter. We come here to talk to one another and share experiences, and to communicate feelings across the party divide. We are all familiar with that process, which is a good one. We extend that, in the Council of Europe, to a much wider constituency. We meet people whom we might not otherwise meet, and establish contacts that we might not otherwise be able to keep open. I have mentioned the presence in my own party grouping of the Party of the Regions, from Ukraine, and United Russia, from Russia itself. Those are valuable links that we should use, and they are in a sense also available for wider diplomatic purposes, if that is appropriate.

Where should we take matters next? We need to emphasise that the Council of Europe is distinct; it has a distinct role and needs to stick to that, without wandering into other territory, and to defend its competence in the areas that we have mentioned of democracy, human rights and the rule of law, and the functioning of the Court. We are aware of the unfinished business on the European Convention and the interest of the European Union in the fundamental rights agency. We need to be a little firmer than we have been so far on that matter. We need also to remember that there are other important aspects of the work of the Council that are not coincident with the work of the EU, and which provide it with a distinctive character. I should put it this way, on behalf of the Council: "We are not the European Union and we are not a waiting room for the European Union either. There may be states that want to join us because they now sign up to the values, and will subsequently wish to join the European Union, but we have a distinctive role." Coincident with that, we need to sharpen our own relevance to the issues that are proper for the Council to deal with, and be ready to put more, not less, pressure on non-compliant member states to monitor what they are doing, and put some holly under them.

Neither should we forget what I might call the cultural hinterland. Defining the role of the Council as democracy, human rights and the rule of law is fine, but we also meet as Europeans, or as near Europeans, in some cases. We should be able to extend our role and, as we do with the European museum of culture, adopt slightly wider interests. However, those are not the general political concerns that are normal in exchanges between states, and which make some dealings with the European Union frankly rather predictable and cynical, in my experience. We do, actually, perhaps rather better than that.

I feel quite strongly that we need to bring the work of the Council of Europe here, as the hon. Gentleman has done in initiating the debate, and ensure that hon. Members are aware of relevant debates. I was very glad when my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady) came to see for himself what was happening at the Council. We should encourage our parliamentary colleagues to do that. An aspect of our position—hon. Members have been frank in the debate about the fact that we are not faultless or above scrutiny—is that we should expect more inward interest in United Kingdom activity. The Council of Europe is already examining aspects of our postal voting system. If we want someone entirely objective about the current political argument on the difficulties of the Scottish election—someone who is outside that argument—it would be an admirable possibility to invite the Council in, and say, "You look at it, and see how it went. You understand elections, so look at the difficulties and compare and contrast."

There is, of course, a constant dialogue about pressures in the European Court of Human Rights. In my role in Public Bill Committees I enjoy teasing Ministers. If, as happened the other day, a Minister tells me that something does not come under article 3, I say, "But we may get you under article 2, if you are prepared to be that cynical."

My next point is our non-ratification of treaties, and I am delighted that the Minister for Europe will respond to this debate because we have had a genteel correspondence about it. We all know that there are different practices and different attitudes to the importance of ratification. Some people will sign anything with the intention of doing nothing, but on the whole Britain has been more open and honest in saying that we will sign when we are ready and have looked at the difficulties, and that we will ratify when we have our dots in a row and not with our fingers crossed. That will apply, quite properly, to the convention on trafficking, and I am delighted that Her Majesty's Government have now signed that and that we have acceded to it. We now need to move, as the Prime Minister said, to early ratification, but we cannot do that overnight.

In the course of my inquiries, I discovered that we have signed, but not ratified, more than 19 other such conventions. Some may have become inappropriate, impossible or out of date, and we should not ratify them. I have suggested to the Minister that he might like to produce an annual report, but I see his reluctance. However, I would like him to take away the need to manage the process and see if we can get our strike rate up and the number of bits of unfinished business down. That would be an important courtesy to the Council and an example to others.

I conclude simply by saying that if colleagues are ever tempted to be cynical about the Council, I would invite them to come and look at our European democratic group. On the first occasion I was there, I saw an Armenian sitting between two Turks, and I suddenly realised the significance of that. That says a great deal about the Council, its virtues and why it has a distinctive role.

3.31 pm

Mr. Mike Hancock (Portsmouth, South) (LD): I congratulate the hon. Member for Manchester, Central (Tony Lloyd) on securing this debate. I want to say at the start that I agree entirely with what he said, particularly his closing comments and thanks to the staff who work for the delegation here in the House. It is an amazing tribute to their patience and forbearance that they tolerate us as they do.

I also echo the support for and good wishes to the retiring ambassador and the staff in Strasbourg, as well as previous ambassadors and, as hon. Members have rightly said, the staff of the House who do so much to facilitate the Assembly's work. The Clerk alongside you today, Mr. Weir, is a formidable person to come across in Strasbourg when one is trying to get something past the Table Office. It is always a welcome sign to see the staff here.

The importance of this debate is to plead the case for the non-separation of the European Court of Human Rights and the Council of Europe. They are fundamentally linked, and I know from talking to colleagues from other delegations that they are under pressure to see that separation take place. Funding of the ECHR is essential. If no more cases were submitted to it, there would be a 10-year backlog, so it has a formidable task.

The role of the Council of Europe over the 50-odd years of its existence has not diminished. There are new countries and fledgling democracies that we hope to see manifest themselves as proper democracies, not simply managed democracies, but democracies that are prepared to challenge each other from within, to allow a change of Government without major disputes or conflict arising, and to deal with human rights, the rule of law, and the role of democratic processes at all levels. The Council's task is still as relevant today as it was 50-odd years ago. It is essential that we look sympathetically, understandingly and realistically at the Council's role.

The funding issue is a great burden, and we are lucky that our Secretary-General, Terry Davis—a former colleague—who has the unenviable task of trying to keep all the Council's balls in the air and to keep everyone happy, has done a very good job, but he is up against the zero budgeting situation year on year. The pressure on the Assembly and the Council's Executive to cut back, cut back and cut back is an ongoing struggle and will not serve any good purpose to anyone in Europe. We need from the Council of Ministers and the 47 states in the Council a more realistic approach to the way in which it is funded. How easy it would have been for the EU to have diverted much of the money that it put aside in creating, to all intents and purposes, a rival to the Council if it had voted those resources to supporting the ECHR more fully.

The issue of the Serbian Speaker is a concern, but if we believe in democratic processes we cannot suddenly say that we do not like the results of elections, whether inside a Parliament or outside. We can criticise it, but we cannot draw a line in the sand and say that a country can no longer attend or should not take up a post when it is their turn under the system. I am sure that many of us have serious concerns about a number of Governments that are ruling member states, but as democrats we must accept that the people in those states have, albeit sometimes in not-too-free elections, arrived at a decision that we do not like. If we are genuinely trying to instil democratic processes, we must work with them and not ostracise them or kick them out.

That is why I opposed the removal of our Russian colleagues when everyone was up for removing their credentials. The position of the 36 Russians who represent the Duma and the Commonwealth of Independent States in the Council of Europe would have been seriously eroded, and I doubt whether they would have attempted to come back if we had gone through with that. We have had to learn the hard way some of the lessons about building democracies, and that must continue.

We must find a way, as hon. Members have said, to bring the Council of Europe into our Parliament here. A negative issue is that, as all hon. Members who have spoken have said, so few people in the UK know what the Council does. We should be able to find a mechanism to have a regular debate in parliamentary time on the Floor of the House about the issues of the Council. Former Members of the House—John Wilkinson and David Atkinson—tried in different ways to bring debates to the House, but were not successful in bringing the whole House behind them so that there was a common purpose to ensure that we had regular debates on the institution, which so many of our colleagues in Europe treat as the biggest and most serious player, and which is changing the way they govern themselves. We should be conscious of that and make more of it.

Mr. Winnick: On the point about justifying Serbia's involvement, would it be appropriate for someone from Mugabe's regime to chair the appropriate human rights committee of the United Nations because it was its turn?

Mr. Hancock: We allowed the Libyans to do that. We must bear in mind the conditions of the club that people have joined. I am not trying to justify Serbia or the appointment of its Speaker, but if countries are in an organisation that allows democracy to flourish, albeit sometimes slower than we would want, we must live with that until we can influence them enough for them not to want such people.

Not so long ago, the emergence of a right-wing group in the Austrian Parliament was going to have a detrimental effect on the Council of Europe. There was great concern about whether Haider's representative would be a serious player in the Council and a similar situation arose in Holland when the Fortuyn group took such a strong position. We were rightly concerned about it, but we did not say that it was wrong for the Dutch people to have voted in that way. They had a choice and they exercised it. We may criticise them, but we should not say that they can no longer come. We must be realistic about what we are trying to achieve as an organisation.

I remind hon. Members that recent debates have been on issues as far ranging as the trafficking of children and the rising scourge of counterfeit narcotics and drugs being sold throughout Europe on the internet. The ongoing problems of the health of

Europe are addressed regularly in committees, and many of us who serve on them have joined in the debate, as the hon. Member for Daventry (Mr. Boswell) said, learning and sharing experiences.

It is important that such issues are raised and aired in Strasbourg, or wherever the committee meets, and delegations' home Parliaments. Too often, the issues are issues for Strasbourg but no further. I want us to bring back issues regularly to Parliament, engage in them here and involve more of our colleagues in them. Some of our debates have been about key issues of concern to every family. People's preparedness to end their own lives is an issue that we have avoided in Parliament.

Mr. Boswell: Does the hon. Gentleman not agree that some thought could be given to a short report to parliamentarians? It could be published with the *Official Report* or e-mailed to people, so that if they have no prior knowledge, they would receive a briefing about what we were up to.

Mr. Hancock: That is an excellent point, and perhaps we in the delegation could decide how we dealt with the idea. It would be worthwhile. I am conscious of the time, and all Members are dying to hear what the Minister has to say about the budget.

The Council of Europe is alive and well, contrary to what people say, and it is as effective and much needed today as it was 55 years ago. I am delighted both that Parliament is so consistent in ensuring that UK delegations to the Council are made up to the correct number, and that so many delegations are determined to make the Council work and to make worthwhile contributions. The Council would be the first to admit that over the past 20 or 30 years, if not over its lifetime, the UK delegation has played a significant role in determining the future of the Council, manifestly to the benefit of the people of Europe.

3.42 pm

Mr. Graham Brady (Altrincham and Sale, West) (Con): However much Members are dying to hear the Minister, they will have to wait a few minutes longer.

I congratulate the hon. Member for Manchester, Central (Tony Lloyd) on securing the debate. It goes some small way to fulfil the call that several Members have made to provide more information and make more reports to Parliament about the excellent work that goes on in the Council of Europe, particularly in the Assembly on which colleagues sit.

The hon. Gentleman referred to the present Minister as being Council of Europe-friendly. Unfortunately, I fear that we may lose him before too long, which he may regard as justice denied or at least justice delayed. I can reassure the hon. Member for Manchester, Central that the Opposition and I are also Council of Europe-friendly, and I am very pleased to pay tribute to the organisation and its excellent work.

The hon. Gentleman spoke about the Council's relatively low profile in the United Kingdom, which is regrettable but interesting when contrasted with the way in which the Council is perceived in other member states. On my recent visit, I was struck by how very seriously the Russian representatives took the Council. That is an important situation, and we ought to work with it and take full advantage of it.

The hon. Gentleman spoke about the Council's role in promoting human rights, justice and democracy, and he welcomed the fact that those standards are applied throughout all 47 member states. We, too, should welcome that fact, even when it is slightly embarrassing for ourselves, given the current investigation into postal voting. It is a timely reminder that we are not in a position always to lecture others, and that we must pay heed to maintaining high standards in our own democracy and in our own observation of the rule of law.

I mentioned earlier the role of the European Court of Human Rights, which is one of the most important parts of the Council, and the courage that a number of justices show, sometimes in the face of pressure, when dealing with cases that are highly controversial in their own countries. If people knew more about such work, they would regard it highly and they would be keen to know that it is being maintained and carried forward.

I pay tribute to the British members of the Assembly of the Council of Europe. When I visited, I had many conversations with members from other countries, staff and people involved in all aspects of Council work. It was clear that the contribution, activities and the amount of work put in by United Kingdom members are very highly regarded. That point applies to all parties, and all Members should be grateful and show their appreciation to those colleagues who serve with such distinction. They are a credit to our country and the House.

We have heard from a number of colleagues who sit on the Assembly. Some cannot be present: my hon. Friend the Member for Spelthorne (Mr. Wilshire) wished to be present, but he is elsewhere in the House attending to parliamentary business with a strong constituency focus on airports; and my hon. Friend the Member for Ryedale (Mr. Greenway) travelled to Athens this morning where he is chairing a meeting on migration.

However, we have had excellent contributions from my hon. Friend the Member for Ribble Valley (Mr. Evans), who nodded as I said "excellent contributions" and modestly stopped when I referred to him. He noted the importance of the work on migration and he described the way in which the Council works so effectively without the political integration that in some ways intrudes on the operation of the European Union.

My hon. Friend the Member for Daventry (Mr. Boswell) spoke about the strong commitment to free and fair elections, the Council's election monitoring work and the importance of its equal opportunities work. The hon. Member for Manchester, Central will agree that equal opportunities is not a matter of political correctness. Representing Manchester constituencies, we know about the Pankhursts' excellent record in the city, that one of them stood as a Conservative candidate there, and that equal opportunities has always been important to all parts of the House.

I do not want to keep the Minister from colleagues for very much longer, but I reiterate the call that my hon. Friend the Member for Daventry made for more

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information, and for an update from the Minister on when the Government anticipate ratifying the convention against trafficking in human beings. The Government's signing of the convention was welcome, but we would like them to ratify it in the near future. I hope that the Minister will enlighten us—perhaps while he is still in his current position.

The hon. Member for Manchester, Central also drew attention to the role of British parliamentarians from both Houses and all parties, and their important role in Azerbaijan, Chechnya and elsewhere in the past. Several colleagues referred to concerns that arise from time to time about the future role of the Council of Europe, and in particular the potential conflict with the role of the European Union. It has become a problem recently because of the development of the fundamental rights agency, the danger of duplication of effort, and indeed, the diversion of resources, which could be better spent on the Council of Europe.

The Council's great strength is its extra geographical spread over countries such as Russia, which does not wish to be a part of the European Union, and Turkey, Ukraine and the Balkans, which do. That spread is of enormous importance to the United Kingdom and all our European colleagues. It provides us with extra reach and with further persuasive abilities to try to achieve improvements throughout the continent and throughout the Council's 47 member states.

In conclusion, this debate has given us all an opportunity to focus a little more on the important work of the Council of Europe and the European Court of Human Rights. We must also recognise the difference between the Council of Europe and the European Union, and the Council's vital ongoing role in spreading democracy, the rule of law and human rights.

3.50 pm

The Minister for Europe (Mr. Geoffrey Hoon): I welcome this opportunity to discuss the work of the Council of Europe and the important part played by the Parliamentary Assembly. I congratulate my hon. Friend the Member for Manchester, Central (Tony Lloyd) on securing what has been a good debate, as well as all hon. Members who have contributed to it.

I was particularly pleased to hear Conservative Members of Parliament congratulating a European institution on its contribution to multilateral co-operation. It just shows what happens when they get out more, meet people from other countries and see the benefits of international multilateral co-operation. The only thing that I would warn Conservative Members about is the damage to their political careers that that is likely to cause under the current Conservative leadership. Nevertheless, I look forward to their extolling the benefits of co-operating in other European institutions. After all, the slippery slope that they are on might lead them to see the benefits of European co-operation in general, rather than just in the particularly important context of the Council of Europe.

The Assembly of the Council of Europe can be proud of its history. It was the first such European assembly and has played a unique role in shaping the modern continent of Europe, embracing and assisting the new democracies of central and eastern Europe. Today, the Council's 315 delegates represent 46 member states, covering 800 million European citizens. As has been observed, that will increase further with the accession of the Republic of Montenegro to the Council of Europe on 11 May.

As one of the Council of Europe's two statutory bodies, the Parliamentary Assembly is a crucial watchdog for the fundamental rights, freedoms and values of such a vast constituency, providing scrutiny, advice and guidance to the Council of Europe's Committee of Ministers and its member states. The Parliamentary Assembly has many notable achievements, not least its contribution to the European convention on human rights and securing the abolition of the death penalty. I commend the work of my hon. Friend and all members of the UK delegation. I congratulate them on the active contribution that they make to the debates and the work of the Council of Europe, particularly in its committees, including my hon. Friend's role as co-rapporteur on Azerbaijan.

However, the Parliamentary Assembly does not act alone. It is integral to the wider framework of the Council of Europe, an organisation to which the Government are as firmly committed now as when Britain helped found the Council in 1949. For us, the Council represents a key multilateral forum for promoting and protecting democracy, human rights and the rule of law, where we can raise concerns and encourage action. Furthermore, the Council is a practical forum, which backs up discussions with advice and expertise, particularly to central and eastern Europe, in carrying out and consolidating political, legislative and constitutional reform.

The Council is a forum based on a framework of pan-European agreements and standards on issues as diverse as minority rights, local democracy, education, sustainable development and health, all of which contribute to the improvement of member states' legal and social practices and the development of common values. The European Court of Human Rights is the cornerstone of human rights protection within Europe. The Court guarantees the fundamental rights and freedoms of both states and peoples, and as such is a key legal instrument in promoting and enforcing an effective international system.

All those strengths make the Council of Europe central to the Foreign and Commonwealth Office's work on European security. Nevertheless, we cannot afford to be complacent. Europeans need an efficient and modern Council of Europe that can deliver its core mission in the long term. We need to see greater prioritisation and reform, and closer co-operation with other multilateral institutions. Under the leadership of Terry Davis, the British secretary-general of the Council of Europe, the 2005 Warsaw summit set us on the right path. The summit firmly placed human rights, democracy and the rule of law as the fulcrum of the Council of Europe's work. The Council's core mission must, in turn, determine the programme of work. We must all concentrate our efforts to prioritise the strengths of the Council of Europe, rather than dilute its efforts.

Moreover, it is imperative that the Council of Europe should provide value for money. The working methods and financial planning of the Council need to be modernised, to ensure rigour in prioritisation and performance. The secretary-general has made an excellent start, outlining plans to restructure the secretariat and revealing his proposals for zero real growth in the 2008 budget.

Mr. Winnick: Before my right hon. Friend the Minister touched on finance, he spoke about the important subjects of democracy, the rule of law, and the rest of it. Are the Government going to make any comment at all about what has happened with the presidency going to a Serbian—and moreover, one associated with a party of the extreme right in that country—or about the refusal of Serbia as a whole to take the necessary steps to bring to justice two major war criminals who are undoubtedly responsible for terrible atrocities?

Mr. Hoon: The EU presidency has today issued a statement, which I support, about the election of Mr. Nikolic, acting leader of the ultranationalist Serb Radical party as Speaker of the Serbian Parliament. The statement notes the appointment with concern and calls on all reform-oriented parties in Belgrade to form a democratic majority-based Government who reaffirm the pro-European orientation of Serbian policy. It is important that we encourage the democratic parties in Serbia to form a Government and take the opportunity to lead their country in a European direction.

Tony Lloyd: On that theme, does my right hon. Friend the Minister agree that the value of the Parliamentary Assembly is that when the Serbian Foreign Minister appears in office before the Assembly, it will be possible for democratically elected politicians from Britain, France or wherever else to ask that Foreign Minister when Serbia intends to deliver Mr. Mladic and Mr. Karadzic to the tribunal in the Hague? That is the importance of the institution.

Mr. Hoon: In my experience, one of the great values of the Council of Europe and the Parliamentary Assembly is that it is possible to have those kinds of conversations. With regard to what is happening in Serbia, I visited the country not long ago. It is vital that all democrats give support to the democratic parties in Serbia, encourage the formation of a Government and—I repeat—encourage the opportunity that the people of Serbia now have to move in a European direction. That is something that we should all be encouraging.

Mr. Winnick: My right hon. Friend the Minister has spoken about the unfortunate happenings in Serbia, and I am encouraged by what my hon. Friend the Member for Manchester, Central just said about when the Serbian presidency of the Council of Europe comes round. However, I would hope that the Government will make it clear that they do not consider it appropriate for the presidency to go to someone who, as I have already mentioned, is associated with the Serbian right.

Mr. Hoon: I have made my observation about the election in Serbia. I hope that that assists my hon. Friend and sets out clearly the Government's position.

The Parliamentary Assembly has a clear responsibility in relation to budgetary matters. The secretary-general proposes to reduce the 2008 budget by 2 per cent., which must be viewed in the context of the whole of the 2008 budget. All Council of Europe directorates have accepted the need for the reduction. I hope that the Parliamentary Assembly will shoulder its responsibility, too. I hope that the UK delegation will show leadership inside the Assembly and support the secretary-general's request.

The need for reform extends to the Court, too. We must make fundamental reforms if we are to guarantee its future. In many ways, the Court has been a victim of its own success. As new members have joined the Council of Europe, more citizens have applied to the Court, and a backlog of 90,000 applications has developed. That represents a serious threat to accessibility and effectiveness, and in practice acts as a barrier to justice.

The Court's needs are not simply financial, however. As ever, the UK has been at the forefront of efforts to address the problem of caseload. Lord Woolf produced a report in December 2005 to identify some short-term measures. He is also a member of the wise persons group, set up to look at more fundamental reform. The starting point for reform is the ratification of protocol 14, a mechanism designed to introduce simplified and more efficient procedures. Russia is the only member state yet to ratify the protocol. The situation is now urgent, so I should like to take this opportunity to urge the Duma to find a way to ratify it.

I should also like to emphasise that a modern and efficient Council of Europe needs close co-operation with the European Union, the United Nations and the Organisation for Security and Co-operation in Europe, in order to avoid duplication and ensure that each organisation plays to its comparative advantages and uses its expertise appropriately.

Mr. Brady: Just to remind the Minister, I hope that he will tell us when the Government will ratify the convention on action against trafficking in human beings.

Mr. Hoon: I shall deal with that in the brief time available. My right hon. Friend the Home Secretary signed the convention on action against trafficking in human beings on 23 March, which coincided with the launch of the UK action plan on human trafficking. Having signed the convention, we are now committed to implementing changes in legislation to allow for its eventual ratification. However, the hon. Gentleman will be aware that that is a parliamentary process. In order to ensure that our law conforms with the obligations that we have entered into internationally, there will necessarily be a parliamentary process, which will—

Mr. Mike Weir (In the Chair): Order. I am afraid that we have run out of time.

Legal Aid Reform

4 pm

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): Unusually for a Member securing a debate such as this, I am not a lawyer—I never have been, nor have I ever trained as one. My point of departure for bringing this debate to the Chamber is the issue of access to justice for my constituents, who are among the poorest people in society and make up a highly ethnically diverse community.

It is common now in smart circles to speak disparagingly about lawyers—"fat cat lawyer" is the phrase; the words run one into another. It is even common to be disparaging about the importance of the meticulous application of the rule of law. So it is important to remind colleagues that legal aid is one of the pillars of the welfare state of which we are so proud. The Legal Aid and Advice Act 1949 made reference to:

"assistance…and legal advice…so that no one will be financially unable to prosecute a just and reasonable claim or to defend a legal right".

Legal aid needs defending just as all on my side of the Chamber would, I hope, defend free access to the health service at the point of use. Legal aid is one of the essential pillars of the welfare state.

It is to the credit of the Government that legal aid spending should have risen in recent years. However, that rise in expenditure and costs has been the basis for the Government's legal aid reforms. It is true that in England and Wales we spend more per capita on legal aid than almost anywhere else in the world. Legal aid expenditure has gone from £1.5 billion in 1997 to nearly £2 billion today—extraordinary figures. We might say, "Gosh, all these fat cat lawyers in their limousines are carrying away bagfuls of money." The Government are doing something about that—and only too right.

However, although the costs have risen and the Government are absolutely right to try to obtain value for money for the taxpayer, I draw people's attention to the fact that the rise in legal aid costs is a complex subject. A recent study commissioned by the Law Society pointed out:

"It is correct that total legal aid costs have increased significantly over the past decade. However, it is…important to recognise that the increases do not apply to all areas of legal aid…In the past three years, 2002-06, costs in most areas of criminal and civil work have increased only slowly if at all, and on a per case basis have often decreased."

Yet the Government are bringing in changes in the fee arrangements and reforms that are designed to apply across the piece, in spite of research that reveals that the inflation in costs has occurred only in certain areas—notably criminal defence in the Crown court, with the famous £1 million-a-year barristers. I hope that there are none in the Chamber today. Cost inflation has also occurred in litigation advice and child care proceedings. I ask Ministers why, if the cost inflation applies to very specific areas of legal aid practice, they are applying a remedy across the piece. That will have a detrimental effect, to which I shall come later.

In leaving the issues of costs, of the complexity of cost inflation and of the over-simple remedy that the Government are applying, I could do no better than quote a distinguished QC who spoke in a debate on criminal legal aid in October 2005. She spoke about costs and countered the argument that they were all down to fat cat defence lawyers, from whom we had to take money away. She said:

"The costs of the criminal justice system generally, leaving aside legal aid, have increased by 46 per cent. in the same period that we are talking about legal aid having increased. It is hardly surprising that defence costs have increased as well."—[*Official Report, Westminster Hall*, 26 October 2005; Vol. 438, c. 74WH.]

That logical point was well put by a distinguished QC, who also happens to be the Minister replying to this debate.

Everybody accepts that it is important that the Government should get value for money. However, given that the cost inflation is specific to certain areas of legal aid, one of the questions asked by the Law Society and other representative organisations is about why we are engaging in such an across-the-board remedy. There are many critiques of the Government's legal aid reforms and many are valid. However, in the short time available, I want to focus on the issue of the reforms' effect on black and minority ethnic lawyers. I want to do that not because it is the only problem, but because it has become increasingly clear that the legal aid reforms will bear particularly heavily on such lawyers. One might ask, "Why should that be? The Government are not putting forward legislation designed to be deliberately discriminatory." The problem is that black and minority ethnic lawyers are more likely to be in legal aid and to have smaller, newer companies.

Mr. Sadiq Khan (Tooting) (Lab): I congratulate my hon. Friend on securing this important debate. Does she accept that one reason why there are solicitors' firms and barristers' chambers that are predominantly made up of ethnic minorities is that such minorities have difficulties in securing employment and tenancy in the mainstream chambers or solicitors' firms? The legal aid reforms could well have the impact of making us lose those ethnic minority solicitors and barristers from the profession altogether.

Ms Abbott: I am grateful to my hon. Friend for making that important point. It is sad that such people have been forced into setting up their own firms and sets because of—I shall not mince my words—institutional racism among some of the mainstream of the legal profession. It would appear that there is now a serious risk that many BME lawyers will be forced out of business. Many may end up leaving the legal profession altogether.

Why do the reforms impact more severely on black and minority ethnic firms? It is not because the Government deliberately want that to happen; I would not begin to suggest that. However, many aspects of the reforms are a problem for such firms. The minimum contract threshold will affect smaller firms and automatically put many BME firms out of the legal aid business. There is the issue of competitive tendering; in any competitive tendering situation, the bigger the organisation, the better the economies of scale. That mitigates against BME firms.

The boundary areas, which mean that only 20 per cent. of legal aid cases can be taken outside a firm's local area, will be difficult for BME firms. There is the fact that high-cost cases will be dealt with only by a panel of approved firms, which will tend to be the larger and more established ones. Unless the Government stop and think, black and minority ethnic solicitors will be more likely to lose their jobs, more likely to leave or change companies and more likely to leave the legal profession altogether. By the bye, there will also be a smaller pool of black and minority ethnic lawyers from which to choose judges.

Mr. Jonathan Djanogly (Huntingdon) (Con): I should like to add to the hon. Lady's pertinent list. The Government have not proved that there will be any financial benefit from what will be the disastrous consequences of their policies for black and ethnic minority firms. I should like to put on the record that the Conservative party is concerned at the situation. We see that the Government's policy will destroy established lines of access to legal representation for no measurable gain to our legal system.

Ms Abbott: The point is well put. Obviously, the cost inflation is of concern, but the cost drivers of legal aid are complex. The Government have not proven that the reforms will bear down on costs without undue detrimental effects. I would go further and say that black and minority ethnic firms bring added value to our legal system; they are more able to gain the trust of black and minority ethnic clients and can therefore deal with their cases more easily and quickly. They are more likely to have employees who speak a relevant language.

Such firms represent an important point of communication and representation between black communities, which are more likely to be socially excluded, and the legal world. They play a vital role in community cohesion. The issue is not only about fairness, but community cohesion, and that makes me think it regrettable that the Government are going forward with the proposals in their current form.

For many in our black and minority ethnic communities—I can talk about this with some feeling—their black or minority ethnic solicitor or black and minority ethnic-led firm is where they turn in time of trouble. Many solicitors firms might have taken Doreen Lawrence's case and fought it in the way in which Imran Khan did, but it was to Imran Khan that Doreen Lawrence turned. It was Imran Khan who stuck with Doreen Lawrence when she met terrible hostility under the Tory Government and when she did not have money to pay him, because he believed in the case not only because he was a good solicitor but because he came from a minority ethnic community and knew what she was going through. It is the Imran Khans and the Doreen Lawrences—maybe not involved in cases of that momentous nature, but that type of person—who will be detrimentally affected.

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): I do not think that my hon. Friend should take solace from the Conservative party, which is trying to put out of business my local law centre, which employs a number of black and minority ethnic solicitors. She says, rightly, that there is not deliberate prejudice on the part of the Government, and we would expect that, but, as she says, many BME firms are small firms. The changes appear to bear down on small firms, including through the inspection regime, and such firms are generally seen as a bad thing. The effect of inspecting and finding fault, often with small firms who have difficult overheads, may inadvertently drive BME solicitors firms out of business.

Ms Abbott: That is the point that I was trying to make. We are not looking at deliberate discrimination, but we may be looking at indirect discrimination. No less an authority than the Select Committee on Constitutional Affairs, in its recent report on the implementation of the Carter review of legal aid, said in paragraph 229, its final conclusion:

"We are concerned that some of the reform proposals may contravene the prohibition of indirect racial discrimination under the Race Relations Act 1976 as subsequently amended. Some of the reform proposals, notably the introduction of minimum contract sizes, leave us in doubt as to whether they are a necessary and proportionate means to achieve the intended objective, which is the legal test."

We are faced with a set of untested changes, no doubt brought forward with the best of intentions. Everyone who has examined the changes, including practitioners in the field, has said that they will bear down more heavily on black and minority ethnic lawyers and will have the detrimental effect on access to justice and community cohesion that I have mentioned.

The Government do not need to change the direction of travel, but it is not too late for them to pause and market test the changes in one region of the country to see the effects. We might speculate this afternoon, but it would be better at the least to test out the package of reforms in one small area of the country and to come back with what we have found. As matters stand, we run the risk of decimating many good legal aid firms, small solicitors and black and minority ethnic law firms. The Minister and the Lord Chancellor have said over and over again that they are in favour of increased diversity in the legal profession, and we would be acting against that.

The Minister spoke in June 2006 to the Black Solicitors Network. Her speech to an audience of black lawyers was widely regarded as excellent. In her closing remarks, she said that

"many of you here this evening have already been working to make this profession"—

the legal profession—

"one that represents Britain in the twenty-first century. I hope that...you can regard me as an ally in that quest."

They still regard her as an ally in that quest, but they will regard her as more of an ally if even at this late stage she pauses, reflects and listens to what all the representative organisations, including housing advice and homeless advice organisations, have to say and to all the evidence and information that has been proffered to Ministers about the unintentional detrimental effect of the legislation.

She will be more of an ally to the cause of increased diversity in the legal profession if she pauses and reflects on how the plans can be taken forward without the consequences for black and minority ethnic solicitors and access for justice that I have outlined in

[Ms Abbott]

my remarks. We welcome the funding that the Government have given legal aid up until now and we do not query the good faith of Ministers.

I have known, grown up with and worked with people who have struggled to get their law qualifications, coming from backgrounds a million miles away from that of the traditional lawyer. They have struggled in a mainstream firm, perhaps, and to set up their own firm. At last, they are stabilising and can achieve their potential as a lawyer and serve the wider community. Now, that generation of solicitors and lawyers is threatened with decimation because of an ill thought out Government proposal. If they understood more about what that feels like and what it will mean to those communities and those people, Ministers would even now stop and think about the proposals.

4.15 pm

The Parliamentary Under-Secretary of State for Justice (Vera Baird): Like my hon. Friend the Member for Tooting (Mr. Khan), I congratulate my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) on obtaining this debate.

We debated the main thrust of our proposals for legal aid in this Chamber a short time ago and I shall not retread old ground. However, today is the first day of the new Ministry of Justice and it is important to reiterate our commitment to a legal aid system that serves 21st-century Britain in all its diversity. It is central to a properly functioning justice system in this country.

As my hon. Friend the Member for Hackney, North and Stoke Newington said, we have the best funded legal aid system in the world. Running closely behind us—we pay about £100 a head while they pay about £30—are the continental systems that have an inquisitorial process. All the other adversarial systems are further behind again. Without doubt, we have a well-funded system. My hon. Friend is right to say that there is an odd mixture of pride that the cost of legal aid has gone up and of difficulty, and that the drivers are complex. I do not change a word of what I said in the debate that she quoted from, and I am grateful for her use of the word "distinguished" to refer to me.

The drivers are complex, of course, but it is necessary to manage costs in the ever-spiralling legal aid fund, and in particular to manage them as they relate to crime. My hon. Friend talks as though it were totally a cost issue, but it is not. At least part of the reform involves changing the way in which lawyers are paid so that we can guarantee that we get appropriate value for money for a quality service, moving from hourly rates, which are likely to support inefficiency rather than efficiency, to fixed fees. That is part of the structural changes, and such measures are necessary in areas where there is not a huge overspend. That means that when we move money across we are sure that we are getting value for money in the places where we locate the new funds. The changes have a number of purposes.

We are looking for a system that is fair to clients, defendants, practitioners and the taxpayer. Since this is day one of the Ministry for Justice, I stress again the Government's commitment, and my own, to diversity in the legal profession. In the judiciary, at the Bar, or in the front-line offices of solicitors' firms across the country, a diverse legal profession is essential for a quality legal service for all the clients who will and must be served by our justice system.

I am well aware of the kinds of concerns that my hon. Friend has raised. One of my earliest meetings when I got this aspect of my ministerial portfolio was to meet the Black Solicitors Network and the Society of Asian Lawyers with my right hon. Friend the Member for Leicester, East (Keith Vaz). I told them then that the reforms will not be discriminatory; I say that again today.

When I delivered the third annual lecture to the Black Solicitors Network, I said that I was impressed that its members had come to see me straight away and that they do not mince words any more than I do. I emphasised that I was their ally in making the legal profession one that represents Britain in the 21st century, and I reiterate that today.

Ms Abbott: My hon. and learned Friend has said that she is certain that the reforms will not be discriminatory. Is she equally certain that they will not be indirectly discriminatory?

Vera Baird: I said that it is everybody's intention that they should not be, so let me consider that issue and see whether there is any danger. We listened at every opportunity to BME practitioners during the various consultations and we will carry on listening for as long as they want to talk to us. The Legal Services Commission has been careful to ensure that each step of the reform process has been accompanied by a regulatory impact assessment, which has included as much detail as possible to ensure that the impact on BME providers and clients was known. The LSC has a provider diversity reference group, which includes the BSN, the Society of Asian Lawyers and the Commission for Racial Equality. It has held BME-specific practitioner consultation events in London, Leicester and Birmingham, and I intend to ask the LSC to commit to a full retrospective regulatory impact assessment on the full reform programme in phase 1 so that we can see cumulatively the impact that it will have alongside the consultation on best value tendering.

Significantly for clients of BME solicitors, those solicitors are available. In total 16 per cent. of solicitors are BME, far more than the proportion of BME people in the general population. We are proud of that. There is no reason why the reforms should make any difference to the number of solicitors, nor has anybody pointed out any such reason. Some, but only some, BME-controlled firms are newer and smaller. Some are older, better-established and larger. Many BME solicitors also work in well established, major supplier firms, sometimes white-owned and controlled, sometimes mixed-owned and controlled. Those businesses offer strong opportunities for BME solicitors, as they do for others, and will continue to do so.

At the meeting that I referred to with the Black Solicitors Network, the Society of Asian Lawyers and my right hon. Friend the Member for Leicester, East, was a BME solicitor who asked whether, having

merged into a firm that had—forgive me for forgetting—either six or eight partners, he needed to consider merging further to fulfil the needs of what was then the interim Carter report. The answer to that was probably no, but let us be clear that not all BME firms are small and not all BME solicitors are in BME-owned and controlled firms. There is not a uniform picture but a significant spread.

However, I do not hide from the fact that my hon. Friend the Member for Hackney, North and Stoke Newington has put her finger on the point that some aspects of our reforms may have an adverse impact on some BME firms as they are currently configured. I recognise that some BME solicitors want to work for themselves and that some BME clients come to such solicitors because of the cultural resemblance. That is inevitably the case. The core point is that proportionately more firms in some parts of the country are run by BME solicitors than by white solicitors.

Undoubtedly many young black firms run by black entrepreneurs of the kind whom we want to encourage are small, because they are new and have not had the time to grow and develop. They are concerned that the drive is in the direction of bigger firms and that they have not served the time to gain enough slots on duty rotas on a historic basis, so they will have a poorer chance of thriving under a fixed-fee scheme, which my hon. Friend hinted is likely to move towards bigger firms.

Neither the LSC nor I can give an open-ended guarantee that the security of every firm will remain exactly as it is when the change comes. For instance each firm will have to work out, like the BME practitioner to whom I referred, whether it wants to merge with similar practitioners or act with them in unofficial conglomerates that need not be as definite as a merger. However, we are considering ways to accommodate our BME justice partners who work in their own firms and want to stay there. We are looking for ways forward.

One issue to consider is how best to ensure that new firms under BME majority-owned control can access the market under best value tendering. One possibility—it is only one—is lower-value, smaller contracts for newer firms to enable them to establish themselves in the market. There could be not just great groups of contracts for big firms but perhaps another tier for smaller firms. Similarly, the LSC will consider closely how competition should be rolled out across the country, perhaps in a phased way, to ensure that firms are not locked out of their local markets for prolonged periods. As is true throughout the reform process and particularly in this sector, practitioner input will be important and welcome.

The LSC has made compulsory the provision of data by legal aid firms on the ethnicity of their staff, which will ensure that we get a better picture as we go along. The data are far better for London than outside. We are continuing efforts to ensure that all firms have robust diversity policies, because the underlying sub-text is that some black and minority ethnic solicitors feel that they cannot get through what they perceive as a glass ceiling in certain firms. That is a criticism not of the changes but of the legal world as it is. We must tackle that, and we are doing so.

Because we have the Constitutional Affairs Committee report to respond to, we are in mid-consultation on a number of the relevant matters and our conclusions must wait until we have had an opportunity to assess all the feedback. I hope that I can reassure my hon. Friend that the issues raised have been known about from the start and continue to be well understood by the Government as we proceed with the reforms.

Our proposals for legal aid are part of a wider reform agenda across the entire justice system, which now, in our new Ministry, we are better equipped than ever to take forward holistically and thoroughly. We are equipped to bring improvements to the justice system, not only for the people whom it serves but for those who work in it. I hope that my hon. Friend is reassured and can join me in inviting black and minority ethnic firms and solicitors to take an active, not an oppositional role in helping us to pursue the ideas that I have indicated are in the ether. Those ideas can ensure that, as I undertook to the Black Solicitors Network at its third annual general meeting, the proposals will not proceed any further as discriminatory proposals, whether directly or indirectly. That is certainly not our intention. I hope that she is reassured and will join me in the belief that if we turn the proposals appropriately and drive them forward in their current framework while examining the issues closely as we progress, we can have a system in which practitioners from all backgrounds can prosper and make a positive difference to the communities that they serve.

4.27 pm

Sitting suspended.

International Whaling

4.30 pm

Jo Swinson (East Dunbartonshire) (LD): I am pleased that I was able to secure this debate. It is particularly timely, as the International Whaling Commission is meeting in Anchorage right now. The scientific committee meeting has already started, and meetings will continue until the end of the month, with decision making happening between the 28th and the 31st.

The issue of international whaling is of great concern to many people in this country. I am sure that I am not alone in having had dozens of constituents write to me on the issue, and that other Members will have had similar postbags. I would like to thank the Minister for his helpful responses to constituents who raised the issue with me.

During the debate, I would like to outline the history of the issue, give some background and explain the problem. I shall discuss the changes made last year by the IWC and explain why the issue is rapidly moving up the agenda of animal welfare organisations, then perhaps touch on the UK's response so far and turn to the challenge of the meeting at the end of this month. Finally, I shall pose some questions for the Minister about the UK's activities to secure the outcome that we all want at that meeting.

Whaling has occurred on a small scale throughout history. I believe that there is broad agreement among most nations of the world and even among animal welfare organisations that small-scale whaling by indigenous peoples can be supported and sustained, and that it involves sufficiently small numbers that it will not greatly affect world whale populations.

However, the advent of large-scale commercial whaling in the 20th century has resulted in literally hundreds of thousands of these beautiful, majestic creatures being killed. Some estimates of the number of whales killed in the past century are as high as 2 million. In fact, some species were hunted almost to extinction; for example, the blue whale is only now recovering and still has a very small population. It is estimated that there are as few as 1,700 in the southern hemisphere.

But there was a chink of light 25 years ago with the International Whaling Commission, and a reprieve for the whales when it agreed on a moratorium on commercial whaling. To some extent, whale populations have been allowed some respite and the ability to recover. I believe that many scientists agree that the moratorium helped to halt the rapid decline in whale stocks, although the IWC Scientific Committee is not without its internal politics: there is not always agreement on specific whale numbers and the size of whale stocks.

Why is it important to maintain the moratorium? There is a very strong argument in terms of the animal cruelty involved. There is no humane way to kill a whale. Whales are killed by methods that would not be allowed for any land-based mammal. Whaling fleets go out armed with all their technological equipment to find the whales, and harpoons are shot from cannons. A six-foot iron spear goes into the whale. Often, it will have a grenade with a timer on the end of it. The grenade explodes shortly after impact, blowing the animal's insides apart, but, unfortunately, death is not immediate. Seldom is it possible to fire the spear into the animal's brain, so the whale may then thrash around in agonising pain for up to 10 minutes until it finally dies. The horrors of that have been well documented by a variety of non-governmental organisations and charities.

Apart from the animal cruelty aspect, I would argue that there is just no economic sense to commercial whaling. Whales may be hunted for human consumption, but there are well-documented health hazards because of heavy metal content. Indeed, even the Japanese, who have undertaken so-called scientific whaling and who have used the meat for food, have huge stockpiles of meat that they cannot get rid of. Few people want to eat whale meat, and the Japanese are trying to sell it off for school dinners or, in some cases, even pet food.

So there is no economic case for commercial whaling. However, there is a great economic case for whale watching, which is a non-intrusive activity that allows people to see the beauty of the creatures in their natural environment. It has been estimated that last year nearly 8 million people took part in that activity, providing $800 million of revenue to those countries where they are able to do so.

Those are reasons for keeping the moratorium, but the problem is that Japan in particular has been actively lobbying to resume commercial whaling. Given that there is no economic case for it, the reasons why the Japanese are so determined to maintain it completely escape me. Perhaps whaling is some kind of cultural totem or tradition.

Japan has had some success in signing up members of the IWC, particularly small countries that have been tempted by promises of aid packages. There are well-documented cases of the amounts of money that have gone to different countries: more than £2.5 million to St. Kitts and Nevis, more than £8.5 million to Nicaragua and more than £4 million to Palau. It is estimated that over the past 12 years Japan has given $750 million of so-called fisheries aid to smaller countries which have then ended up voting on a pro-whaling basis on the IWC. Japan has now started having pre-meetings in Tokyo, to prepare for IWC meetings. It did so in 2006 and again this year, and paid for small countries to attend.

Last year, 66 countries were present at the IWC meeting. For the first time, as we all know, there was a pro-whaling majority on one motion in the St. Kitts and Nevis declaration, which included a statement that the

> "International Whaling Commission is therefore about managing whaling to ensure whale stocks are not over-harvested rather than protecting all whales".

That is a clear message that Japan is not keen on the role of protecting whales.

The declaration also includes the words:

> "Further noting that the moratorium which was clearly intended as a temporary measure is no longer necessary".

It does not have legal, binding status, but Japan hopes that it will give credibility to its case for resuming commercial whaling. The motion was passed on a knife edge of 33 to 32 votes.

Other votes last year did not command a simple majority but still give cause for concern. There was a vote to prevent discussion on steps to protect small cetaceans, or dolphins, which was narrowly defeated 32 to 30. There was a resolution to permit minke whale catch in the Okhotsk sea, which was defeated by 31 to 30. Perhaps most worrying was a proposal by Japan that votes of the IWC should be held in secret. It was defeated by just 31 to 30. Given the allegations of bribery—the votes of specific countries being bought by Japan—that is obviously of special concern.

What has been the UK's response to the issue? First, I very much welcome the work of the Department for Environment, Food and Rural Affairs on the issue. I believe that the work of DEFRA Ministers and officials is very much praised by interested groups in the UK. The document "Protecting Whales—A Global Responsibility", with a foreword by the Prime Minister and David Attenborough, has been sent to the countries on the IWC. It was certainly a very good initiative. Strong diplomatic means of showing our views on the issue, such as the summoning of the Icelandic ambassador last October, have helped to make the UK stance quite clear and to show a lead in Europe and globally.

However, I would like to press the Minister on some points and seek an assurance from him that all of the Government as well as his Department are doing everything that they can to secure a victory at the IWC at the end of this month for the anti-whaling countries.

Martin Horwood (Cheltenham) (LD): My hon. Friend makes an important point about the distinction between DEFRA and higher levels of Government. Does she share my concern about the slightly ambiguous answer I received from the Minister on 26 April, which mentioned that the highest diplomatic levels were being used and that Foreign and Commonwealth Office posts in the relevant capitals were being briefed? Would she welcome confirmation of whether his Department has asked the Prime Minister to make his views known to countries, such as Denmark and the smaller Commonwealth nations, and would she also welcome confirmation that the Prime Minister has done so?

Jo Swinson: My hon. Friend makes an important point and I would welcome some clarification from the Minister on that issue. Obviously, it is welcome that the Prime Minister has written the forward to the document, "Protecting Whales—A Global Responsibility", but that is not enough on its own. The Prime Minister should be encouraged to write to all the nations concerned.

I urge the Minister to emphasise to the Prime Minister the importance of using occasions when he meets other world leaders to press the matter. We know that the Prime Minister met the Japanese Prime Minister on 9 January this year and a written parliamentary question on 30 January 2007, *Official Report*, column 151W, asked whether they discussed whaling. In the answer we are directed to the website, which states what was discussed at the meeting. However, there is no mention of whaling on the website. When the Prime Minister had the opportunity to press the Prime Minister of Japan on the issue it seems that he did not rise to the challenge and ask him about whaling.

Although the Secretary of State for Environment, Food and Rural Affairs may press the issue, in terms of diplomacy within the wider world, surely the Foreign Secretary has a role to play. Yet in a written question on 27 February 2007, *Official Report*, column 1205W, the Foreign Secretary was asked what discussions she has had with Ministers and officials in the Department for Environment, Food and Rural Affairs about whaling in the past 12 months. In answer she said:

"I have no current plans in this regard." [*Official Report*, 27 February 2007; Vol. 457, c. 1205W.]

It seems that she is passing the issue onto DEFRA. The Foreign Secretary should have plans in that regard. She should be involved in efforts to deal with the issue and it should be taken forward at Cabinet level.

Can we really take the Government's anti-whaling credentials seriously if, despite the good work of DEFRA, the issue is not receiving the priority attention that it should at the highest level? I urge the Government to recognise that Japan never misses an opportunity to involve its highest profile Ministers from the Cabinet and the Prime Minister of Japan in the issue. That can be countered only by a similar level of effort from the UK Government.

On a similar point, I note that it will be the Under-Secretary of State for Environment, Food and Rural Affairs attending the IWC on behalf of the UK at the end of month. I know that the Minister has previously attended and has great experience in this area so I am curious to know why he is not attending this year. That may be a matter of concern in terms of sending a message that the highest levels of Government are involved in the issue.

We have the meeting at the end of the month and there are more than 70 members of the IWC. We hope that there will be a slim majority of anti-whaling countries, but the process moves quickly and countries have up to the last minute to join, so the situation could change. What steps are the Government taking to convince more of the current members to switch if they are anti-whaling or if they are wavering? What are the Government doing to encourage more countries to sign up? There has been some great success with Croatia, Slovenia and Cyprus, but is there likely to be any progress in getting Greece to sign up before the end of the month? From the documents I have read, I understand that secrets ballots are unlikely to be an issue at the meeting. However, I would welcome the Minister's understanding of the situation and if we could at least have some reassurance about whether that will come to the table at the forthcoming meeting.

In some circles, there is a fear that the US, which, of course, is usually anti-whaling might be tempted to do a deal with Japan to ensure that there are enough votes to secure aboriginal hunting of bowhead whales off Alaska. That is of concern because the US is an influential country that could carry others with it. Has the Minister anticipated that happening? What is being done to use our influence, particularly with the smaller countries that we have strong historic ties with—for example through the Commonwealth, as my hon. Friend mentioned? What UK diplomatic efforts are being made to exert influence on those countries?

Denmark is particularly a matter of concern because, as the Minister will know, last year it voted in

[Jo Swinson]

favour of whaling. That was against EU policy, although it is a member of the EU, and was against the wishes of its own people who are overwhelmingly anti-whaling. Will the UK use its influence to strongly point out to Denmark that its responsibility should lie with its people and the EU, and that it should not repeat its pro-whaling vote of last year?

One further concern is that of sustainable whaling, which may be mooted by Japan to muddy the waters by introducing a new category of coastal whaling. That would be the thin end of the wedge and should be strongly resisted by the Government.

In conclusion, there is much agreement about the issue and DEFRA has done some excellent work to preserve these majestic animals. I commend the good work that has been done, but am concerned about support for the issue at the highest levels of Government. I urge the Minister to do all that he can to gain high level support for the issue and to exert his influence over the next few weeks.

4.45 pm

The Minister for Local Environment, Marine and Animal Welfare (Mr. Ben Bradshaw): I congratulate the hon. Member for East Dunbartonshire (Jo Swinson) on securing this debate. I know from my postbag that the issue concerns many hon. Members and their constituents. I am grateful to the hon. Lady for her help in highlighting the plight of whales—animals that hon. Members from all parties would agree are in need of protection.

Not only whales, but the world's oceans and the life that they support are under serious threat from pollution, over-exploitation, the damage and destruction of habitats, and climate change. Despite those pressures, three nations in the world continue to hunt whales on a large scale, which is why the UK places great importance on the protection of whales and all cetaceans. That is supported through my Department and our membership of international conventions, such as the IWC, as well as the convention on international trade and the convention on migratory species.

I agree with everything that the hon. Lady said about the substance of the issue and why the anti-whaling cause commands so much support from hon. Members. However, her attempt to drive wedges between parts of the Government was somewhat churlish. It is widely recognised, not just in the House, but internationally, by other Governments and among the main non-governmental organisations that are involved in the issue—such as WWF—that no country has done more than the UK in recent years to hold back the tide of pro-whaling nations, led by Japan.

I assure the hon. Lady that Government at all levels have engaged in the issue. The Foreign Secretary wrote joint letters with my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs to a number of important countries following the publication of "Protecting Whales—A Global Responsibility". I was grateful that she praised that document, which we decided to publish after the worrying development last year of Japan managing to win one vote with a majority of one. I am satisfied that the joint letter has been important in helping with the recruitment of a number of new members.

I also assure the hon. Lady that the Prime Minister was ready and primed in the wings to engage if he and we felt that was necessary. I hope that she would also agree that one keeps one's most powerful and secret weapon in reserve until it is absolutely necessary and that it should not be deployed unless that is the case. As things stand, we are quietly confident that we have been successful enough to regain a simple majority in Anchorage, but we will wait and see. We certainly have not ruled out the possibility of engagement at a higher level should that be necessary.

Last week, I spoke to my US counterpart who was visiting this country in relation to these issues and she gave me a strong reassurance that the US would be solid on the matter to which the hon. Lady referred and that no deals would be struck. After last year's vote, I made the UK's displeasure quite clear to the Danish Environment Minister, both on the telephone and in person. The hon. Lady is right to point out the oddness of the Danish position.

It is not just up to Governments and NGOs, however. I am always urging Members—as I think that I did in the letters that I sent to the hon. Lady—in any activity in which they take part, whether parliamentary visits abroad as part of Select Committees or parliamentary groups, to take with them a list of countries on the wrong side of the whaling issue. They should never lose an opportunity to make it clear that we think that this is an abhorrent activity that belongs to a bygone age and that it is not acceptable anymore. Often, such low-level, bottom-up parliamentary and political activity can have a significant effect.

Events in Iceland in recent months have been very interesting. Much to everybody's horror, last year Iceland resumed commercial whaling, against the spirit and, we believe, the letter of the convention. Iceland faced quite a strong backlash from the international community. The UK led a diplomatic démarche against the Icelandic Government. A number of senior Icelandic business people and politicians spoke out against their country's decision because they were worried about the impact that it was having on Iceland's international image and on tourism and whale watching.

The hon. Member for East Dunbartonshire is absolutely right to point out that even for whaling countries, whale watching is a far more significant economic earner than whale killing. She was right to say that countries that continue to kill whales do not find markets for their products and spend a great deal of taxpayers' money desperately trying to do so. Excuse the pun, but I suspect that they are flogging a dead horse. The public in all of those countries, particularly the younger generation, are turning against whale consumption in a very big way.

We are in a difficult period in the history of the IWC. We had that setback last year, although it does not pose a threat to the moratorium because a three-quarters majority in the IWC would be needed to over turn the moratorium. However, as the hon. Lady said, it would allow Iceland and the pro-whaling countries to take control of the agenda and to influence important issues, such as the protection of small cetaceans, whale

sanctuaries in the southern oceans and procedure in the IWC, which could include secret sessions and ballots, which we think would be disastrous and completely indefensible. How can any democratic country recommend that such issues be discussed behind closed doors and that their own public should not have any idea about their Government's position and how they voted? It is completely unacceptable.

As I said earlier, and as the hon. Lady kindly acknowledged, we have had some success—more in the last year than in the last few during which I have been responsible for this policy area—in recruiting extra members. I would like to pay tribute to the EU Fisheries Commissioner. Last autumn, I raised this matter at an Environment Council. Joe Borge was very keen and picked up on it. In fact, he issued a statement in that Council condemning Iceland's decision and urging all EU members to join the IWC. A significant number of those recruits are EU members. A couple of countries that did not pay their subscriptions last year have now been persuaded to do so. That is extremely welcome. We are still not quite sure about Greece. We were led to believe that it would be there, but there is still some uncertainty about it. We are trying to clarify such things all the time.

I pay tribute—perhaps unexpectedly—to the former Conservative party treasurer, Lord Ashcroft, who is a passionate defender of whales. He helped to fund a very powerful, short advert that would be shown more widely in a number of Caribbean countries were it not for disgraceful censorship by some of them. If reports that I have read are true, even television channels such as MTV have been intimidated into not showing it in some of those countries. That is a disgraceful example of self-censorship. We will write to MTV, asking for an explanation for why it has not shown the advert. Nevertheless, Lord Ashcroft has been very effective, particularly in central American countries, helping them to come on board on the right side of the issue.

We are perhaps more confident than we have been for a while that the tide is turning in the right direction again, but we will be very vigilant. One never really knows what will happen at the IWC. Its procedures are perhaps more ruritanian than those of any other institution or event in which I have ever been involved. I am very sorry not to be going this year. There is a simple reason: as I explained to the hon. Member for Cheltenham (Martin Horwood), I have had a long-standing family commitment since before the date of the IWC was set. However, I am sure that my hon. Friend the Under-Secretary of State for Environment, Food and Rural Affairs, who is responsible for biodiversity—and after all, whales are animals—will do a tremendous job with our very strong team. We send one of the biggest teams of any country in the world and we are one of three countries that religiously are represented at ministerial level, along with Australia and New Zealand.

I am very glad to say that—I would like to think, partly at my instigation—the Germans will also this year be sending representation at ministerial level, which they have not done for a number of years. Given that they have the EU presidency, that sends a very good signal. I am quite confident that the pro-whale nations will be strongly represented; we will do our best, as we always do, to make a strong case and to beat off the advance of the whale-killing nations.

I would like to say a little about what has been happening in the past year in relation to whale killing. It is particularly worrying that the Icelanders began to kill the endangered fin whales as well as minke whales. As I said, we led a démarche against the Icelandic Government. We heard some very interesting comments a week or so ago from the Icelandic Prime Minister—Iceland is in the middle of an election campaign, which may be relevant—who said that Iceland's decision was not final and that they might revisit it. I hope very much that it does when its elections are out of the way, and I urge all hon. Members to use any influence that they have, either in London with the Icelandic embassy or through contacts that they may have, to keep up that pressure. It would send a clear signal. I do not think that public opinion in Iceland is in favour of the killing. It is being conducted by a single operator.

The hon. Member for East Dunbartonshire speculated, which is something I often do, about why the whale-killing countries continue to do that when there is no economic benefit. She put her finger on one important reason: there is a feeling that it is part of their tradition; it is almost a cultural obstinacy. Dealing with that is quite difficult, because the harder the international community pushes, in many ways the more some people tend to dig in. The feeling is, "We don't want the rest of the world telling us how to conduct our affairs."

Another interesting fact is that the phenomenon is relatively recent in Japan. Large-scale commercial whaling in Japan really kicked off only after the second world war, because it was a source of readily available and cheap protein. Many countries, including the United Kingdom, which used to whale until relatively recently, have long since abandoned it. I hope that those other countries do so as well.

As Sir David Attenborough said in the foreword to our excellent brochure, which has been widely welcomed and acclaimed through the House:

> "It's not just the future of the whale that today lies in our hands: it's the survival of the natural world in all parts of the living planet. We can now destroy or we can cherish. The choice is ours."

The UK has made its choice already: we have chosen to cherish. It is now time for all countries to make theirs. Future generations will judge us harshly if we fail the whale.

Question put and agreed to.

Adjourned accordingly at one minute to Five o'clock.

Westminster Hall

Thursday 10 May 2007

[DR. WILLIAM MCCREA *in the Chair*]

Independent Sector Treatment Centres

[Relevant documents: Fourth Report from the Health Committee, Session 2005-06, HC 934, and the Government's response thereto, Cm 6930.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Alan Campbell.]*

2.30 pm

Mr. Kevin Barron (Rother Valley) (Lab): This is my first debate in this or any other place where you have been in the Chair, Dr. McCrea. It is very nice to see you, particularly given the good news that has come out of the Province of late.

I shall provide some background to the debate. Members know that the dates on the report and the Government's response are somewhat dated: we published the report on 25 July 2006, and the response came in October. We made one or two observations, and we wanted to consider the subject, because back then, there was a general debate about independent sector treatment centres.

One issue that we seized on quickly was the separation of elective from emergency procedures. We found out that clinicians had advocated separation since the 1990s. In 2002, the Government announced the creation of a series of NHS treatment centres to make systematic the approach to elective treatment, and later that year, the Department of Health decided to commission a number of independent treatment centres to handle NHS patients who required relatively straightforward or diagnostic procedures. I shall describe later what we found out about that issue.

The Committee set out to discover the purpose of ISTCs. During the course of our inquiry, the rationale behind their creation varied in emphasis, but the stated purposes were fivefold:

"Increasing elective capacity available to the NHS in order to reduce waiting lists and times; Reducing the spot purchase price in the private sector; Increasing patient choice within the NHS; Encouraging best practice and innovation; Stimulating reform within the NHS through competition."

We were surprised and dismayed at the Government's poorly defined goals for the ISTC programme, and their rationale changed during the course of our inquiry.

One of the most significant findings was an alarming absence of evidence, which consisted of two different problems: first, the Government refused on the ground of commercial confidentiality to give the Committee the information that they had collected on ISTCs, so although it was being collected, it was difficult for us to make a judgment about it; and secondly, there was a failure to collect proper data to assess the effectiveness of ISTCs. We found that both supporters and opponents of ISTCs were making claims that were not backed up by evidence.

We concluded that treatment centres are a good idea. Separating elective and emergency procedures reduces the length of stay, helps reduce waiting lists and times and improves hospital organisations. We visited the centre to which my hon. Friend the Member for Dartford (Dr. Stoate) sometimes sends his patients, and it was a real eye-opener—first, to the situation inside the national health service. The centre is an NHS institution, brand new and effectively part of a brand new private finance initiative hospital. Our visit showed us the precise benefits of separation.

One of our first and prime witnesses was the president of the Royal College of Surgeons, Bernard Ribeiro. In evidence, he explained to us that he could remember going to work as a surgeon expecting a list of seven patients in any one day, and that one day, when he was on his third patient, an accident happened on a local road. Everything was commandeered for the emergency, as we all accept, because an emergency is exactly that—an emergency. However, three or four of his patients did not have their operation that day, because elective and emergency surgery facilities were located together, in the same hospital.

Why separation has not been the pattern throughout the lifetime of the NHS, I do not know. As somebody who thought he knew a bit about the NHS, it strikes me as obvious. Time and again, people have gone into hospital for elective surgery and had it postponed or delayed. Over the years and on a number of occasions, the issue of delays has been raised in the media and in debates in the House, but there have not been any systematic arrangements in the NHS to do what has been done in Dartford and other places.

We concluded in the report that

"ISTCs have had a significant effect on spot purchase prices—

they have fallen substantially—

"and increased patient choice, offering more locations and earlier treatment."

If someone had visited my constituency five years ago for a knee or hip operation, they would have been given a long wait for surgery. The Committee did not find that out; it is my own comment on the issue. Some consultants, however, would have offered patients surgery nearby, in an independent hospital in Sheffield, and within a few weeks, providing that the patient was prepared to pay the surgeon a few thousand pounds. That choice is rarely discussed, and it has now gone. It is not offered to my constituents anymore, and I am very pleased about that. They are offered surgery in NHS hospitals and in a neighbouring constituency's ISTC.

We concluded that ISTCs have demonstrated good practice and pioneered some innovative techniques. However, good practice and innovation can also be found in NHS treatment centres and elsewhere, so there is not any convincing evidence that NHS facilities are systematically adopting techniques that ISTCs have introduced. We were told that ISTCs would spread best practice, but we did not see any evidence of it. However, with the non-collection of evidence, we could not make real comparisons between the independent sector and the NHS. It was always going to be difficult.

We concluded in the report that

"ISTCs have not made a major direct contribution to increasing capacity"

[Mr. Kevin Barron]

in the NHS. They represent a very small percentage of the overall capacity. I could not understand why ISTCs were not introduced in areas with high waiting lists, particularly when they were created to reduce elective surgery waiting times and lists. We tried to find out the reason behind elective surgery ISTCs. Was it the need to reduce waiting lists and to see patients quicker? Sadly, we could not find out.

The threat of competition from ISTCs may have had an effect on the NHS, but again, we have only anecdotal evidence to support that assertion. The Government have failed to collect the data to allow them to quantify the changes. In my own view, owing to the political sensitivity of rolling out the independent sector in that way, it is amazing that systematic data collection was not undertaken so that direct comparisons could have been made between ISTCs and the NHS.

The Committee also found two significant areas in which the ISTCs were problematic. They proved to be poorly integrated with the NHS, partly because of the policy of additionality, under which they cannot employ staff who have recently worked in the NHS. In a sense, that was to protect the national health service, so that a situation did not arise where clinicians were moving into the independent sector and we were unable to provide the service in the NHS. We therefore understand that point, too, although we did not think that there had been enough integration, even early.

We visited one establishment, which was not an ISTC, but a BUPA-run centre at Redwood in Surrey. We saw NHS staff and BUPA staff working alongside one another, to the general good of patients there, without any of the animosity that everybody predicated would arise if the independent and national health service sectors were mixed. There are clear lessons to be learnt from such examples.

We also heard from some witnesses that standards of care were poor in ISTCs, although those claims were not supported by quantifiable evidence. The Committee concluded that there were substantial failings in data collection; and one could not say that the claims were true, based on what people had said about the failings in standards. One of the national organisations representing surgeons actually told us that there were high levels of complications in ISTCs, because people were having elective surgery, but then having to get back into the NHS pretty quickly because the treatment had not been up to standard. Although that had been said by some eminent people and on websites, we found no evidence for it whatever. However, the ground shifted a little when those witnesses were challenged, because they moved from complications on to the issue of quality.

Dr. Andrew Murrison (Westbury) (Con): The right hon. Gentleman said that there had been insufficient data gathering in and around ISTCs. He also said that there was no evidence that the complication rate in ISTCs was worse than in comparable hospitals, but how does he tie the two together? If the data are not being collected, surely we cannot infer that the complication rate is higher or lower, either among ISTCs or between ISTCs and the mainstream NHS.

Mr. Barron: On the face of it, I would agree with the hon. Gentleman. Some clinicians were clearly drawing those conclusions without the evidence for them, and we were quite critical of that, because the evidence was not there. However, the simple answer to the hon. Gentleman's question is that we asked other organisations, such as the General Medical Council, of which I am a lay member. When the GMC came before us as a witness, we asked whether anything in its fitness to practise proceedings showed that the independent sector was receiving more complaints about its professional attitude than the rest of the national health service. The simple answer was that there was nothing.

We looked where we could to make that judgment, and the simple answer is that, no, we cannot make that allegation. We were trying to make sense of the allegations that were made to us that, again, could only have been anecdotal and which are still around. I have no doubt that, like me, the hon. Gentleman will have received letters this week from the British Orthopaedic Association, which is still looking round, hoping at some stage to prove the allegations to us, although we have still not seen any of the evidence that we asked it for in July 2006. We criticised the association, inasmuch as the allegations that were being made were unsubstantiated. My personal view is that those allegations should be substantiated or withdrawn.

Dr. Howard Stoate (Dartford) (Lab): Just to echo that point, we did seek evidence for the allegations being made that there was a higher complication rate or a lower quality rate, but nobody was able to produce any. My right hon. Friend is quite right: we found no evidence, because none was presented to us, although the anecdotes continued to fly in all directions.

Mr. Barron: And still do. None the less, we tried to get the evidence, although only through adverse results of fitness to practise proceedings by the regulatory bodies for doctors, which would have known, as they cover all doctors on the register, not just those in the NHS.

Mr. Gordon Prentice (Pendle) (Lab): Is it not simply scandalous that we are pressing ahead with the second wave of ISTCs, even though the Healthcare Commission has had to postpone its report, which was due in the spring, until the summer, because it cannot get a handle on the data, which either are not available or are not being collected?

Mr. Barron: I stand by what we said in the report, and would therefore concur with my hon. Friend. Later, I will briefly mention the Government's response, which touched on the Healthcare Commission.

One of the most contentious parts of the ISTC programme was the use of take or pay contracts. They meant that the NHS had to pay independent providers for a set volume of work, whether or not it was carried out. The Government defended those contracts by saying that they were necessary to encourage the private sector to participate in the programme, although they also caused considerable disquiet among NHS providers.

On the day we went down to the constituency of my hon. Friend the Member for Dartford, we visited a day treatment centre. It was early afternoon when we

arrived and the centre was very quiet, running at about 50 per cent. of its capacity. Many reasons were given—most of them anecdotal—for why that centre and others were not as active as they should be. One reason was that the referral patterns were not as active as they should be, because some people did not want to refer.

I came across anecdotal evidence for that when I visited the ISTC in my area, in north Derbyshire, a couple of miles from my constituency. The guy who was the NHS-ISTC link there told me that the biggest problem was getting health professionals with contracts with the NHS to refer people there. I met two constituents when I was there, completely unplanned, and asked them, "How did you know?" "Word of mouth from people who've been in as patients," they said. "So it wasn't your doctor, then?" I asked. "No, it wasn't," they replied, although they were quite happy with the treatment that they were receiving. That was a big issue for the Committee, although I do not know how big an issue it is today.

We concluded that although the decision to create the ISTC programme had not necessarily been a bad one and had brought several benefits, it had not been supported by evidence and was—to quote the phrase used in the report—a leap in the dark. I have heard that phrase on many occasions in the media since, but I have to tell my hon. Friend the Minister that that was the case. We often smile about the decision making—or the lack of it—in the NHS without good evidence, but it was clear that the original decision was driven by other things, not by any evidence at the time.

The Government response, which was published in October 2006, accepted some of the Committee's criticisms and said that there would be a series of improvements. One of those, which my hon. Friend the Member for Pendle (Mr. Prentice) has mentioned, was that the Healthcare Commission was asked to carry out a detailed comparison of the standards of care in ISTCs and those in the NHS. However, it is now many months down the road and we are still not there yet. That is disappointing. However, sooner than rush, and jump to conclusions, which people have been doing for a number of years—albeit anecdotal, rather than real conclusions—I hope that, when that piece of work comes out, we will be able to go into what has been happening in detail and see what the real comparisons are.

Phase 2 of the ISTC programme would make provision for the training of doctors and other clinical staff a contractual requirement, which, in a sense, was a weakness. We could have had the additionality rule, whereby phase 1s were able to set up, but without poaching people from the NHS. It was right to ensure that phase 1s did not do that, because it would have weakened the NHS.

On the other hand, there was a question whether we could have had surgeons in there, training. The volume of elective surgery done in ISTCs, undisturbed by anything else in the establishment—there are no A and E departments to disturb the elective surgery list—creates the ideal opportunity to obtain experience. My hon. Friend the Member for Dartford described it as an ideal time for young surgeons to practise on people. I would not have put it quite like that, but training with such a volume of surgery, on lists that are not complicated, would be much more predictable than training in a district general hospital as an A and E tag-on, which might also disturb the list of the day. I hope that my hon. Friend the Minister will talk about phases 2s and whether that training is now taking place.

New ISTCs would also be better integrated with the local NHS, by requiring integration to be part of the planning process and allowing NHS staff to work in ISTCs during their non-contracted hours. Again, we felt that that would be a step towards breaking down the barrier that had been set up by the additionality rule, under which a person could not work in the NHS and also cross over to work in an ISTC. Does my hon. Friend the Minister have any experience of that to share with us?

The Government committed to spending £550 million a year on the ISTC programme. We were uncomfortable with that pledge because without doing the real work, one could not say whether that was driven by clinical need. As we said in the report:

"The decision to maintain the commitment to spend £550 million per year despite changing circumstances has not been explained, and seems to sit uncomfortably with the Secretary of State's admission that 'in other [areas] it has become clear that the level of capacity required by the local NHS does not justify new ISTC schemes'."

At the time of the inquiry, for the first time that I had known, all the national health service institutions in my own area of south Yorkshire were united in their opposition to phase 2 in the area, so it did not go ahead. However, the Secretary of State told us that the money would still be spent. It was extraordinary for the Government to say that, although they would not be going ahead with certain parts of phase 2, they would still spend the same amount of money that they were going to spend anyway. I do not know whether that has changed in the many months that separate us from the evidence that we took at that time.

I am looking forward to hearing my hon. Friend the Minister explain the Government's current plans and whether the commitment to £550 million still stands even though a substantial number of phase 2s have not taken place. Obviously, the collection of data must also be significantly improved. I hope that the Healthcare Commission's report will show how well things are going, although I am not sure when we will get it. My hon. Friend the Member for Pendle said that we would get it in—

Mr. Prentice: The summer.

Mr. Barron: In the summer—presumably he means summer 2007. I hope that he is right; that weakness among all sides in arguing the case about ISTCs needs to be put right.

Our report concluded:

"The Department should have ensured that such data"—

that is, clinical data—

"were collected from both providers"—

that is, independent and NHS providers—

"and published in order accurately to assess quality of care, complication rates and other quality measures."

Let us hope that that happens. I also hope that the National Audit Office will consider the ISTC programme again.

[Mr. Barron]

ISTCs may be making and may continue to make a valuable and considerable contribution to efficiency, innovation and choice in the health economy. However, the case cannot be made by default; we look to the Government to make their case actively, improve the programme, collect the appropriate data and allow genuine quality to be assessed and therefore genuine choices to be made. We do not want what we still have now: anecdotal evidence on the rights and wrongs of independent sector treatment centres going between us as legislators and some in the medical profession.

I shall finish now. I hope that not only Health Committee members, but other Members with other experiences of ISTCs, will have the opportunity to make their contributions.

Dr. Murrison: On a point of order, Dr. McCrea. I am wondering whether the self-styled party of effective opposition—the Liberal Democrat party—has given any indication of why it has not sent a Front-Bench spokesman to this extremely important debate.

Dr. William McCrea (in the Chair): That is not a point of order. It is up to hon. Members whether they desire to attend the debate.

2.54 pm

Mr. David Amess (Southend, West) (Con): I congratulate my colleagues on producing yet another splendid report. However, I do not congratulate the Government on their response, which was late and less than robust in dealing with the 25 recommendations. The Minister was a splendid member of the Health Committee. He made a unique contribution to our report on obesity, so he knows only too well how important our work is and how worth while it is for the Government to read our report carefully and respond to it positively.

To follow on from the Committee Chairman, the right hon. Member for Rother Valley (Mr. Barron), I should say that we heard some robust evidence. However, I can certainly recall one or two occasions when the evidence was less than robust and extremely disappointing. I completely absolve from that Mr. Bernard Ribeiro, the president of the Royal College of Surgeons, to whom the Committee Chairman has referred. When I was Member of Parliament for Basildon, Mr. Ribeiro led local teaching faculty. His evidence was impressive.

I shall not name the disappointing performers, but I say gently to the Minister that when people give evidence to the Health Committee, they should take that seriously and be properly prepared. To shrug their shoulders as if it is not their responsibility, when it jolly well is, is very disappointing.

As we all know, the ISTCs were opened in 2003 under an agreement between the NHS and the private sector to carry out specific procedures to help with the NHS waiting list and mitigate the lack of capacity. I shall not make an intellectual contribution; I shall leave that to others. However, this occasion is useful because it gives the House an opportunity to have an intellectual debate about how the private and public sectors work together in practice. My hon. Friend the Member for Westbury (Dr. Murrison) has mentioned the absence of the third party, but the two main parties have a real interest in considering the twists and turns of the issue. I should not forget the hon. Member for Wyre Forest (Dr. Taylor), an independent Member of Parliament.

When measuring the success of the ISTCs, it is important that we remember the objectives of involving the private sector in the health service, about which the Government now seem enthusiastic. One objective is to increase the elective capacity available to the NHS to reduce waiting lists and times. The Opposition have a real interest in how that happens in practice. Other objectives include reducing spot purchase prices in the private sector, increasing patient choice within the NHS—how that works out in practice has yet to be proved—and encouraging best practice and innovation.

However, it is also important that we focus on the impact that ISTCs will have on local hospitals and the NHS in general. One or two of the Members in the Chamber who are not on the Health Committee will hope to catch your eye and reflect on how the issues work out in practice, Dr. McCrea. I have recently received representations from the hospital in my constituency about the commissioning of an ISTC in Essex; the contracts are expected to be finalised at any time. I say to the Minister that I genuinely welcome the involvement of the private sector in the health service, and I was encouraged by our Committee's finding that the ISTCs have gone some way to meeting their objectives.

However, although I agree with the principle of involving to some measure the private sector in the health service, I object to the centrist slant put on the implementation by the Government. I intend to list the concerns that have been raised about ISTCs and the fact that the Government's response to the Health Committee document does not adequately address the matters at stake.

I say again that there is no point in the Health Committee spending great time producing reports if the Government seem not to take the findings too seriously or are less than robust in their response. I am delighted that we have been given the opportunity to have a debate, and I welcome that. However, I hope that the debate will be ongoing and that the Government will take our recommendations a little more seriously.

First, let me deal with waiting lists and times. Since the introduction of ISTCs, waiting lists have dropped. There is no doubt about that, so I congratulate the Government. However, it is disappointing that we are unsure about how far waiting lists have dropped. It is extraordinary, too. The NHS has changed in response to the ISTCs, or because of additional NHS funding, and the intense focus on waiting list targets over that period has had an adverse effect on clinical priorities.

The Health Committee was surprised that no attempt was made to assess the effect that competition from ISTCs would have on the NHS. It is extraordinary that no such attempt was made. The absence of conclusive information has prevented the Health Committee from making observations in a number of areas. Did that merely happen, or have our objectives been obstructed in some way? I do not know, but that is certainly one of the main criticisms that I want to level at the Department.

Secondly, let me deal with the aim to reduce spot purchase prices. I welcome the Health Committee's conclusion that ISTCs have successfully reduced the purchase price as intended. We certainly welcome that. I was pleased to learn that as well as reducing the spot purchase prices in the private sector, ISTCs have a more general impact on charges in the private sector. That is excellent. The Health Committee was told by Robin Smith, chief executive of Mendip primary care trust, that fees for some operations had fallen by as much as 50 per cent. as a result of the ISTCs. That is splendid. The Committee also heard that the NHS is no longer as reliant on spot purchasing as it once was, and that is excellent news.

Mr. Gordon Prentice: Before the hon. Gentleman moves off that point, the Government told us in their response to the report that the private sector is paid a premium of 11.2 per cent. more than NHS organisations to carry out exactly the same clinical procedure. When the Committee discussed those matters, did it think that that was fair?

Mr. Amess: The hon. Gentleman has helpfully fired a missile right at the point that I was trying to make. The Minister will have heard the point, and I hope that he will address it when he responds. The hon. Gentleman should be reassured that during our inquiry those points were made in public, and it is right that the Minister should deal with the fairness of the "competition element".

Assessing the extent to which ISTCs have facilitated patient choice, a central objective of the programme, is not straightforward. ISTCs enable some patients to received treatment earlier than they might through the NHS, and they are also given a choice of location at which to be treated. The Committee reported:

"ISTCs have for the present increased choice, offering more locations and earlier treatments."

However, those choices are limited. For example, if the existence of ISTCs in the long run leads to the closure of NHS facilities, as we heard, patients will once again have limited choice.

More worrying is that patients cannot make informed choices on where they receive treatment. We were given evidence to that effect in one sitting. There is a gulf in the information that relates to the clinical quality of treatments in ISTCs. The lack of centrally held information, such as that on complication rates and other measures of clinical quality, seems to have prevented patients and the Health Committee from drawing conclusions about the standard of care offered by ISTCs. We pressed the witnesses on that point, and we got nowhere.

I was pleased to learn that the Department of Health recognises the need for information on clinical quality to be available to patients, and that it is looking at ways in which it can meet that challenge. I look forward to seeing how far the Department manages to meet its objective to publish

"robust measures of clinical quality in the July publication *Health Reform in England—Update and Commissioning Framework*"

when that document is published. I am also keen to learn of the progress of the information taskforce, which was set up with the aim of developing and overseeing a work programme to identify indicators of clinical outcome relevant to patient choice. I am not looking for a conspiracy, but that is all likely to happen when we adjourn for the summer recess and we will not be able to hold the Executive to account until the autumn. However, I want to flag up to the Minister that we are aware of those dates, which are important in the context of the report.

Central to the aims of the programme is that ISTCs encourage best practice and innovation. The Health Committee found that:

"ISTCs have embodied good practice and introduced innovative techniques",

although it also reflected:

"ISTCs are not necessarily more efficient than NHS Treatment Centres".

Furthermore, it reported:

"The Department claims that ISTCs drive the adoption of good practice and innovation in the NHS, but we received no convincing evidence which proved that NHS facilities were adopting in any systematic way techniques pioneered in ISTCs."

We received no evidence at all about that.

I appreciate the Government's response that ISTCs are in their early stages and cannot be expected to be more efficient than NHS treatment centres. The Committee accepts that. I agree with the Department of Health that ISTCs offer an excellent opportunity to draw together best practice from a wide variety of sources, in particular when the NHS and ISTCs are more integrated.

On the subject of best practice, I was particularly alarmed by the questions that were raised about the quality of staff employed in ISTCs. It has been argued that ISTCs are too reliant on overseas staff, and we heard evidence about that. As a result of the European legislation, the regulation of foreign-trained European economic area clinicians, who make up the majority of doctors in ISTCs, is not as rigorous as it should be. The evidence showed the problems that patients encounter with foreign doctors, which include language barriers since language tests cannot be imposed on doctors from the EEA. It is fundamental, in a situation that can be frightening and stressful for many, that patients can communicate effectively with the staff who will care for them.

The Health Committee recommended that ISTC clinical appointments for overseas doctors should incorporate a standardised, independent assessment system based on competency. What thought has the Minister given to that critical recommendation? It does not seem to have been properly addressed in the Government's response.

Finally, I want to mention my local hospital in Southend. One of the most important aspects of the ISTC programme is its impact on the NHS. Again, it is most frustrating that no attempt has been made systematically to assess and quantify the possible effects. John Gilham, chief executive of Southend university hospital—he is an old boy of the school that I attended, St. Bonaventure's grammar school, and so the House will understand that I hold him in high esteem—has brought some concerns to my attention about value for money. Mr. Gilham is concerned that, as the ISTCs increase their overall capacity in Essex, possibly above initial assumptions, and if other trusts actively compete along with Southend hospital for

[Mr. Amess]

service choice, there is a greater probability that ISTC capacity will be underutilised. He has pointed out that underutilisation of capacity in the ISTCs will be underwritten—I think that that may have been the concern of the hon. Member for Pendle (Mr. Prentice). That would result in underwritten payments being made to the ISTC for no activity, with a financial cost throughout the country.

On the other hand, if the ISTC was successful in attracting activity, Southend and other acute trusts in Essex would need to reduce capacity further, with a consequent loss of income. That would increase the proportionate costs of existing overheads, which does not seem particularly fair. In some cases, hospitals will be limited in their ability to reduce overheads, which would in turn limit the opportunities for investment in improving core local health care facilities.

Southend university hospital does a splendid job, and it too is concerned about which specialities the ISTC would take responsibility for. The hospital could be required to provide more by way of emergency services than by way of a balanced mix of elective and emergency services, and that could have adverse affects on hospital funding. Local residents would be concerned about that.

I understand that, in worst-case scenarios, local hospitals could even be forced to close. In February, Southend university hospital estimated that the financial impact of an Essex ISTC would be something in the region of £7 million, which is a huge figure. The ISTC programme has repercussions for a number of local hospitals, and I have outlined pressing financial concerns regarding the costs of the programme for local hospitals and for the nation as a whole.

Lack of information has marred the success of the ISTC programme, particularly with regard to patient choice. I was disappointed that the Department of Health seems to have hindered the Health Committee's inquiries by misrepresenting situations, withholding information and producing confusing figures. The Health Committee is non-partisan, but it is perhaps slightly easier for me to be robust on that point. I am particularly concerned that the Department is withholding information regarding the significant effects that ISTCs could have on the finances of NHS hospitals. Why is the Department concealing such information, when hospital closures could result?

Although I am confident that there is a bright future for private sector involvement in health care, I am currently frustrated that we cannot see the tangible benefits of the programme.

Mr. Prentice: Was the hon. Gentleman frustrated by the Committee's inability to look at the terms of the contract between the Department and the independent sector providers?

Mr. Amess: The hon. Member for Pendle has flushed out that point. Yes, the Committee was concerned about it. Such voids in information make us unsure about exactly how beneficial ISTCs are to the health services—whether standards are being maintained and whether ISTCs are really contributing to cutting waiting lists and increasing patient choice. I look forward to the Healthcare Commission's imminent report on the quality of care provided by ISTCs and to learning of the progress of the information taskforce. Above all, I look forward to the Minister's response to the report.

3.14 pm

Hugh Bayley (City of York) (Lab): I rise not as a Committee member but as the representative of a constituency that has an independent sector treatment centre. The centre is run by Capio UK, which is a Swedish company. Let me say from the outset that I am not unsympathetic to the concept of using independent centres to treat NHS patients; it is hardly an innovation—the NHS has commissioned waiting-list initiative cases from private providers for many years. There has perhaps been a policy move, however, in that the centres have institutionalised the practice of NHS patients being treated in private units at NHS expense by providing dedicated units for that purpose.

I spoke to Capio before the centre opened, when the concept was still at the design stage, and I visited the centre in the week of opening on 3 February 2006. It has 24 beds, six of which are in individual rooms, with nine in double rooms. It provides a mix of elective treatments in orthopaedic and general surgery, and has five consultation and examination rooms for out-patients, together with an in-house laboratory, and X-ray and ultrasound facilities. All of the patients come under the care of consultants from the York Hospitals NHS Foundation Trust, which provides reassurance about standards and helps to ensure satisfactory integration between the services provided at the centre and those provided through the trust. However, that drives a coach and horses through the concept of contestability. If the purpose of setting up independently owned, run and managed treatment centres to operate in competition with NHS trusts is to determine whether a different pattern of management or different ways of working can produce either better quality of care or more cost-effective care, that is unlikely to occur if the same doctors provide the same range of treatments in both places.

Dr. Stoate: Does not it also drive a coach and horses through the idea of additionality? If the same consultants work in the independent sector and in the NHS trust, does not that undermine the very principle that the Government had in mind in the first place—that independent sector treatment centres should use staff who are additional to the NHS staff, rather than staff who are already in the NHS with the result that centres could be accused of having poached them from services that might have been provided to the NHS?

Hugh Bayley: My hon. Friend makes a valid point, and I hope that the Minister will respond both to that and to the points that I have made. The most generous thing that can be said is that the Government have put their toes in the water and have tested different policy responses to determine whether they improve standards of care or throughput or cost-effectiveness. The York experiment is one such experiment and it would be interesting to know the results of it with respect to the quality of care and treatment costs. I shall address that further in a moment, but on the face

of it one would expect not to get the contestability that seemed to be the ideological underpinning of the initiative.

I sought an update from Capio this week. So far, it tells me that the centre in York has carried out 3,306 out-patient consultations for NHS patients and has admitted 2,047 NHS patients for elective surgery—largely hip and knee replacements, hand and foot surgery, and knee arthroscopy. It gave a figure, in an e-mail that it sent me this week, of

"90 per cent. of patients happy to recommend the centre in our last patient survey."

That sounds good on the face of it, but it also sounds a little like manager's spin. I am not particularly interested in the results of the latest survey; I am interested in the overall assessment by patients over an extended period. I hope that Capio will make that information available directly to the public in York and, through the Department of Health, to the public more generally, so that we get a real analysis of the benefits and costs of the independent centres, as against treatment provided by NHS trusts.

Mr. Barron: Has Capio given any percentages for the number of local clinicians and doctors who are prepared to recommend the York centre to patients?

Hugh Bayley: I have not asked Capio that question, and it has not volunteered the answer, but my right hon. Friend makes an important point. I remember, 12 or 14 years ago, when I was a member of the Select Committee on Health, picking up in the United States a publication called the Washington health *Checkbook*—which is a pun in American, because they do not know how to spell the type of cheque that one writes to one's bank. It compared performance, hospital by hospital and consultant by consultant, of hospitals in Washington DC, northern Virginia and Maryland. It included interesting information about post-operative infection rates and re-admissions—or perhaps it was mortality—30 and 90 days after discharge. It also included information about which consultants and hospitals were chosen by health professionals seeking treatment. That may be an important indicator of informed opinion about the quality of the care likely to be received from a hospital or consultant. I should welcome publication of such information in the UK.

The Capio centre in York has attracted mixed reactions locally. One constituent came to my surgery to complain that he was offered treatment there—at a private centre rather than an NHS trust. Concern has been expressed to me by the local medical committee and by consultants at York hospital that the centre is failing to treat as many patients as it is contracted to treat. The point was reinforced by a letter that a constituent who is a retired nurse sent to me recently. She said:

"I have recently been fortunate enough to have a hip replacement operation at the new NHS Treatment Centre at Clifton Park where I received excellent care."

Later in the letter, however, she says:

"I was an in-patient for four days and was one of only three patients being treated, leaving 22 empty beds".

Such concerns prompted me to table some written questions to the Department of Health. To establish the context, perhaps I should say that North Yorkshire and York primary care trust has one of the worst, if not the worst, deficit of any PCT in the country, at about £30 million. The York Hospitals NHS Foundation Trust has been commissioned in the current year, 2007-08, to treat fewer patients than it did in 2006-07, as part of the PCT's effort to reduce the deficit. As a consequence of that reduced level of commissioning, the hospital is reducing staff by not filling vacant posts, and it is closing beds. Some of those beds are being closed because of a substantial increase in the capacity of the day surgery unit at York hospital, but I suspect that some are also being closed because 25 additional beds have been provided for elective surgery at the Clifton Capio centre. The question that comes to my mind is whether the provision of the Capio centre is a good use of resources by the local PCT. That is what prompted my questions.

I tabled three questions on 11 January, and they were answered a couple of weeks later on 25 January. I asked, first,

"how many procedures for NHS patients will be *(a)* paid for and *(b)* provided by the York Capio Centre in 2006-07".

Secondly, I asked,

"what the *(a)* national reference cost, *(b)* average cost per case at the York Capio Centre and *(c)* average cost per case at York NHS Trust was for each procedure provided for NHS patients at the York Capio Centre in the most recent year for which figures are available"

and, thirdly,

"what the total NHS expenditure on the York Capio Centre will be in 2006-07."

I quote part of Minister of State's answer, the rest of which describes the nature of the centre. He said:

"It is not possible to provide the data in the format requested. Reference costs data are collected from NHS trusts and primary care trusts. Reference cost data will cover procedures that are carried out by the trust and those that are contracted out, which will include to an independent sector treatment centre. However, information on the payments for services and operational costs of Capio UK is commercially sensitive." [*Official Report*, 25 January 2007; Vol. 455, c. 2052-3W.]

If the Government have entered into contracts with those independent treatment centres on a basis that, for commercial reasons, will not allow information to be made available about the treatment of NHS patients in privately-run NHS units, but allows information about NHS hospitals to be made available to Members of Parliament and the public, there is a serious problem with the accountability of the national health service to Parliament and the public. I thought about that for some time and on 2 March I wrote to Sir John Bourn, the Comptroller and Auditor General, to explain that I was dissatisfied with the Department's failure to answer my questions about NHS treatment paid for with NHS cash for NHS patients in my constituency. Among other things I said:

"One of my responsibilities as a Member of Parliament is to scrutinise the Executive to find out whether its services provide good value for taxpayers' money. It severely undermines my ability to do so when a Minister declines to provide information about the volume of NHS activity and costs of providing this at an NHS treatment centre in my constituency."

I went to see my hon. Friend the Minister, to express my concern. He thought about the issue and said that he would re-examine it, and encouraged me to put

[Hugh Bayley]

down a pursuant question, which I did on 12 March. I heard nothing for a little while, and on 17 April Sir John Bourn wrote a holding reply. He said:

"We are investigating this matter with the Department of Health and the North Yorkshire PCT and will write to you with a substantive reply as soon as possible."

A few days later I received an answer from the Minister, who said:

"The Clifton National Health Service Treatment Centre is expected to deliver approximately 10,000 procedures over the five year contract period. At the end of January 1,817 procedures had been delivered for NHS patients."—[*Official Report*, 24 April 2007; Vol. 459, c. 1055W.]

I still did not have enough information to make an informed judgment about whether the Capio centre carries out as many treatments as it was commissioned to carry out and is being paid to carry out by the local PCT—which is, of course, in deficit. Nor did the reply allow me to make any assessment of whether the cost of providing those treatments in the independent treatment centre is more or less, per case, than the cost of treating patients in the local NHS hospital. When a local primary care trust is deeply in deficit and cutting services to patients because of a shortage of money, it matters enormously to me, as the Member of Parliament, and to people locally, to know that their money is being well spent. That is why comparative information is so important. I tabled further questions to my hon. Friend quite recently to ask for that comparative information. He has not yet replied, and I hope that before he does so he will feed in his reflections on the debate and be able to provide me and Parliament with the information that we need to make comparisons.

I congratulate the Select Committee on the report that it has produced. It examined wide policy issues and raised important questions, and I wish briefly to reflect on how some of its points affect the situation in York. The Committee raised the issue of capacity, stating that it is not clear whether the independent treatment centres have actually increased capacity. What has happened in York adds doubt and underlines the importance of drilling down to find out whether we are increasing capacity by encouraging the private sector to build new units.

Yes, we have 25 additional beds for elective surgery at the independent treatment centre, but we are losing beds at York hospital. I do not know whether we are increasing capacity overall, but we do know that the most important determinant of capacity for elective surgery in York is the financial standing of the North Yorkshire and York PCT. Providing extra beds does not increase the amount of money available to pay for treatment. I hope that the Select Committee will consider the issue further.

The Committee makes the point that we do not really know anything about clinical quality in the independent treatment centres compared with that in NHS hospitals. I do not wish to prejudge the issue; the information that I have had about the quality of care at the Capio centre in York is extremely good, but I should like an evidence-based, rather than anecdotal, assessment of the relative quality of care.

Finally, the Government response to the Committee points out that the utilisation rates of independent units is high, at 84 per cent. That suggests that my constituent's experience that 21 out of 24 beds were vacant is very much the exception rather than the rule, and I am pleased to hear that. I am not sure whether 84 per cent. is a high utilisation rate compared with the use of beds in NHS hospitals in the areas in which the private treatment units are competing, but again I hope that the Select Committee will examine that.

I have detained the House far too long. I am grateful for its indulgence—I have an independent unit in my constituency and it has posed important questions. I see the Capio centre as part of the solution to provide more treatment to more patients more quickly in York, but plenty of questions need to be answered. They are primarily about the quality of care; the relative cost-effectiveness of the independent centre and the service provided by the same doctors at the York Hospitals NHS Foundation Trust, and whether the creation of the independent centre has increased capacity and therefore the number of patients being treated in York.

3.33 pm

Dr. Richard Taylor (Wyre Forest) (Ind): It is a pleasure to follow the hon. Member for City of York (Hugh Bayley), who put his finger on several problems. I shall refer to several of them in the course of my contribution.

I begin by disagreeing with the hon. Member for Southend, West (Mr. Amess), because I wish to congratulate the Minister on the Government's response. It is easy to understand, because for once they have answered the report's points in the order in which they appear. I remember not long ago, having a nightmare wading through another response, in which none of the Government's responses were numbered. They were in a higgledy-piggledy order and lumped together. I congratulate the Minister—it is reasonable and reasonably full. I wish to follow up a lot of things in it, and as it is from six months ago, I think the Minister will be able to update us on progress.

I wish first to mention the quality of care and outcomes, which are crucial. I am a little confused about the taskforce and Healthcare Commission examinations, which are supposed to have reported, one in the spring and one in March. I would be grateful for an accurate update on when we can expect them to do so. I am slightly worried about the remit of the Healthcare Commission review. Paragraph 28 of the Government's response lists as part of that remit

"the extent to which the quality of care in ISTCs can be compared with the NHS".

That does not imply to me that there will actually be a comparison, which is what we want. It will just be about the extent to which the two can be compared, but we want an absolute comparison. Another bullet point is

"patients' assessment of quality of clinical care and their overall experience of care provided by ISTCs".

As many hon. Members have said, we desperately need a factual, evidence-based survey of the outcomes of the NHS and ISTCs.

Since our inquiry, some more little bits of isolated information have come to hand. I have had a note to tell me that long before ISTCs, Cardiff and Vale NHS

Trust was worried about its waiting lists and commissioned Weston Area NHS Trust to carry out a number of its routine orthopaedic procedures. It discovered that nine out of 147 knee replacements carried out by Weston required revision in the first year. That was absolutely appalling and about six times the expected revision rate. The criticism was not that it was an ISTC—it was an NHS centre—but that it was distant from the originators of the referrals. There was no communication between the centres, and different surgeons carried out the pre-operative assessment, the operation and the follow-up. Those problems seem to have led to much less accountability and problems with a distant service provided in the NHS.

Then I came across an earlier report in the "Annals of the Royal College of Surgeons" of 2005. It reviewed a relatively small number of patients who had been sent from the NHS in Exeter to the NHS in London for hip replacements. It found that over a period much longer than a year, the rate requiring revision was 12 out of 27 hip replacements, 44 per cent., compared with about 4.9 per cent. of those done in Exeter at the same time. As in the Cardiff example, the differences in outcome were because of patient selection, implant selection, the absence of follow-up and the absence of audit and accountability. The report implied that whenever an operation is done distantly from the originating hospital and consultant, there are specific problems to consider. The success or lack of it thus appears to relate to the distance from the originating unit.

That brings me straight on to the problems of integration and additionality. If there is integration between the referral point and the point where the operation will be carried out, whether NHS or independent, there will be communication, and the same doctors will do the pre-op, the post-op and the operation. One could hope that things would be much more satisfactory altogether. On integration, the Government's response states in paragraph 19:

> "Integration between ISTCs and the NHS has not yet reached the level we should hope for. This has limited the flow of innovation and best practice from the independent sector to the NHS and vice versa."

Paragraph 36 states:

> "Our aim is for the independent sector to work in partnership with local healthcare economies to provide solutions which reflect and cater to local requirements."

That brings us to additionality. Paragraph 37 states:

> "As recognised above, integration between ISTCs and the NHS has not yet reached the level we should hope for but changes to phase 2 should encourage greater integration."

Crucially, the paragraph continues:

> "For example, local SHAs must demonstrate how ISTCs will be integrated within the local health economy".

I am confused by additionality. Paragraph 39 states:

> "The relaxation of the additionality rules for the phase 2 ISTCs will bring about greater professional integration".

That is confusing, because we have been told elsewhere that shortage specialties will not be allowed, and that additionality will still apply. I believe that that applies to orthopaedic surgeons, yet many ISTCs are doing a lot of orthopaedics, which is the very place where we want additionality and integration.

It is implied that NHS consultants who work in ISTCs should do so during non-contracted hours. I do not think that there should be such a limitation. I am quite sure that what is happening in some ISTCs—it is probably happening in the ISTC in the constituency of the hon. Member for City of York—is that NHS consultants are doing the work as part of their job plan. If it is written into their job plan and paid for at the same rate as ordinary NHS work, the combination could work.

Dr. Stoate: Surely, if the work is part of the job plan and is therefore part of the NHS work load, how can capacity be increased and NHS waiting times and lists reduced? My understanding is that those were the main rationales for ISTCs in the first place.

Dr. Taylor: Capacity could be increased because there are occasions when theatre lists are not used completely because of a shortage of beds in NHS hospitals. I am absolutely in favour of separating emergency and elective services so that that does not happen, but, if they are not separated, and if orthopaedic surgeons are kicking their heels, this would be a useful place for them to fill in.

Training, quality, audit and follow-up would all be improved with closer integration. There is criticism of cherry-picking, but minor cases will be seen in treatment centres in any case. Provided that NHS surgeons are dealing with them, they will get some of the easier work—the work that is better for training.

It is absolutely inexplicable, if we go back a bit, that NHS Elect was set up to do just what the ISTCs are doing but within the NHS. It was set up, but I believe that within eight months there was the first wave of ISTCs, some of which stabbed NHS Elect centres in the back. I believe that the NHS centre at Ravenscourt Park hospital found itself in great difficulties because of competition from the independent sector.

We have a weird set-up in Kidderminster, in that part of our treatment centre is NHS and part is independent. Sadly, because of a total lack of integration, there is competition between the local NHS orthopaedic consultants and the ones working in the independent sector, so there are barriers to referral to the ISTC. That would not happen if there were integration and if ISTCs were part of the whole system.

I want to move on to phase 2 treatment centres, which I find quite worrying. Apparently there is no sign of the Government increasing the number of NHS treatment centres, yet the Department is negotiating contracts for some 20 new ISTCs. I was interested in the Select Committee Chairman's comments that there will be none in Yorkshire, and I wonder whether there is a geographical split. Perhaps in some areas doctors and trust managers are less resistant, and the Government are finding it easier to put ISTCs in place.

The ISTCs will have quite an effect—1.4 million operations in five years at a cost of £3.75 billion—and I cannot believe that they will not have some effect on NHS provision. I wonder if tariffs will take into account the greater severity and complexity of the work that will be done in the NHS.

[Dr. Richard Taylor]

I was slightly encouraged by one of the points in the Government's response. They say that strategic health authorities can decide whether they want ISTCs. I hope that they really will be allowed to decide whether they need one.

I would like to ask the Minister whether the Government have faced up to the consequences of a further push towards ISTCs. I refer him to a recent paper by Professor Chris Ham of the Health Services Management Centre in Birmingham. It is entitled, "When politics and markets collide", and it makes interesting reading. Professor Ham is a well-respected health service design consultant. Under the sub-heading, "The Next Stage of Health Reform", he states:

"The expansion of patient choice, the introduction of additional private sector capacity and the implementation of payment by results will create further instability in a system that is already finding it difficult to balance its budgets...The economics of providing care could also be affected if district general hospitals are less able to subsidise the costs of complex treatments by providing high volumes of elective and diagnostic care, should more of this care migrate to the private sector."

That is quite a warning. There may be some hope, in that the Government are showing themselves a little more amenable to arguments against allowing that to happen.

It was proposed that clinical assessment, treatment and support services would hand vast chunks of work to the private sector, particularly in the north-west, in just six specialties—orthopaedics, rheumatology, general surgery, ear nose and throat, gynae, and urology. However, there has been active opposition and cogent arguments from patients and professional groups. To my absolute amazement—I hope that the Minister will not be quite so surprised—those arguments have been listened to. Rheumatology has been removed from the list because the eight-week target can be met without it.

In Health questions a couple of weeks ago, it emerged that Chorley hospital is being allowed to provide CATS services within the NHS and without going to private providers. If Chorley can do it, why cannot everyone else? What is special about Chorley? There is also something called ICATS, which I always thought stood for independent CATS. However, it does not; it stands for integrated CATS, which means that the service is integrated with the NHS. That is happening in Oldham, which shows that the NHS can do it, if it is allowed to.

Paragraph 50 of the Government response states:

"ISTCs will only be introduced in health economies in which the SHA supports the case for them, and is committed to managing the capacity and financial consequences of ISTC implementation, particularly any impacts on existing NHS providers of elective care."

I strongly commend that paragraph to the Minister and ask him to act on it.

I have talked for long enough, so, in conclusion, I will mention costs. Paragraph 56 of the Government response explains some of the extra costs borne by private providers and hence why they are more expensive. That is surely a reason for concentrating on the NHS; if it is cheaper why the dickens do we not just concentrate on it? The National Audit Office has been mentioned already, and paragraph 58 of the Government response says that the NAO is considering an investigation. I would be grateful to know if that is so because that is how we would find out the answers to the questions posed by the hon. Member for City of York, which were absolutely relevant and crucial.

Paragraph 8 of the Government response is where I think the hon. Gentleman got the statement:

"Utilisation of ISTCs is high at 84%".

The response goes on to state

"and we are able to benchmark this against NHS performance."

What NHS performance? NHS performance in NHS treatment centres or bed occupancies in acute hospitals? In one Committee session, I remember a previous Secretary of State for Health got completely tied up between bed occupancies in acute hospitals and bed occupancies in treatment centres.

Hugh Bayley: I did indeed get the figure of 84 per cent. from the Government response. The Government are saying that utilisation rates are "high at 84%" and they

"are able to benchmark this against NHS performance."

It would be good to see the figures hospital by hospital in the areas where ISTCs are, so that the benchmarking figures that are clearly available to the Government are also made available to Parliament.

Dr. Taylor: That is one of the many questions that I hope the Minister will answer. I have talked for long enough and have posed enough questions; I am now looking for some answers.

3.54 pm

Charlotte Atkins (Staffordshire, Moorlands) (Lab): Not surprisingly, the Committee's report concluded that there are major benefits to separating elective and emergency care in treatment centres. The Committee realised that when we travelled in and around Kent and toured various treatment centres. What impressed me most was the NHS treatment centre at Dartford, which is entirely separate from the acute hospital although it is right next door. That centre delivered all the benefits of ISTCs, but without poor integration into the NHS, without the financial guarantees—the so called take or pay element—and without concerns about its potential adverse impact on existing NHS facilities. What worries me about the ISTC programme is not that ISTCs deliver poorer standards of care—we found no hard, quantifiable evidence that that was the case—but that the whole area of ISTCs seems to be an evidence-free policy zone.

Let me discuss each of the five objectives of the ISTC programme that we identified in the report. The first was to increase the elective capacity available in the NHS to reduce waiting lists. Waiting lists have come down dramatically and, for most procedures, waiting lists that were a problem in 1997 are no longer an issue. As the number of procedures performed by the ISTCs is such a tiny fraction of the total capacity of the NHS, it is unlikely that the credit for hugely reduced waiting lists can be attributed to ISTCs.

The second objective was to reduce the spot purchase price in the private sector. Before ISTCs, the NHS used the private sector on an ad hoc basis, and therefore it was inevitable that buying extra capacity would be expensive. That has changed and we have heard that fees for some operations have fallen by as much as 50 per cent., because of ISTCs. However, because NHS

waiting lists were massively reduced, the private sector was under pressure to reduce its prices and seek partnership deals with the NHS, and we witnessed that when we toured some of the treatment centres.

Thirdly, ISTCs were expected to encourage best practice and innovation. Being new and not constrained by existing practices, ISTCs have innovated—particularly by improving their administrative processes and clinical management. However, that is hardly surprising, given that they deal with a regular and consistent case mix involving elective surgery only. Such innovations are not unique to the private sector. Indeed, the Department's own report in January 2005 was positive about the productivity and innovation in NHS treatment centres. Examples of good practice and efficiency exist in both ISTCs and NHS treatment centres.

It is more difficult to establish the effect of ISTCs practice on the NHS as a whole. ISTCs were expected to stimulate reform in the NHS through competition. However, the Committee was not given sufficient evidence to assess whether ISTCs have spread best practice. It does not appear that NHS facilities have systematically adopted techniques pioneered by ISTCs. That is not to say that the involvement of the private sector has not had a positive effect on some aspects of the national health service and the way that it does things. It is surprising that there has not been an innovative effect on the whole of the rest of the NHS.

From my local experience, I am concerned about how ISTCs have been set up and are operating. In fact, I have had similar experiences to those of my hon. Friend the Member for City of York (Hugh Bayley). My local ISTC in Burton treated its first patient in July 2006. The contract will run for five years until July 2011. It is run by the US health care provider Nations Healthcare on a take or pay contract, which means that the company is guaranteed the full contract value paid monthly, regardless of whether it treats patients or not. That means that the entire financial risk is met by the primary care trusts.

Over 12 months, North Staffordshire PCT's activities are supposed to comprise 745 day care procedures and 612 ophthalmology outpatient attendances. However, few patients from north Staffordshire would choose to travel to Burton. At best, that would mean a journey of one and a quarter hours, possible even two hours. People would not necessarily choose to do that because it is a very difficult journey, and so nothing like the numbers contracted are being treated.

Nations Healthcare recognised that at the outset and paid for taxis, but that is no longer the case. Patients, therefore, have to get themselves to their first outpatient appointment, then they have to get themselves there for the procedure, and then for any subsequent follow-ups. Like the Select Committee, I was unable to unearth the exact figures for the contract and how much actually is being delivered. However, one of my Stoke-on-Trent colleagues, my hon. Friend the Member for Stoke-on-Trent, Central (Mark Fisher), told me that he had heard that over six months it had treated just 59 patients from the Stoke On Trent PCT. That is costing—wait for this!—about £2 million a year.

On that basis, North Staffordshire PCT must be losing at least £500,000 a year on the contract. That cannot be justified. As my hon. Friend the Member for City of York said, that is particularly the case when the PCT is carrying a £4.1 million deficit. If that is not the case, and those figures are completely off the wall, I would like to hear from Nations Healthcare what the true figures are. If such rumours are circulating within the health economy of north and east Staffordshire, they need to be refuted.

Anecdotally, I know that the Burton treatment centre is working well below capacity. Despite that, the contract management board, which is supposed to manage the centre, has had to raise numerous concerns about the performance of the treatment centre—in particular, breaches of waiting list targets, which is absolutely ridiculous given that the centre is working at such low capacity. Why can it not meet its waiting list targets if it is working at very low capacity? Not surprisingly, several management staff have been suspended. However, with a guaranteed income, Nations Healthcare has no incentive to get its act together because the treatment centre's services are not even loaded on to the directory of services. Even if general practitioners wanted to, or their patients chose to, patients could not be referred electronically to the Burton centre.

A further problem has been Nations Healthcare's failure to contact patients waiting to transfer from the waiting list of the University hospital of North Staffordshire. It failed to contact them with appointment times so, not surprisingly, patients who had been persuaded to go to Burton have gone back on the waiting list of the University hospital of North Staffordshire. The problem is that none of that affects Nations Healthcare's pocket. It just ends up ripping off PCTs.

In response to the Select Committee's concern about the take or pay contracts, the Government, in their response, said that where there is underutilisation, the Department works co-operatively with the PCTs and the treatment centre to move activity to a later stage in the life of the contract. Presumably that means that the contract will continue past the five years for which currently it can run.

I understand that something like that might be happening in Burton, where some of the underused capacity is being carried forward into 2007-08, but that will not necessarily address the reluctance of patients from north Staffordshire to go to Burton. Perhaps, as the Government suggested in their response, case mix changes could be looked at. For instance, I am sure that if audiology was on offer, those destined to wait years for a digital hearing aid would be only too happy to travel to Burton for earlier treatment. Is that being considered? And if not, why not? It would certainly deliver added value locally.

Dr. Stoate: Does my hon. Friend agree with me that there is a perverse incentive for companies on a take or pay contract, because the fewer operations that they carry out, the lower their costs, and therefore the larger their profit? The incentive is to underperform. Is that not part of the problem? It is one of the reasons that they do not seem to be trying too hard to bring patient numbers up to where they should be.

Charlotte Atkins: Absolutely. They are not willing even to contact patients on another hospital waiting list or to overcome the travel problem by providing taxis. But why should they? There is no incentive. My hon. Friend is absolutely right.

[Charlotte Atkins]

One way to make the take or pay contracts deliver something approaching value for money is to extend the length of the contract to take up unused activity. However, that will not help if patients do not want to travel. That problem can be resolved only if Burton provides services generally unavailable elsewhere in the health economy.

The treatment centre is adding some capacity to publicly funded health care. But after all, that was the original objective of ISTCs, and one with which I have no problem. Obviously, it makes sense. Clearly, they have a role. However, over the last 10 years, the health service has changed vastly; it has even changed vastly since the programme was established. I cannot understand why, if everything else is up for change, the programme cannot be.

PCT's deficits are being increased as a result of being locked into treatment centre contracts that will not deliver to local people. Surely, the Government will not commit themselves to another £550 million a year for a second wave of ISTCs without addressing those changed circumstances. Already, waiting lists are down massively, so why are we looking at a second phase. Clearly, circumstances have changed significantly.

The Department tells us that before an ISTC is agreed, there is a robust—its word—process to ensure that there is local support and a capacity need for each elective ISTC. From stories I hear, that does not appear to have happened in Staffordshire. It was more like the Shropshire and Staffordshire strategic health authority presenting it as a done deal—a fait accompli. That was the very same strategic health authority that tried to force a Staffordshire-wide primary care trust on us. Ministers intervened then and gave us the local primary care trust for which I campaigned over nine months. I am very grateful to Ministers for doing that.

I urge the Minister to intervene on the Burton treatment centre to ensure that it pays its way and delivers something approaching value for money; to ensure the delivery of a service that people want, either by changing the case mix or ensuring that that purpose-built facility delivers; to ensure that PCTs do not have to spend thousands, maybe hundreds of thousands of pounds for a service that it is not getting; and to ensure that it deals effectively with patients and that it does not just sit back and expect GPs to transport patients—it cannot even be bothered to ensure that its services can be contracted electronically.

I know that the Burton centre has been open for less than a year, but I do not believe that an NHS facility would be allowed to fail as conclusively as that treatment centre. I therefore hope that the Minister will urgently talk to the treatment centre and to the strategic health authority to find out what is going on. It is not fair to expect primary care trusts to deliver on their deficits, to plan and to ensure that they cut back on their over-expenditure when they are having to drain money away to a centre that is not delivering for local people in my constituency.

4.10 pm

Dr. Howard Stoate (Dartford) (Lab): I congratulate my right hon. Friend the Member for Rother Valley (Mr. Barron), the Chair of the Health Committee, on securing the debate, which has proven to be extremely informative. Hon. Members have raised extraordinarily interesting points, which I hope my hon. Friend the Minister will deal with in due course.

My right hon. Friend has set out the terms of reference under which independent sector treatment centres were set up, and we have listened to hon. Members mentioning some of the pros and cons of those issues. I would like to keep things even simpler than that. In my view, the mark of whether the ISTC programme is a success or not is, first, does it improve patient care and, secondly, does it do so at a reasonable cost?

To answer that question, I would like to go back a few years. I have been in the health service for many years and I can think back to many times when waiting lists were far worse than they are now. Not too long ago, it was not unusual to wait two to three years for a hip replacement. The wait for someone with a hernia was not much different. Similarly, for many orthopaedic procedures, there were very long waiting waits and very poor provision.

The NHS at that time was simply not modernising as it needed to do. Outmoded treatments were still being offered by some centres. Not every centre was offering the most up-to-date surgical techniques. There were reasons for that. One reason was that some surgeons simply were not trained to the high level that we would expect. In other areas, they did not have access to the equipment that they needed for more modern surgical techniques, because the hospital simply did not see those as a major issue. Often, there was underutilisation of capacity: there were empty beds and surgeons were sitting around unable to operate because theatre capacity was not sufficient. Poor capacity in intensive care units meant that operations had to be postponed because there was not the staff, the equipment or the facilities to ensure safe operations.

We have heard this afternoon that it was very common at one time for operations to be cancelled at the very last minute—sometimes when the patient had already been sedated—because an emergency had come in. At other times, people received a phone call the previous day to say, "I'm sorry. Your bed's been taken by an emergency. Come back next week and we might be able to help you then." That was all too often, and all too depressingly, the case. People would have put a lot of time and effort into planning for their operation. They would have talked to their family; they would have talked to their children. Their husbands or partners would have taken time off work. They would have made arrangements for their children to be cared for. They would do all that only to find the day before that the operation was cancelled.

I have always been an advocate of the complete separation of acute treatment and elective treatment and having them in completely different sectors. I am very pleased that the Government have responded to the many calls made by me and others for the separation of acute and elective surgery in particular, so that those operations simply would not be cancelled any more, because the elective centre would have in effect ring-fenced staff, ring-fenced facilities and ring-fenced theatres. That is extremely good news.

It is easy to say that the NHS could by itself have put those problems right. There is nothing to say that we needed independent sector treatment centres to improve

any of the things that I have mentioned. Surgeons could have been trained in the latest techniques; hospitals could have chosen to buy the latest equipment; operating theatres could have been upgraded in line with best practice; and capacity issues could have been addressed by individual hospitals and trusts as and when they chose. However, that was not happening.

For all the problems with independent treatment centres, they have acted as an enormous spur or at least as a driver to try to bring all centres up to the best standard. We have heard from colleagues this afternoon that many NHS centres have achieved that. The question is: would they have achieved it if we had not been having a debate over the past 10 years on whether we increase capacity by using the independent sector? My view is that, although the overall effect of independent treatment centres has been quite small in terms of numbers, they have raised the debate to a level to which it was not previously raised, which in itself has been a driver for best practice improvements in other parts of the sector. Therefore, the programme should be welcomed at least as an extremely useful debating point and a very useful springboard for improving practice.

There is no question but that the establishment of ISTCs was driven by a wish to reduce surgical waiting lists and to improve cost-efficiency in the NHS, which in itself should be laudable. The centres have indeed offered more patient choice. Where they exist, patients and doctors have an extra choice over and above the existing system. Many ISTCs have been able to introduce best practice and have been successful in introducing a range of innovative working practices. They have, therefore, been able to improve patient care.

I have done some research on the issue and had a look around the country to see what has been achieved in various centres. I shall mention just a few examples. In some areas, mobile solutions have been provided whereby the provider supplies clinical services from mobile units set up on agreed sites, particularly to improve access in remote areas. There has been the construction of new facilities designed around the clinical flow of patients and thus improving productivity. That is a brand new concept for designing services.

There has been improved process design, to improve the patient's experience by increasing throughput without compromising patient safety or clinical quality. Mobile ophthalmology units, for example, are capable of dealing with 20 to 23 cases a day due to streamlined processes facilitating efficient use of theatre space and resources. Extraneous administrative processes have often been put online, so that surgery is not delayed and can commence at the start of the working day. Some centres have stocked a smaller range of prostheses, allowing theatre staff to become more proficient and more productive in the use of a more limited range of prosthetic devices.

Some centres have used local anaesthetics instead of general anaesthetics for primary joint replacements, thereby reducing the anaesthetic risk and the average length of stay to five days from the eight days previously experienced in the NHS. Some centres have introduced blood conservancy and recycling measures that reduce the need for transfusions. That is an important issue as well. However, none of those issues is exclusive to those centres. All those things could have been achieved elsewhere, but the fact is that in too many cases they have not been.

That said, it is important not to over-emphasise the impact that ISTCs have had. The British Medical Association, for example, contends that

"the participation in research, teaching, and peer-reviewed activity that is vital for innovation in healthcare is not ideally suited to the working environments found within most, if not all, ISTCs. The employment of overseas clinical teams often on short-term, rotating contracts in ISTCs is one example of such a possible shortcoming."

It is also clear to me that ISTCs are not necessarily more efficient than NHS treatment centres. I was very proud that the Health Committee chose to visit my local unit in Dartford—the Woodland centre—which has been extremely efficient. Indeed, many colleagues have referred to its very good practice and the very streamlined approach that it has taken, integrating the NHS treatment centre into the mainstream hospital, thereby getting many of the benefits and very few of the disadvantages of the system. In fact, that centre has achieved a theatre utilisation rate of 90 per cent., which by any standard can be considered very high.

Similarly, the Nuffield orthopaedic centre in Oxford, where care pathways were written with primary care involvement, has been successful in achieving a reduction in the length of stay from 12 days to just five days. In Goole, the average length of stay in orthopaedics has been reduced from 12 to about six days, thanks to improved pre-operative assessment techniques.

It seems that innovation in most ISTCs is largely a matter of better processes and clinical management, rather than revolutionary surgical techniques. It is probable that it has been driven by the regular and consistent case mix, and stems from the elective surgery only status of all treatment centres, rather than the independent sector's involvement in the treatment centre programme.

A number of written submissions to the inquiry also made the point that some specialties and operations may be more suited to the ISTC system than others. Cataract surgery, for example, is a relatively simple patient pathway and is well suited to the system. A general practitioner or an optician can make the diagnosis and the patient is then referred to an ophthalmologist. A relatively straightforward operation is performed and the patient can often be discharged with no follow-up at all, apart from perhaps a visit to their local GP.

However, many other surgical procedures are not so straightforward. A patient with rheumatoid arthritis, for example, who requires joint replacement surgery may have poor bone density, other medical conditions, a complicated drug regime and mobility problems, and therefore probably is not a suitable case for the type of procedure that I have described. They may need far more follow-up and rehabilitation.

While ISTCs might be ideal models for simple, one-stop surgery, they do not work so well with complex conditions that require continuing care. Many NHS hospitals and departments have developed multi-disciplinary teams to manage the rehabilitation of post-operative and other patients, who may be seen for several weeks after their discharge. As ISTCs do not provide multi-disciplinary teams, they cannot and do not provide such a complete care package, and therefore do not have to bear the

[Dr. Howard Stoate]

financial consequences of aftercare, which the NHS often has to pick up. Concerns have also been raised about the tendency of some ISTCs to cherry-pick patients, and to leave the more difficult cases that require significant amounts of post-operative care to the NHS.

There is also an issue with training, which has been mentioned. In giving ISTCs that are run by non-NHS staff responsibility for carrying out a large number of procedures in key specialties, we might be making it more difficult for junior doctors to gain the requisite amount of experience in those areas. I know that the Government have looked into that, and I am keen to hear what the Minister has to say on it. The fact remains that, if we are to train the next generation of surgeons to the very high standards that we require so that they are able to provide a good service, they must gain a lot of experience with routine patients as well as more complex cases. Many of my colleagues who work in general surgery are worried that if all the routine, relatively straightforward cases are sent to the independent sectors, leaving only the complex and rare cases behind, that does not leave a good training base to provide all-round, well-trained surgeons.

Some of those problems are not only expensive, but can slow down patient care, and are inconsistent with the Government's stated aim of moving more care from specialist secondary services and into primary care services. People have raised with me their concerns that many of the procedures that are carried out in ISTCs could be performed by trained GPs in their surgeries, such as the removal of certain cysts, minor skin procedures, endoscopies, colposcopies and so on. Indeed, many such procedures are already being provided by specialist, trained GPs. If we steer many of those patients to ISTCs, we will maintain high costs and will risk flying in the face of Government policy to transfer much more of that kind of care back into the primary care sector.

In conclusion, I think that there is a role for ISTCs in the NHS as additional providers of services, but they need to be carefully managed. We should use best practice in those services to direct and drive care and modernisation within the NHS, to act as a focus for improved efficiency and to show hospitals across the NHS what can be achieved. They can be a useful pilot to show how they can be a genuinely useful addition to NHS capacity that improves the patient experience at a cost that really is affordable. However, we need to recognise the lack of transparency in some of these issues—many hon. Members have mentioned that. Provided that ISTCs do not undermine the NHS's existing work, they can and should be seen as a useful addition to what we currently offer.

4.22 pm

Dr. Andrew Murrison (Westbury) (Con): I congratulate the Chairman and members of the Health Committee on producing the report, which is excellent and very fair. It is a pity that it has taken so long for this issue to be debated, as it now lacks an element of currency, but the debate is quite timely given the impending decisions that Ministers have to make about phase 2 ISTCs. I hope that the Minister is going to say something about those.

It is a mark of the times in which we live that the campaign group "Keep Our NHS Public" has accused Ministers of acting ideologically because of their apparent preference for supporting the independent sector in health care. I certainly would not accuse Ministers of being ideological in that respect, but I shall ask the Minister to account for many of the elements of ISTCs that were highlighted by the Select Committee. What matters for us is what works. Like Ministers, I hope, we have no particular ideological hang-ups about public, private and not-for-profit. Surely what matters—I hope that we can all agree on this—is what delivers outcomes for patients.

The report focused very well on issues such as choice, quality, cost-effectiveness and innovation. We, too, need to focus on them, as well as on supplementary areas such as training, about which we have rightly heard today. We need to focus on the impact that ISTCs might have on those areas, and on the extent to which those issues might have been overlooked by Ministers in their pursuit of ISTCs. There is clearly a case to answer, because some of those elements have been recognised and addressed as part of phase 2.

I know that this matter is of great interest to the Labour party and has caused quite a lot of unhappiness. It divided the party conference and caused some problems for the Health Secretary at that time. Helpful as ever, my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) offered some words to the Health Secretary back in September. He said that she

> "would not have this problem if she had listened to our advice and created genuine competition, not preferential competition, which means that independent treatment centres currently carry out 73 per cent. of work, but are paid for 100 per cent. This is why hospitals are closing down wards."

The Department of Health has analysed the possible effects of independent sector treatment centres on district general hospitals, but has refused to be entirely candid about the results of that analysis. That is a great pity. We have heard about our ability to hold the Government to account, which we do largely through Select Committees. If the Department of Health feels unable to share that kind of information, that degrades our ability, as parliamentarians, to call the Government to account and is a serious matter.

We need to know why the Committee and the House have been denied that information. That is particularly important at this point, because district general hospitals are facing something of a pincer movement. They are facing threats from ISTCs and from the move towards tertiary centres. We have had the Boyle and Alberti reports recently, and the idea that trauma should be centralised and that some accident and emergency departments should, perhaps, be downsized. Those factors have serious implications for the concept of district general hospitals.

Ministers are right to say that nothing should stand still and that a model that was created in the 1960s needs to be updated. However, we need to celebrate what is best in our health service and we must also remember that district general hospitals provide a whole range of things in addition to direct patient outputs. We have talked about training and I hope that the Minister will talk about it a little more.

Tomorrow, I am going to visit the Gloucestershire Royal hospital, where I worked briefly before I was elected. No doubt, the hospital will want to discuss what phase 2 will mean for it. There seems to be some confusion out there in the provider arm of the national health service about what independent sector treatment centres there are going to be and when contracts are going to be signed off.

It is also important to recognise that it is not only large district general hospitals that are affected by ISTCs. The hon. Member for Dartford (Dr. Stoate) mentioned primary care, and rightly so. Community hospitals will also be affected. I know, to my cost, that a very valuable cataract service at Westbury community hospital has ceased to exist; of course, those sorts of services are threatened when ISTCs appear.

One of the selling points of ISTCs was the idea of innovation: that ISTCs were going to innovate and bring new things to health services. There is nothing particularly new about stand-alone centres of these sorts. I recall a hospital called Black Notley near Braintree, which closed down in 1998. It had provided services for local communities, particularly cold orthopaedic surgeries, since 1904. We can sign up to the concept that cold and non-acute cases might usefully be separated from emergency cases if cold cases are consistently being delayed or de-prioritised. We must also recognise that there need not necessarily be an ISTC model delivering services. Other hon. Members have discussed how that problem, which affects the cold, elective part of the health care service when it is faced with the priority of emergencies—of course, priorities come with emergencies—can be addressed.

I am also less than convinced, as I believe the Committee was, by the idea that ISTCs brought innovations to the health service. Interestingly, Professor Karol Sikora was talking about cancer treatment on this morning's "Today" programme, and parallels do exist because his concern is not that the NHS is not good at innovation and research, but simply that it is not terribly good at rolling out its results. I have seen no evidence—neither, clearly, has the Committee—for suggesting that ISTCs, rather than the wider service, have been the crucible for innovation. The problem has been that the wider service has perhaps not rolled out innovations in quite the way that we might have hoped; in a sense, they have been reinvented in a number of ISTCs.

One or two hon. Members mentioned the avoidance of cancellations. I support measures that will avoid the awful situation where people are phoned on the morning of their operation and told, "Don't come in, because we are full. We have emergencies and we simply cannot accommodate you." Such situations are not always due to emergency surgery; they can occur for a range of other reasons. Recently, wards have unfortunately had to be closed because of infections. I do not discern any difference in the pace of that cancellation rate. The rate remains, and these situations are deeply distressing, particularly for patients who have worked themselves up for operations. I am thinking of elderly patients and those requiring hip replacement surgery. Often such people have starved themselves overnight only to be told not to come in, sometimes on a serial basis. I commend Ministers to examine measures that might avoid that happening. This issue is important and cancellations are still occurring.

The case mix on pages 12 and 13 of the report shows that ISTCs are not necessarily doing the sort of stuff that is likely to be subject to cancellation. Orthopaedics are clearly in the frame, because where an emergency requires theatre time, cold cases—orthopaedic cases and elective cases—will be cancelled, but ISTCs are doing a range of other things: ophthalmology; dermatology; ear, nose and throat—ENT; rheumatology; and endoscopies. Such things require different practitioners from those who might be involved in emergency cases, different facilities and different operating theatres. It is unlikely that ISTCs, certainly as currently configured, will make a big impact on avoiding hospital operation cancellations. I wish that they would, but I simply do not see it happening, given the case mix displayed.

Training is vital and topical. Ministers have to deal with the debacle of modernising medical careers and the medical training application system—MTAS. There is a real problem in the training of junior doctors. Phase 1 ISTCs did not do training in any meaningful and systematic way. To be fair, the Government response appears to have recognised that and at least says that they will ensure that training is a part of phase 2, but the Minister needs to give us more detail. What does he mean by training? Who will be trained? To what standard will they be trained? Will those doing the training be competent? Will they be in a position to train juniors in the kind of competency-based way that we expect these days?

It is bizarre that additionality means that NHS juniors will not be trained because we are effectively importing overseas doctors under the additionality rule. That is odd indeed. I hope that as part of phase 2 and the contracts which we believe are up for signing shortly, Ministers will ensure that additional training capacity is created. We were told recently in the House that it would be, in order to sort out some of the shortfall that we expect shortly and the medical unemployment that seems likely. This seems to be an opportunity, and I should be interested to hear from the Minister what he has done with independent sector providers to ensure that capacity for training within ISTCs has been upgraded to fulfil the Health Secretary's promise that additional places will be created.

There appears to be an element of job loss within the service. I recently received a note from a consultant at the Royal United hospital in Bath on the impact of ISTCs on his institution. It starts extremely well, saying:

> "First, I just wanted to say how much I appreciate your strong and high-profile campaigning on the NHS nationally."

Naturally enough, I warmed to this correspondent immediately. He went on to say:

> "Regarding the imminent cutbacks and job-losses at the RUH...I just wanted to make a point which I feel is not really being highlighted and yet I feel is very relevant. It is no surprise that job-losses are felt necessary by our trust's management. One contributing factor is the so-called Treatment Centre...nearby in Shepton Mallet...which is treating straightforward patients for routine ops at an inflated tariff and leaving the more complex cases as well as sorting out their errors, to the local NHS."

That is a pervading worry of ours. Because we have not got the data to refute it, there will always be a suspicion that ISTCs are in some way poaching staff and providing a service that is not as effective as that in the

[Dr. Andrew Murrison]

mainstream NHS. The fault lies with data collection: if we do not have the data, we cannot refute the allegation.

The hon. Member for Wyre Forest (Dr. Taylor) talked about consultants "kicking around"—I believe that those were his words. I think that he meant that they had some spare capacity. The British Orthopaedic Association, which is vilified directly and indirectly in the report and the Government response, says that at least 30 trained surgeons with certificates of completion of training are unable to get jobs and cannot work in ISTCs because of the rules on additionality. The Minister says that phase 2 will involve a relaxation of the additionality rule, which must be welcome. Apparently, there is a list of shortage professions whose members will not be admitted to work in ISTCs but everybody else, by implication, will be. But of course, shortages mean many things and one cannot simply identify a shortage profession. Is that list speciality-sensitive? Is it geographically defined? Is it grade-specific?

Much has been said about the quality of output from ISTCs. In January, a Department of Health document was leaked. It pointed out that national data on the clinical quality of ISTCs are

"incomplete and of extremely poor quality"

I am left wondering why, in this day and age when we are so focused on governance and when this Government have put so much effort into obliging doctors to do governance, it is felt that that governance does not necessarily extend to the Department of Health.

In governance, one must ensure that one measures what one does, that one audits everything that one does and that one looks back to try to determine how one might do things better. In this respect, this Government, pretty well by their own admission, have simply not bothered to collect the kind of data that would enable one to do that kind of auditing exercise. Such an exercise would enable one to compare and contrast ISTCs, one with another, the effectiveness of private sector providers, one with another, and it would allow comparisons to be made with the mainstream NHS.

That is a serious omission. It mirrors omissions of a similar sort in public health. We shall be debating the alcohol harm reduction strategy on Tuesday. Its first phase has not been assessed in any meaningful way, so how on earth can we go on to the second phase? In respect of modernising medical careers and MTAS, it is clear from the Health Secretary's hesitant response to questions put by my hon. Friend the Member for South Cambridgeshire about quality assurance that little of it was built in to that adventure. I suspect that that is part of the problem.

Both the Health Committee and the Government said that organisations such as the British Orthopaedic Association have been alarmist in their assessment of poor quality, but the Government cannot say that such organisations of professionals in the field are being alarmist if they have not acquired the data to refute the allegations. I am afraid that the Government have done themselves no good in failing to acquire that data.

Mr. Barron: If the British Orthopaedic Association does not have evidence to back up its emotive language and the figures on complications in ISTCs, was it not being alarmist?

Dr. Murrison: We must give the British Orthopaedic Association and the other professionals some credit for being on the ground. They are the people who see the complications. The Health Committee Chairman scoffs, but when I am faced with a consultant orthopaedic surgeon who has seen the end results of complications that he attributes to ISTCs, I take note of that. I do not make a judgment on whether the British Orthopaedic Association or the Government are correct in asserting that ISTCs are doing a better, worse or the same sort of job as the NHS, but it is wrong to ignore what is admittedly anecdote from professionals about what they see going on. What are they supposed do to? Are they supposed to throw up their hands and say, "We are seeing this, but we are not going to tell you"? I think not.

Mr. Barron: Witnesses made anecdotal allegations with no evidence whatever, and we asked them about that not on just one occasion, but on several occasions, and when they sat in front of us giving evidence. They could not even back up evidence that they had put on websites. The hon. Gentleman is taking one side.

While we were critical of the BOA, I thought we took a steady line, because we did not say that it was not telling the truth. We said that there was no evidence for what it was saying. How can one side be accepted without the evidence being checked? That is what the hon. Gentleman seems to be doing today.

Dr. Murrison: I am not sure whether Angus Wallace, professor of orthopaedic surgery at Nottingham university medical school, gave evidence to the Committee, but he has said that

"the number of patients we are seeing with problems resulting from poor surgery—incorrectly inserted prostheses, technical errors and infected joint replacements—is too great."

He also said that many overseas surgeons

"have been asked to carry out joint replacement operations that they have never seen or done before."

Many of the centres have contracts to buy just one type of artificial joint, but sometimes it is one that the surgeon has no experience of using. Professor Wallace continued:

"It is quite clear that this has occurred with inadequate training of both the surgeons and the operating theatre staff and as a consequence there have been several serious errors—joint replacements put in without bone cement when bone cement was essential for that joint replacement, the use of the incorrect size heads...for a hip joint replacements, etc."

Professor Wallace is not in the business of systematically analysing all the cases that have been done in ISTCs. He cannot do that, because he does not have the resources—nor does the British Orthopaedic Association—but he is reporting what he is finding on the ground. I am no orthopaedic surgeon, but I have hung off the end of a retractor in an orthopaedic operating theatre, as the hon. Member for Dartford will have done, and even with our rudimentary knowledge of orthopaedics—I speak for myself,not the hon. Gentleman—we know that that is disastrous.

There are many sorts of hip replacement. They are not all the same, and fitting a Charnley or an Exeter requires surgeons to have done a course for them and the team to be familiar with the kit. Professor Wallace's comments have the feeling of truth to me, and I entirely accept them—*[Interruption.]*

The right hon. Gentleman says from a sedentary position that there is no evidence. The evidence is what I want the Department of Health to acquire. That is what it should have done, then the Minister could have provided the evidence and said whether it refuted any allegations that there are problems with ISTCs. We cannot ignore such remarks from the front line, and if we do, we do so at our great peril and with complacency, which is not what our constituents expect—mine certainly do not expect that of me.

Although the Liberal Democrats' absence has freed up a bit of time for us, the hour is late and I am sure we all want to get away in good time. My hon. Friend the Member for Southend, West (Mr. Amess) made an important point about language proficiency. The international English language testing system does not apply to European economic area doctors, but does to those from outside the EEA. The Committee rightly pointed out that that is inconsistent. It is not acceptable for Ministers to say that it is up to the employing trust to ensure that people are proficient in the English language. The issue is safety-critical, and if we do not require proficiency to be demonstrated by Polish surgeons, but require that from surgeons from India or Pakistan, who in my experience have excellent English of course, what on earth is the point of having the test at all?

Last month, the Prime Minister delivered what we assume will be his last major speech on health care to the King's Fund. The fund's chief executive pointed out that the success of the reforms will be measured by their sustainability. The Prime Minister did not disagree, and I should be interested to know whether the Minister agrees or disagrees with that assertion. For example, how sustainable does he believe independent sector treatment centres will be, particularly phase 2?

The Committee heard that of the 31 schemes proposed under phase 2, seven will not go ahead. I should be interested to know from the Minister why that is, and why the strategic health authorities that are responsible for the seven schemes will, nevertheless, be obliged to make independent provision by other means? We seem to be going back to Sir Nigel Crisp's assertion at the beginning of last year that 10 per cent. of deliverables should be forthcoming from the independent sector.

As I have made clear, I have no problem with involving any provider if it is beneficial to NHS patients, but it is strange that we should insist on private provision, and particularly a certain proportion of service delivery being provided from the independent sector. Why have primary care trusts been bullied into accepting independent sector treatment centres when the Department of Health makes so much about local decision making.

The Committee heard about Mrs. Jane Hanna's remarks. She was the non-executive director of South West Oxfordshire primary care trust and talked of policy

"imposed through private, informal methods which included threats and bullying."

That seems odd, and to fly in the face of local decision making and accountability.

The Government's response does not rule out take or pay, and I should be grateful if the Minister would say what he would rule in and what is to replace take or pay, or how take or pay might be modified in phase 2 to make it more acceptable. One thing is for sure—take or pay has resulted in a huge waste under phase 1. Page 13 of the Government's response says:

"we do not expect to pay the same premium as in wave 1."

I should be grateful if the Minister would say how much of a premium he expects to pay in phase 2.

We need to know the status of phase 2 ISTCs. Had the Liberal Democrats been here, they would have pointed out that the hon. Member for Yeovil (Mr. Laws) asked about ISTCs on 24 April.

It was a good question, which resulted in the Minister placing in the Library a list of ISTCs on which decisions are outstanding. I have a copy of the list in front of me, but it needs updating, because the Nuffield group's project for the west midlands has apparently been cancelled. The Nuffield group has pulled out, citing costs and delays, although we understand today that the BUPA contract for the north-west has been signed off.

I should be grateful if the Minister could say why there appears to be such a delay in signing off the various contracts in the document that he placed in the Library. Has there been or is there likely to be a last-minute rush to sign contracts, given today's momentous events? I am not talking about the Bank of England raising interest rates. How far is the Treasury driving the situation, and can the delay be attributed to the Chancellor's attitude to the NHS or desire to placate the service?

Finally, I should like to know the cost of cancelling any projects listed in the document that the Minister placed in the Library on 24 April. Has he, or have any of his officials, been asked to prepare an account of them? I hope that he will be able to answer that question. He can be assured that if he does not answer it directly, I shall press him further.

4.51 pm

The Minister of State, Department of Health (Andy Burnham): I thank all right hon. and hon. Members who have contributed to the debate. They are an eminent gathering of health policy experts, and we have had an extremely high-quality debate.

I thank my right hon. Friend the Member for Rother Valley (Mr. Barron) for the measured and balanced way in which he introduced his remarks, and for his leadership of the report by the Select Committee on Health. It has made a timely contribution to the debate about independent sector treatment centres and, more widely, the changing nature of the relationship between the NHS and the private sector. The report's content and its analysis of the changing situation were of particular value.

I hope to reassure the hon. Member for Southend, West (Mr. Amess)—I call him my hon. Friend—that far from not taking the recommendations seriously, we have paid careful attention to them. I can point to changes that have since taken place, particularly on two issues—additionality and training—that many Members have raised this afternoon. I shall turn to those points during my remarks.

[Andy Burnham]

If I may, I shall begin with a point about perspective. There is often a great deal of hot air vented and ink spilled on the subject, but it is important to remember that by the end of the decade under the current ISTC programme, about 5 per cent. of NHS elective activity will be carried out in the independent sector. We must place the issue in perspective and consider the huge range of work that goes on in our national health service.

On another point of context, last year £216 million was spent on procedures through centrally arranged procurements, compared with the £80 billion-plus that was spent in the national health service. I am not trying to minimise the issues that we are here to discuss, but it is an important point of context.

I am disappointed that my hon. Friend the Member for Pendle (Mr. Prentice) has not stayed for the close of this important debate, although I was pleased that he was present earlier. If he had stayed, I should have asked him and others who question the value of the ISTC programme, and more broadly, the Government's work over the past 10 years on reducing waiting times and lists, to consider the individual patient benefit of such work. Too often, we quote the statistics, but there are many examples of lives that have been changed and improved as a result of the action that has been taken. The hon. Member for Westbury (Dr. Murrison) said that today is a day when we look back over the past 10 years, so perhaps he will not mind if I do so, as Ministers are accustomed to do, with a few figures.

In the first quarter of 1997, 284,000 patients were waiting more than six months for in-patient treatment. My hon. Friend the Member for Dartford (Dr. Stoate), who spoke with incredible knowledge about the subject, was absolutely right: such waits were commonplace at the time. If we think about the human cost of that statistic that we throw out, it is enormous. Today, 350 patients are waiting more than six months. In 1997, more than 30,000 people were waiting more than 12 months, and today, no one is waiting longer than 12 months.

I would have said to my hon. Friend the Member for Pendle that opponents of the ISTC programme rarely ask how many patients in the past were forced to go private. We would never have known about such spend in the private sector, because patients had to fork out for it out of their own pockets. We all know that that is what happened to many people. They were left in such a position when NHS waiting lists were that length, and they were forced to dig into their own pockets—their own savings—to obtain their operation.

I shall argue that, because of the changed relationship between the NHS and the private sector, in which the two work together for the benefit of not only the NHS but its patients, fewer and fewer people now face that reality. Waiting lists continue to come down, and Government Members should be extremely proud of that fact.

We have achieved a good measure of agreement today about the principles. My hon. Friend the Member for City of York (Hugh Bayley), who asked some very pointed questions about the ISTC programme, began by saying that he did not disagree with the principles, and that was largely the spirit of today's debate.

I shall refresh Members' memories about the reasons behind the programme. The Department of Health conducted national capacity planning exercises with strategic health authorities in 2002 and 2004. Through those exercises, SHAs estimated the additional capacity in elective treatment and diagnostics that was required to meet key public service agreement waiting times targets, and they identified how much of that capacity would need to be sourced from the independent sector.

The capacity planning outcomes provided the basis for the first wave of national procurements of elective and diagnostics capacity from the independent sector. The procurement process was designed to allow the independent sector to work within local health care economies to provide solutions that met local requirements.

The specific aims, as the hon. Member for Southend, West said, were to help to provide the capacity needed to deliver swift access to the system for NHS patients, thus reducing waiting lists and times; to support the implementation of patient choice; to stimulate innovative models of service delivery and drive up productivity; to bring down the cost to the NHS of spot purchasing; and to introduce choice and contestability between providers of health care services for NHS patients in order to drive improvement in quality and efficiency throughout all providers.

The first independent sector treatment centre opened in October 2003, and 23 ISTCs are now delivering services to NHS patients. At the end of February, ISTCs had provided more than 110,000 elective procedures for NHS patients, and independent sector contracts had delivered more than 280,000 diagnostic tests. There was additional procurement on top of the ISTC programme, so altogether, centrally procured independent sector schemes have delivered well over 500,000 procedures, diagnostic tests and episodes of care for NHS patients.

The hon. Member for Wyre Forest (Dr. Taylor) asked me to provide him with an update. The figure stood at 300,000 in October 2006 when the Government responded to the Committee's report. It is a measure of how much more the independent sector has contributed in that time. Utilisation of the wave 1 ISTC contracts is high and rising—at 92 per cent. in February 2007. Cumulatively, that represents 85 per cent. overall to March 2007, as has been mentioned. Patient satisfaction is also high, and was measured to be 97 per cent. across wave 1 schemes in March 2007.

Colleagues have made some extremely high-quality points and I now want to go into the detail of those. My right hon. Friend the Member for Rother Valley, the Chairman of the Committee, spoke about whether there was any evidence of capacity planning and whether the programme had been thought through sufficiently. I assure him that the figures across the wave 1 schemes show high utilisation rates, as ISTCs bed down in their local health care economies. In some cases the utilisation rate is higher than the figures that I have just given, and in one or two cases it is almost 100 per cent. That suggests to me that the exercise conducted by the Department has shown that that capacity both was needed and is being used.

I understand entirely the points that my hon. Friend the Member for Staffordshire, Moorlands (Charlotte Atkins) made. The experience from other parts of the country—I include Greater Manchester in that, and the surgical centre in Trafford, which was one of the

early schemes and serves my constituency—is that questions will be asked in the early days of any ISTC, as the local health economy gets used to working with a new provider in the locality. However, as time progresses those issues are addressed and there is better integration between the NHS locally and the ISTC. The figure that I have for utilisation of the ISTC to which my hon. Friend referred is 75 per cent. for April and May this year, showing some progress from the figures that she quoted.

My right hon. Friend the Member for Rother Valley referred to training and the quality of the data. I shall come to those issues in the meat of my remarks. He also asked about the size of phase 2, which I shall address, too. However, I want first to address the issue of value for money, which a number of hon. Members raised, including my hon. Friend the Member for Pendle in an intervention. It is important to remember that the NHS has always procured services from the independent sector. The difference now is that we are doing so rationally, within clear regulatory and financial frameworks, for the benefit of all of us who use the NHS.

Historically, the NHS used the private sector to provide extra capacity, but on an ad hoc, spot purchase basis, often paying more than 40 per cent. above the cost of the same procedure as performed by itself. As the Committee's report rightly noted:

"ISTCs have had a significant effect on the spot purchase price in the private sector and on charges in the private sector more generally."

As a Department, we would point to further evidence to back up that point. As Laing and Buisson, which provides independent analysis of the UK health care sector, noted in its 2005-06 report:

"The emergence of a new raft of ISTC providers able to quote at, or fairly close to, NHS reference costs made it clear that the days of NHS spot purchasing from the 'incumbents' at 30-40 per cent. over reference costs were over, and that they would have to reduce costs and prices if they wished to be involved in a significant way in servicing the NHS market".

For wave 1 schemes, the average cost above the equivalent NHS cost is 11.2 per cent., a figure with which hon. Members present will be familiar. The picture is developing, so I cannot give exact figures today, but we expect costs in wave 2 schemes to be below that, and in some cases significantly so.

My hon. Friend the Member for Pendle asked why that situation should be tolerated, and my hon. Friend the Member for City of York made a similar point. Self-evidently, there is a pretty straightforward comparison in those figures between the spot purchase costs and the costs being paid through the ISTC contract. Two further points are relevant. Additional capacity has been established, on a permanent basis and for the benefit of the NHS and its patients, which the NHS could not have made available as quickly as the ISTC programme did. There needs to be an element of certainty in that funding, which is why the contracts were constructed as they were.

My hon. Friend the Member for Pendle asked how that could be justified. In bringing in that extra capacity, it is important that we accept that the private sector faced additional costs, which other NHS providers would not have faced, by virtue of the conditions imposed on it in the procurement process. For instance, the additionality clauses, to ensure that the capacity was genuinely new for the NHS, brought overseas recruitment costs and other processes that were more costly than if the capacity had simply been switched from one place in the UK to another. I could give other detailed reasons for those costs; for instance, new buildings had to be established. There were good reasons why the contracts needed to reflect the costs being incurred by the private sector in bringing extra new capacity to the NHS. That is the justification that we would give.

In the long term, we are working towards ensuring that where the capacity goes is not centrally dictated. It will be patients who choose where they wish to be treated, and there will indeed be a level playing field in terms of how providers will be paid for using that capacity. In the current period, the initial stages of those contracts provide support so that the services can become established.

By systemising the process of buying independent sector services through bulk procurement, the ISTC programme has significantly cut the cost of doing business with the independent sector. Our aim is to move towards a level playing field, with all providers operating at NHS tariff or NHS equivalent costs, and being compared solely on quality and access, and that predominantly by patients. That is important as we move towards a free choice environment.

Colleagues have asked about the second phase of procurement. I can report that it is progressing well and that the first providers from phase 2 are now delivering services. The Department has today agreed another phase 2 scheme, to which the hon. Member for Westbury referred, which will provide around 6,000 procedures a year in Cheshire and Merseyside, bringing more choice and accessibility in health services and further reducing waiting times. In total, phase 2 is expected to deliver up to 250,000 elective procedures and up to 1.5 million diagnostic assessments a year, and to create an independent sector extended choice network, contributing significantly towards meeting the 18-week target. The majority of services are expected to commence in 2007-08.

The hon. Gentleman asked about the shape of phase 2 schemes, as did my right hon. Friend the Member for Rother Valley. The estimate is the figure that I have just given. The discussions with the independent sector are progressing and it is impossible to say now what the precise outcome will be. The call from the Committee and others has been for the contracts not to be simply imposed on local health economies and for there to be a process of dialogue and consultation at the local level, to ensure that the contracts are a good fit with capacity requirements. That is indeed the process that is under way in different parts of the country.

Dr. Murrison: Why has the delay been so appallingly bad that the Nuffield group has pulled out of the west midlands mobile surgery scheme? That seems very serious, and it might put off other private sector partners. What is the Minister's justification for the situation?

Andy Burnham: Let me give the hon. Gentleman some further information. Since Nuffield was appointed as preferred bidder for the west midlands south mobile elective scheme in September 2006, all

[Andy Burnham]

parties have worked together to reach a successful conclusion. Despite everyone's best efforts, it has not proved possible to finalise contracts. It was Nuffield's decision to withdraw its bid formally; it has decided not to pursue the opportunity any longer.

In every case, a contract between two parties is involved. Today, the hon. Gentleman has called on the Government to listen to the health service and the professionals in taking forward what are often complicated procurements. He is right to say that it is also important for me to be mindful of the costs and uncertainty that that can impose on those seeking to provide the services. We seek to get that balance right.

I point the hon. Gentleman to the Cheshire and Merseyside scheme, which was formally approved by the Treasury in recent weeks; other schemes in other parts of the country have also been approved, and we have worked to make that possible. We hear the call to consult and listen, as the hon. Member for Wyre Forest asked me to, but at the same time we want to move forward and, when we can, conclude the contract on the schemes. We are trying to get the balance right.

Many colleagues have talked about integration with the NHS. We continue to work in partnership with the local NHS to provide solutions that reflect and meet local needs. We have made a number of changes to ensure that phase 2 schemes can best be integrated with the local NHS. For example, the relaxation of additionality rules for the phase 2 ISTCs will bring about greater professional integration as clinical staff of whom there is not considered to be a shortage will have the opportunity to work in both local hospitals and ISTCs. That was a key request of the Committee, and I hope that the hon. Member for Southend, West is assured that there has been progress on that.

Furthermore, all NHS employees will be able to work in ISTCs during their non-contracted hours. That will ensure that opportunities are available in ISTCs while skills for other parts of NHS services continue to be conserved. I hope that the hon. Member for Wyre Forest will welcome those moves. I know that he has long questioned the Government on the need for the additionality clauses. I hope he understands why they were important in phase 1 schemes, which were principally about the capacity on the ground to deliver on key targets such as the 18-week target.

It would have been self-defeating if capacity had simply been moved from one part of the British health care system to another. I hope that the hon. Gentleman will welcome the movement that there is now to relax those measures and provide more opportunities for British-based clinicians and staff to work in the ISTC sector.

Dr. Taylor: I certainly welcome that relaxation. However, it still bothers me that the rules are not being relaxed enough for consultant orthopaedic specialists. As we heard from the hon. Member for Westbury (Dr. Murrison), there are likely to be unemployed trained NHS orthopaedic surgeons.

Andy Burnham: The hon. Gentleman raises an important point, and of course we keep such matters under review. He is right to say that the relaxation does not extend to shortage professions and specialties—for obvious reasons; if it did, we would go back to the wave 1 problems that I described. Orthopaedic surgeons are not on the current phase 2 list of shortage professions, which should address the hon. Gentleman's concern.

The specialties covered by the list include pathology, audiology, cardiology, sleep and respiratory physiology, categories of radiologists and radiography, neurophysiology, cardiac physiology and anaesthetics. The list, which is kept under review, is on the NHS employers' website. I am sure that that would interest the hon. Gentleman, whom I also call my hon. Friend. He should be assured that the list is kept under review. Obviously, the changing nature of the UK labour market and the emerging training situation are relevant, and I hope that they will inform further consideration of the issue.

The hon. Member for Westbury asked whether the list was grade-specific or based on geography. The list is based on a sample survey of 25 trusts across the country. However, it is neither geography-specific nor grade-specific, except in the case of nurses; only senior nursing grades are on the shortage lists. As I said, the list is kept under review by the Department's work force team.

I deal now with training, an important issue mentioned by many hon. Members today. We welcomed the Committee's support for the approach to training for phase 2 schemes. We recognise that the training of NHS staff within ISTCs is particularly important, and have taken action to ensure that local training of junior doctors is not compromised. In the second phase of ISTCs, all schemes will have activity available to postgraduate deans and higher education institutes for training purposes.

Independent providers will be expected to appoint directors of postgraduate training to work with the postgraduate medical education and training board and local deaneries to oversee training provision within ISTCs across a range of clinical professions.

Whether training takes place in an ISTC facility rather than the NHS will, of course, remain a decision for the postgraduate medical education and training board and deans who are responsible for the commissioning of training. Nevertheless, I hope that the move will be welcomed. NHS training in an ISTC setting will be directed and overseen, as it is now, in NHS settings. The higher education institutions, the royal colleges and the other bodies involved in facilitating and overseeing NHS training will retain their existing roles. In the longer term, it is intended that relationships be developed locally so that professional development occurs seamlessly across the local health economy partners, to the overall benefit of patient care.

Concerns about quality have been raised today, but I assure Members that patient safety is paramount in ISTCs, as in the NHS. I was pleased to note that the Committee commented on the alarmist tone of some of the criticisms of clinical standards in ISTCs. Efforts continue to be made to undermine confidence on that issue, and they are not in the public interest. ISTC providers are contractually obliged to deliver clinically safe, high-quality care along agreed patient care pathways. ISTCs are monitored against 26 key performance indicators to ensure that quality services are delivered, including clinical quality, patient experience and productivity.

All ISTCs are regulated under statute by the Healthcare Commission and are further inspected on an ongoing basis. All surgeons working in ISTCs must be registered on the General Medical Council's specialist register before they perform surgery. As many hon. Members have mentioned, the chief medical officer has asked the Healthcare Commission to review the quality of care provided by ISTCs, and we look forward to receiving its report.

To update Members, I should say that currently we expect to receive the report at the end of June. The delay is due to the fact that the commission wishes to use the most up-to-date data from ISTCs. To be honest, the problems have been with the IT system in drawing down the data required; I assure Members that they have not been due to any delays in information being provided by ISTCs. The report is due soon, and it will make an important contribution and ensure public confidence. The Committee rightly focused public attention on the matter, but I am confident that when the report is published it will further improve public confidence, although I am also sure that there will be issues to address.

In the course of the debate, questions were raised about the evidence on whether ISTCs had improved innovation within the national health service and brought innovative practice to the UK. Let me give a specific example from the ISTC programme. At Shepton Mallet ISTC, the patient can see an orthopaedic surgeon, have diagnostic tests and book an operating slot all in one day, a process that would typically have taken months and at least three appointments in the past. That example has now been copied by Yeovil District Hospital NHS Foundation Trust, where managers say that the ISTC made their clinicians sit up and take notice. As a result, they too have established one-stop out-patient clinics for orthopaedic patients, reorganised the way in which they use their consultants' time and slashed waiting lists.

Those new approaches have helped Somerset primary care trust and Yeovil District Hospital NHS Foundation Trust radically to reduce waiting times, so much so that Yeovil is one of the trusts aiming to achieve the 18-week target from GP referral to operation by the end of the year, a year ahead of schedule. The introduction of the ISTC in Shepton Mallet has also driven down prices in the local private provider market. We believe that that is a concrete example of the ISTC programme having the desired effect.

The hon. Member for Westbury raised a view from another side of the local health economy. I refer him to an article that appeared in the *Health Service Journal* on 29 March, by a consultant called Andy Mullins who concluded a quite robust defence of ISTCs with a telling point:

> "The overall message is that independent sector involvement in the NHS is not threatening to the existing service unless it refuses to change. If the service responds and learns the efficiency and quality of the services will improve—as we as a nation will still be able to afford them in the coming decades."

That is a telling point from inside the NHS and a good endorsement of the ISTC programme.

I want to do justice to some of the other points raised by hon. Members, but I realise that time is running out. First, I want to pick up on the points raised by my hon. Friend the Member for City of York. I understand his strength of feeling, particularly because of the pressures on his local economy. However, to refer back to the figures for NHS spot purchasing, his local health economy, like every other, is not only expected to meet but will meet the 18-week target by the end of next year. The level of activity commissioned has to be consistent. In the process of scrutinising the local delivery plans for his strategic health authority, the Department is considering that point.

I understand my hon. Friend's frustration, but the Department has to get value for money across the country in conducting procurement exercises. That is why individual data that relate to any particular contract are not placed in the public domain. That would limit the Department's ability to get maximum value for money when conducting future procurement exercises.

Hugh Bayley: Will the Minister explain why his ability to get value for money would be limited if we knew what the various centres cost?

Andy Burnham: If the figures for any one contract were placed in the public domain, that would limit the Department's ability openly to secure further contracts. It would create a yardstick against which further contract prices would be pitched. It is important to say that that was a wave 1 contract, which was conducted at a time when different considerations applied in terms of getting the service established and recognising the costs of establishing it.

I will reconsider the issue. I understand that it is different for my hon. Friend and I am not seeking to be awkward and pull down the shutters. In a health economy under pressure, where decisions are made about relative priorities, it is important that to help him to do his job as a Member of Parliament we provide as much information as we can. However, I hope that I have explained why the precise figures that he has asked for have not been given.

I want quickly to touch on a couple of points, but also to leave my right hon. Friend the Member for Rother Valley a few minutes to close the debate. My hon. Friend the Member for Staffordshire, Moorlands raised questions about Burton ISTC, which I hope that we can address. She also raised questions about Stoke PCT and the value for money that it secures. In situations where an ISTC might be underutilised, I intend to work closely with the local health economy to ensure that measures are put in place to build up utilisation rates so that the full value of a contract can be realised over its lifetime, even though take-up may be slow at the beginning. We can do that. Evidence from elsewhere in the country supports the view that that is what happens over the lifetime of a contract.

I realise that I have been unable to cover all the well-informed points that were made in the course of the debate, but I want to leave my right hon. Friend the Member for Rother Valley some time. The hon. Member for Southend, West mentioned the information taskforce and work that has been done on indicators to be put before the public. In a few weeks' time, the Department will launch its NHS Choices website, which will be a major step forward in providing readily accessible, meaningful information to

[Andy Burnham]

the public about clinical performance from different providers. It has been informed by the work done by Sir Bruce Keogh on the taskforce that the hon. Gentleman mentioned. He should reserve judgment, but when he sees that site it will reassure him that progress has been made.

Dr. Murrison: Will the Minister give way?

Andy Burnham: I will not, because I want my right hon. Friend the Member for Rother Valley to have some time to comment.

The ISTC programme has changed the nature of the relationship between the NHS and the private sector. No longer is the private sector trading off the back of what might be called the inadequacies of the NHS by telling people that they have no option but to go private. There is a better relationship that works for both parties and we combine efforts for the benefit of NHS patients and the country overall by providing a cost-effective health care system.

The long-term benefits will be felt in all parts of the country. It is true that there is still emerging evidence of the precise contribution to the reduction in waiting lists, but the figures speak for themselves. A significant contribution is being made towards the achievement of the 18-week target. The hon. Member for Westbury tempted me with a reference to my right hon. Friend the Prime Minister's King's Fund speech. I refer him to the headline of the article in the *Health Service Journal*, which summarised the speech with the words, "It was a difficult journey, but under Blair the NHS was saved." Perhaps the hon. Gentleman will take that article home, read it over the weekend and let me know what he thinks.

5.28 pm

Mr. Barron: With the leave of the House, I want to thank everyone who has taken part in the debate, particularly my hon. Friend the Member for City of York (Hugh Bayley), who has brought further evidence to us about ISTCs. I wish him well with his pursuit of the National Audit Office. I shall watch it carefully as it might be a means of getting information that we sometimes find it difficult to obtain as a Committee.

Although I agree with many of the things that the hon. Member for Westbury (Dr. Murrison) said, paragraph 64 of our report states that the British Orthopaedic Association

"conceded that its evidence was anecdotal, and argued for more rigorous auditing of the work done in ISTCs."

We agreed with that. In respect of what the hon. Gentleman read out from the press release from Angus Wallace, it was agreed that that was anecdotal. We went on:

"Similarly, the BMA alluded to concerns about surgical standards"—

and so on—

"but admitted that there was not sufficient data to reach a satisfactory conclusion on the matter."

I have here a letter that has been copied to me and was sent to the chief medical officer by the BOA. It looks as thought the association might have some evidence for us on the matter, and we will go to their congress in September. The greater problem is that Angus Wallace and—

It being half past Five o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Tuesday 15 May 2007

[MR. BILL OLNER *in the Chair*]

Alcohol Harm Reduction Strategy

Motion made, and Question proposed, That the sitting be now adjourned.—*[Kevin Brennan.]*

9.30 am

Mr. David Burrowes (Enfield, Southgate) (Con): It is a pleasure to have secured the debate under your chairmanship, Mr. Olner. It is timely and important. When the Government published the alcohol harm reduction strategy they also promised a review of the strategy in 2007, during which they would "take stock" against "clearly defined indicators". The Department of Health and the Home Office will soon publish a revised draft. This is, then, an important opportunity to engage with the Government directly, before publication. However, that opportunity has not been afforded properly to interested groups and individuals, by way of a formal consultation.

The answer to my parliamentary question about consultation, which I tabled on 30 April, reveals the different ways in which the Government deal with their drug and alcohol strategies. The response on the drug strategy was:

> "A consultation document is planned to be issued alongside details of the consultation process in May/June 2007. The intention is to consult interested groups and individuals, including service providers and those affected by drugs—users, families and local communities. Subject to cross-Government agreement, the new strategy is likely to be published in late 2007."

Moving on to the question of alcohol, the response was:

> "A series of detailed discussions have been held with key stakeholders from the health, police, young people's sectors and the alcohol industry to inform the development of the new Alcohol Strategy. The new strategy is due to be launched in summer 2007. A formal consultation is not planned prior to launch, but consultation is likely to be required on implementation of key aspects of the strategy."

—*[Official Report,* 2 May 2007; Vol. 459, c. 1771W.]

Why is there no intention formally to consult in the same manner on alcohol and drugs? Does the Minister recognise the concern from different interest groups, including Alcohol Concern and the Wine and Spirit Trade Association, that the Government

> "needs to be much more proactive and confident in consultin[g]"?

Have the detailed discussions with key stakeholders included service providers, alcohol addicts and their families, and the local communities that are most affected by alcohol misuse? Even before the launch of the new strategy, a fundamental criticism of the Government's approach is exposed in its process of review. That is the fact that alcohol is the poor relation in drug and alcohol policy.

The debate is important because alcohol consumption and the harm arising from alcohol misuse affect all our constituencies. The debate is less about the millions of people who enjoy drinking responsibly than about the millions who do not do that, and who devastate many lives and relationships around them. It is a debate about binge and chronic drinkers; but such drinkers should not be the only focus of debate. The Government strategy is too limited. It fails to tackle the need to reduce overall consumption and alcohol harms. Indeed, that attitude is supported in many ways by the media, which play to our voyeuristic tendency to be entertained by the antics of binge drinkers. Mr. Olner, you may have seen recent television productions of that kind. We can too easily stereotype the problem of alcohol misuse, and comfort ourselves that it is someone else's problem. However, increased consumption and harm are everyone's problem.

Alcohol consumption has grown and spread. Consumption has doubled in the past 50 years, and it is up 15 per cent. in the past five recorded years. It is estimated that 8.2 million adults have an alcohol use disorder and that up to 3 million are alcohol dependent. Young women have doubled their consumption in the past 10 years, and children have doubled consumption in the past 15 years. Six million under-25s binge drink and 60 per cent. of 15-year-old boys binge drink monthly.

Many of the figures relating to alcohol harm will be familiar to hon. Members who are present for the debate, but it is important to explain the harms at the outset. Alcohol damages the economy. The total loss to the economy from alcohol misuse is estimated to be some £6.4 billion a year. Alcohol damages mental health: 65 per cent. of suicides are linked to alcohol misuse. Anxiety and depression are very common among heavy drinkers. Alcohol damages health: 22,000 people are estimated to have died each year as a direct or indirect result of alcohol—more than the combined number of deaths from breast and cervical cancer and MRSA, which often make the headlines. Deaths from alcohol-related liver disease have doubled in the past 10 years.

Alcohol damages through violence. At least one in three reported instances of domestic violence are known to be linked to alcohol. The British crime survey's figures show that 44 per cent. of victims of violent crime believe that their attackers were drunk or under the influence of alcohol at the time of their attack. Alcohol damages public services. Hospital admissions resulting from alcohol abuse have increased steadily between 1997 and 2004 from more than 19,000 to more than 25,000. More than 3,000 of those admissions were of children. At peak times seven out of 10 accident and emergency admissions stem from alcohol abuse and the Department of Health estimates that about £1 in every £3 spent in A and E is alcohol-related.

Alcohol damages the young. Home Office figures state that among 16 to 24-year-olds 63 per cent. of males and females who admitted to criminal and/or disorderly behaviour were drunk during or after the event. Alcohol and drug misuse is the cause of permanent exclusion from school for more than one in 16 children. More than three out of 100 babies born could have been damaged by their mothers' drinking during pregnancy. Alcohol fundamentally damages families. It is estimated that 920,000 children in the United Kingdom currently live in a home where one or both parents misuse alcohol. Marriages in which one or both partners have a drink problem are twice as

[Mr. David Burrowes]

likely to end in divorce as those that are not affected by alcohol. The list could go on.

The Government need to be more open about what they want to achieve by their strategy for alcohol. Do they seriously want to reduce overall consumption and alcohol harms? If so, a more strategic approach is needed, recognising the impact of price, regulation and availability; alcohol misuse should have the same public health status that tobacco and obesity currently have. The 2004 strategy, like many strategies emanating from the Prime Minister's strategy unit, is strong on fine-sounding words but weak on delivery. To take one aim—improving health and treatment services—it is estimated that alcohol-related harm is at least six times worse than the harm related to drugs, but alcohol services continue to receive far less than drugs services.

It is extraordinary that the Government have developed a treatment policy with a pooled treatment budget, targets, monitoring and all the paraphernalia of bureaucracy that go hand in hand with the Government's top-down initiatives, but that they have failed to include alcohol in that treatment policy, leaving it as the almost exclusive preserve of drugs. For a Government who pride themselves on their target-led approach to health and asserting their key health priorities, it is significant that the alcohol strategy discussed the importance of

"Setting goals and monitoring progress"

but also stated:

"There is no comprehensive target for reducing the harms caused by alcohol misuse".

Guidance notes for primary care trusts have been published, including on programmes of improvements and models of care for alcohol misusers. The result of the strategy is much paperwork, but the impact in increased access to treatment has so far been limited, as local commissioners have determined their actions without national targets to guide them. The lack of dedicated funding and the absence of alcohol monitoring in the quality outcomes framework have meant that alcohol issues have not been prioritised by many PCTs. The alcohol strategy has failed to set out a framework of national, regional or local targets, or drivers to increase access to treatment for problem drinkers. That has left 17 out of 18 problem drinkers, on average, without access to the specialist support that they require. The Prime Minister's constituency of Sedgefield suffers from being in the region with the highest incidence of problem drinkers and the lowest access to treatment, with barely one in 100 able to find any kind of treatment. I doubt that the other 99 would agree with the Prime Minister's foreword to the strategy, in which he said that it would

"in time, bring benefits to us all-in the form of a healthier and happier relationship with alcohol."

In stark contrast to the 2002 drug strategy, there are no targets to increase the number of problem drinkers in treatment, or reduce alcohol misuse in general. Also, no funding is ring-fenced for alcohol treatment services, and it is unclear how much money goes to alcohol services. There are no centrally held figures beyond the global figures that the Minister gives in parliamentary answers, so I have conducted my own survey of primary care trusts across the country. It is significant that of the 66 PCTs that have so far responded, only 39 know how much is spent on alcohol rather than being absorbed by the drugs budget. Most have responded that only a small proportion is given to alcohol treatment and that they do not think that the amount allocated to alcohol is sufficient.

In 2006-07, of the 39 PCTs that supplied separate figures for alcohol and drugs services, the average spent on alcohol was £424,500, compared with the average of £3,832,000 that is spent on drug treatment. So, alcohol treatment receives about 11 per cent. of the amount that is allocated to drug treatment. The survey shows that the 20 PCTs that were able to provide the relevant data for 2006-07 will spend an average of 0.72 per cent. of their total annual budget on drugs and 0.15 per cent. on alcohol.

The situation in Enfield illustrates the reality: the strategy has not made tackling alcohol misuse a priority. The answer to a parliamentary question in March revealed that £1.5 million had been identified

"to support various 'Choosing Health' White Paper initiatives including alcohol treatment services."

But there was, as always, a caveat. The answer goes on:

"It is for PCTs to determine how to use the funding allocated to them to commission services to meet the healthcare needs of their local populations."—[*Official Report*, 5 March 2007; Vol. 457, c. 1681W.]

The Minister might, in her response, be quick to extol the virtues of PCTs having self-determination, but managers at the cash-strapped and top-sliced Enfield PCT would say that they do not have a choice. It has a £13.1 million deficit and a priority to meet other central targets, which means that alcohol services inevitably lose out. There is no funding for any specialist alcohol treatment services in Enfield to support the good work that is being carried out by Rugby house and the service providers at Central and North West London NHS Foundation Trust mental health and substance abuse services.

Enfield has squeezed out of its drugs budget some support for alcohol addicts. Its focus on excluded and disadvantaged sections of our community is welcome and chimes with the words on page 5 of the alcohol harm reduction strategy, where it proposes

"better help for the most vulnerable—such as homeless people, drug addicts, the mentally ill, and young people. They...need clear pathways for treatment".

However, that is not happening in Enfield or in many other places. It is madness that although patients might be addicted to both illicit substances and alcohol, there is a division between those services. One service might not treat illicit drug abuse until the patient is detoxed from alcohol, and the alcohol services might not detox a patient whilst they are addicted to illicit drugs, hence the patient does not get access to appropriate treatment. Drug action teams are encouraged to take the lead with alcohol strategy, but they refuse to do so in Enfield because they do not receive the funding.

The strategy speaks about piloting schemes to find out whether the earlier identification and treatment of people with alcohol problems can improve health and lead to longer-term savings. That all sounds good on paper, but the PCT in Enfield has cut the £82,000 allocation that was intended for alcohol screening in

the accident and emergency department. Will the Minister tell us how that decision fits in with the strategy?

The situation in Enfield is not due to a lack of effort on the ground. The alcohol strategy manager there is doing a fine job, and Enfield is one of only six London boroughs that has such a strategy management consultant. There have been significant results with crime and disorder in Enfield as a result of the dedicated support of a co-ordinator pushing up the alcohol agenda across services in Enfield and because of joint working with the police and probation, particularly on domestic violence. Despite the strong multidisciplinary approach and partnership to tackle alcohol misuse, however, the PCT is unable to allocate funds to plug the funding gap, especially with tier 3 alcohol treatment.

The lack of a serious and resourced strategy to deliver real progress on the ground means that alcohol treatment is left predominantly to small voluntary sector organisations such as local Alcoholics Anonymous groups and 1NE Beulah road, which are beacons in the desert of treatment. There is a highly effective and cost-effective abstinence-structured day care programme for alcohol at 1NE Beulah road, which has no direct or reliable source of funding despite the fact that most of the people who use the service there are referred from the statutory sector.

An area that the 2004 strategy avoids, which I would like the Minister to consider, is the control of supply and availability. Government policy has been to liberalise the main drivers of consumption—regulation and taxation—but where does that policy fit in with the strategy to reduce harm? The rising levels of alcohol misuse in recent years, the state's power to sanction the manufacture and sale of alcohol and its potential power to control the availability and price of alcohol all inevitably give the Government the lead responsibility to minimise the harm that alcohol causes, not least because of the cost to the public purse. However, the 2004 strategy rejected tax as a means of tackling harm. In so doing, it rejected substantial scientific evidence that the price of alcohol is one of the principal influences on levels of alcohol consumption and harm, whether we like it or not. Will the Minister review the evidence that supports the idea that duties should be based on the alcohol content of the drink and should be used as a means of controlling alcohol problems?

I am not sure what the Minister's career prospects will be in seven weeks' time or whether she is feeling demob happy, but I invite her to boldly go where no Minister of Health has gone before in terms of alcohol policy. Professor Chris Cook, who is a consultant psychiatrist in alcohol misuse, has said:

> "The enormous popularity of alcohol—our 'favourite drug' can make wise evidence based policies politically unattractive…It is not enough that debate about matters of production, distribution and consumption are conducted simply in terms of scientific opinion, political expediency and consumer choice. Alcohol policy should also be based on soundly reasoned ethical principles."

I invite hon. Members and my hon. Friends to debate this matter, and urge the Minister that we should have an alcohol strategy based on such principles.

Mr. Bill Olner (in the Chair): I want all hon. Members present who want to speak in this very important debate to be able to do so, but we must give sufficient time for the Minister to answer all the questions that are put to her.

9.47 am

Mrs. Janet Dean (Burton) (Lab): I am pleased to take part in the debate, and I congratulate the hon. Member for Enfield, Southgate (Mr. Burrowes) on securing it and on raising serious issues of alcohol abuse.

A minority of people misuse alcohol, and most people enjoy it responsibly. Burton-on-Trent is the capital of brewing, so alcohol is important in my constituency for jobs in the brewing industry and pub companies present in the town. Like the industry, I believe that it is important that people drink responsibly. We can tackle the misuse of alcohol only if we all work together. That includes local and central Government, the industry and the police, where necessary. Of course, individuals must also be involved—they must be responsible for their own drinking habits.

We have made progress in the past few years. One example of progress is the "Challenge 21" initiative to tackle under-age sales. I do not know whether other hon. Members have been into retail establishments in their areas to promote "Challenge 21", and encourage vendors not to sell alcohol to young people unless they appear to be over 21. That approach gives more leeway and makes it easy to identify people who should be challenged to produce proof of age cards if they do not look over 21. All sectors of the industry—both on-trade and off-trade—have been responsible in developing that policy.

The on-trade self-regulatory regime has been developed to eradicate irresponsible retailing, and there has been a great deal of progress there. Pubs, in general—this is certainly true of responsible pubs—try not to have happy hours or two-for-the-price-of-one offers, and do not encourage people to drink as much as possible in the first hour that they are in the pub. There has been movement on this, and we should thank the industry for developing and working with the on-trade.

Recently, the Drinkaware Trust was established. It is supported by the alcohol industry: producers and both the on-trade and the off-trade. I am trying to give credit to all those who have been involved. It is early days for the Drinkaware Trust, but I am sure that it will help to promote sensible drinking and to educate young people, in particular, about the importance of not abusing alcohol.

Ongoing discussions are taking place about labelling alcohol in respect of its strength. That is particularly important, because much stronger wines are now available and because although cider may not seem to be strong, it is tremendously strong. We need to know the exact strength of the alcohol that is on sale.

The changes in the licensing hours have not had the dire consequences that many predicted. In fact, there is evidence that staggered hours are helping to change the culture, but that process will take time and it is still early days. The all-party group on beer held an inquiry

[Mrs. Janet Dean]

in the late 1990s into what should be done about licensing hours, and there was general agreement that changing them and having a more relaxed system would help to change the culture. Just before the changes were introduced, the media were saying that every pub was going to be open 24 hours a day. We know that that is not the case, and that such pubs are the exceptions. One pub may be open until 11 pm whereas another may be open until 1 am, thus staggering the leaving times from the establishments.

Coors, which is the biggest brewer in Burton-on-Trent, has been supportive of two organisations in my constituency: the Burton addiction centre, which has an abstinence-based approach and deals with people with both drug and alcohol problems; and ADSiS—Alcohol and Drug Services in Staffordshire—which prevents and minimises harm. One of the good things that has come from ADSiS is its development of a commercial arm. That involves going into businesses and developing workplace policies on alcohol and drugs with local industries, so that they can best advise, and deal with, their work force in a helpful way where they think people have alcohol and drug problems. That is another way forward, and we should use it. The help needs to be in place when people develop the problems, because we are talking about how we deal not just with binge drinking, but long-term alcohol abuse. Just giving somebody the sack will not help them to deal with their problem, but keeping them in work and trying to help them within work can help them to overcome it.

We have made a start, but we need to do more. I have mentioned the responsible behaviour of the on-trade, and I should like to draw hon. Members' attention to early-day motion 495, which was tabled by my hon. Friend the Member for Selby (Mr. Grogan) and secured 193 signatures. It states:

"That this House believes that the substantial price differential between alcohol sold in pubs and that sold in the off-trade is exacerbating the problem of binge drinking; continues to support the pub trade's efforts to curb irresponsible drinking and promotions; and urges supermarkets and off-licences to follow the example of pubs and act to end irresponsible drinks promotions and agree not to use alcohol as a loss leader on their premises."

There is considerable feeling in the House about that issue. The all-party group on beer recently met representatives of supermarkets and we questioned them on their policies regarding the sale of alcohol. There seemed to be a reluctance to recognise the difference between the price promotion of alcohol and that of tins of beans, and there seemed to be the idea, "If we can get people in to buy alcohol cheaply, we can sell other food." The point was put to them that they could encourage people to come in for other goods, which do not have the detrimental effect that cans of beer can have in the wrong hands. If the on-trade can do it, so too should the off-trade. This is not just about supermarkets selling at prices at which it is hard to believe that they do not loss lead and the health dangers of that; it is also important that prices in the off-trade are fair to producers and customers, and do not promote the irresponsible use of alcohol.

Following on from that point, there is evidence that young people drink cans of beer at home before they go out to pubs. I know that the evidence is anecdotal, but there is a feeling that they drink the cheap stuff at home and then go out, which leads to pubs taking the blame for people drinking too much when they have already had their share before they even get to a pub. We should make parents more aware of the dangers of allowing young people to take alcohol out from the home to drink with their mates. One of the worst dangers involves young people and alcohol on the streets—they drink in parks and so on with their mates. It is possible that alcohol bought in bulk from supermarkets is the source of some of the alcohol drunk on our streets.

We ought to consider charging those who attempt to buy alcohol when under age, as opposed to charging merely those who sell it. That would send out the strong message that those who are under age should not even attempt to buy alcohol. We rightly concentrate on the seller of alcohol, but perhaps we should, on occasion, also examine those who buy it illegally.

Bob Spink (Castle Point) (Con): Perhaps the hon. Lady would like to moderate her sensible suggestion by saying that we should prosecute those who buy alcohol to provide subsequently to younger people, rather than charging young people themselves—they have enough ways of getting into trouble at the moment.

Mrs. Dean: Most young people are great; too often, we hear in the media about when they do things wrong rather than about the vast majority who do not do things wrong. It is sometimes difficult to pinpoint when people deliberately buy alcohol for young people, but where it is clear that they have done so, they should be charged. I do not want to lock all young people up or any such thing, but if people realised that they could be charged with buying alcohol under age, it might, on the odd occasion, deter a few.

I urge the Minister to consider changing all drug action teams to drug and alcohol action teams. Some areas already have such teams—I understand that Stoke-on-Trent has a drug and alcohol action team whereas the rest of Staffordshire has drug action teams. It would be helpful if they could all become drug and alcohol action teams so as to equalise the emphasis. It is also important that we ensure that primary care trusts give priority to funding both treatment and prevention and that a key message from the Government to PCTs is that they should do so.

Overall, this is about treating alcohol with respect. I want to end on a light note by commending the Coors brewery in my constituency, which has recently reopened its brewery tap bar and is linking food with alcohol. One way of ensuring that we treat alcohol with respect is for that connection to be made. There is a recommendation in that tap bar's restaurant of what beer to have with what food. The museum has just gained the anchor point of the European route of industrial heritage, which is recognition of the part that brewing has played in our heritage. It produces Worthington White Shield in the museum brewery, so it is well worth a visit.

It is also important to encourage people to recognise quality in alcohol rather than quantity. Burton has the

quality of Marston's pedigree, and ales produced by microbreweries, such as Burton Bridge brewery, which has just had its silver anniversary.

10.1 am

Bob Spink (Castle Point) (Con): It is a pleasure to follow the hon. Member for Burton (Mrs. Dean), who was right to represent the interests of the Burton brewing industry, which is a traditional, well known and responsible industry in that area.

I congratulate my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes) on securing this important and timely debate. He is the epitome of a decent, hard-working and caring MP.

I also congratulate the Government on their alcohol reduction strategy, which is delivering some successes, not least, as I freely admit, that binge drinking is no longer rising. The Minister is a bright lady, so she will acknowledge that there is much still to be done, especially on alcohol-driven yob behaviour, which is one of the many areas in which party politics does not play well. We should all work together to make our communities safer places.

I agree with my hon. Friend that the reply from the Under-Secretary of State for the Home Department, the hon. Member for Gedling (Mr. Coaker), in response to his parliamentary question was a little surprising. The Under-Secretary said:

> "The new strategy is due to be launched in summer 2007. A formal consultation is not planned prior to launch, but consultation is likely to be required on implementation of key aspects of the strategy."—[*Official Report*, 2 May 2007; Vol. 459, c. 1771W.]

I await the Minister's explanation of why she has decided that consultation is not appropriate, because this is an area in which the public have strong opinions.

There is a clear and unequivocal cause-and-effect association between alcohol and risky and bad behaviour by young people in particular, but not exclusively. I shall focus this morning on young people. Alcohol causes aggression and loutish conduct. More than 90 per cent. of young people's first use of drugs occurs when they are under the influence of alcohol. That problem affects every constituency, and I recommend the most used non-traffic law as the basis for control action. The Confiscation of Alcohol (Young Persons) Act 1997 has a number of excellent characteristics. One is that we empowered the police to act, but did not criminalise young people for possession or consumption of alcohol—they have enough ways of getting into trouble without us creating gratuitous new ones. Another good characteristic is that the police should always inform and involve parents when they catch a youngster consuming alcohol and remove it from them.

I want parents to be clearly involved in the alcohol harm reduction strategy. I do not want a strategy that takes responsibility away from them.

Patrick Hall (Bedford) (Lab): Does not the hon. Gentleman realise that young people and children copy adults, and that many parents drink to excess?

Bob Spink: Yes, I think I said that it was not exclusively a problem involving youngsters, but the vast majority of parents want what is best for their children. They have a responsible attitude to bringing up their children and want to set a good example for them. I will return to the hon. Gentleman's point.

A binge drinker is like an elephant: difficult to describe, but we know one when we see one. The definition of binge drinking is a problem. The Government use twice the recommended limit in any 24-hour period as a definition, even if no alcohol has been consumed on all the other days of that week. I know that you rarely imbibe, Mr. Olner, but if you consumed six or eight units in 24 hours, or if Mrs. Olner consumed four or six units, the Department of Health would officially consider you to be binge drinkers. That definition is too tight—if you will excuse my pun, Mr. Olner—to be acceptable to the majority of the public. If a target is believed to be wrong, it becomes totally ineffective.

During a hot barbecue lunch, and an afternoon and evening with friends in my garden, I can consume six or even eight units—that is three or four pints to you and me, Mr. Olner—without getting the least bit squiffy. If we adopt unreasonable targets and limits, we lose the argument and fail to change behaviour. The public believe that binge drinking occurs when someone becomes drunk in a few hours, and loses control and inhibition.

Let me suggest a definition of binge drinkers. They are people who consume, for argument's sake—we certainly need professional guidance on a new definition—double the daily limit within two or three hours, or who consume four times the limit in a single day. With reasonable limits, we have a chance of changing behaviour, but if we do not get the definition right and win public credibility and acceptance for the definition, we will miss our chance to change behaviour.

Some associated issues include alcohol-related attacks on NHS staff. I declare an interest because my son works in the NHS and, like many doctors and nurses, he has been attacked a number of times by drunks in accident and emergency. Such attacks are too frequent, and should receive zero tolerance from the police and the courts. We owe it to our nurses and doctors, who try to help people who are ill or who have had accidents, to give them maximum protection.

On a different but topical note, we should not get carried away with silly politically correct calls to make criminals of parents who introduce their children to alcohol. Moderation and reasonableness by parents are, of course, necessary. French parents introduce their children to wine responsibly and that prevents binge drinking problems in the so-called Kevin teenage years. Let us use common sense and moderation. We should persecute not the parents, but the PC pedlars. Parents who want to prepare their children for the real world should be congratulated. Children should sit with the wider family at important meals throughout the year in a civilised way, and if parents wish to introduce a little alcohol responsibly, that may be rational and a good thing to do.

Another issue is that of tackling unhelpful advertising of alcohol, especially when it is targeted at or designed to impress youngsters. The Government's 2004 strategy started good work to tackle that, and Ofcom and the Advertising Standards Authority

[Bob Spink]

moved it forward with the 2005 code. However, action is needed to police advertisements more effectively. Perhaps I could gently hint that this is an area where the Government should show a little more leadership. They are trying to stay out of the matter and leaving it to the various regulatory bodies. A little leadership from the Government would be welcomed.

I shall move on to an issue that the hon. Member for Burton raised. Some retailers are flouting the purchase age limit of 18 years old. There are good and bad retailers in all our constituencies, of course, but in Castle Point, Shopright on Benfleet high road is excellent. The owner, Mark Baddeley, is fierce in protecting youngsters from alcohol, and he therefore saves the rest of our community from loutish behaviour. Other retailers are sometimes less scrupulous, and we need more aggressive checks on trading. It may even be right in certain circumstances to use young, set-up children to trap the culprits. We should then take very tough action against those culprits.

Let me put the issue into local and national perspectives, as the hon. Lady sought to do. She rightly said that alcohol abuse is a minority problem, which is especially true with youngsters. We have excellent, hard-working youngsters of the highest integrity, and their reputation is spoiled in all our constituencies by just a few yobs. Youngsters have more money, and sadly, more pressure than we had when we were growing up, but they are generally reasonable and sensible with drink. In response to the intervention from the hon. Member for Bedford (Patrick Hall), I should say that they are proportionally more reasonable and sensible than adults. I may receive slight criticism for saying that in the local pubs and clubs where I can often be found, but if the truth hurts, what can I do?

Let me address the defining issue of the price and availability of alcohol. Price and availability have changed in recent years, and they control the market and consumption levels of our youngsters in particular. The supply of alcohol, which is bought cheaply and illicitly resold, largely drives the issues of harm to our youngsters and of bad behaviour on our streets, from which we all suffer and for which we all pay the price. The key villain in the piece is the European Union, which has swamped us with cheap alcohol and made it readily available to our British kids through nefarious supply chains, circumventing parental control and the use of our mostly decent and carefully controlled retail outlets and pubs.

If we got out of the EU, there would be a number of important and very helpful consequences. One of the smaller but significant benefits of our exit would be to help our responsible and excellent traditional brewing industry, the retail trade and pubs and clubs. It would help cut youth binge drinking, tackle antisocial behaviour, give the police and parents more control and help protect our kids.

Mrs. Dean: Does the hon. Gentleman accept that the problems a few years ago of the white van trade were mainly eliminated, and that the illegal importation of alcohol was tackled through better controls at our ports? Perhaps he was referring to those problems when he talked about the European Union and activity on our streets. I hope that he would recognise that the issue has been tackled. I am a member of the all-party group on beer, and we went to Calais to analyse the problem, which I understand has now diminished.

Bob Spink: I am grateful for that intervention. Perhaps my view of the situation is coloured by the proximity of my constituency to the ports. In Kent, Essex and other areas of the south-east, the uncontrolled supply and resale of cheap EU booze is still a major problem that affects trade badly. In the industry, it is still a factor that drives the massive growth in street disorder and problems for our children. My hon. Friend the Member for Enfield, Southgate provided statistics on the number of young children who are binge drinking, and we all know where much of that booze comes from, at least in that area of the country.

I am delighted that some Members agree with the vast majority of the sensible British public, who say that we would be better off out of the EU. I wish more Members would stand up to the vested interests of their parties, listen to the people and provide leadership on that issue. We should return to the original trading relationship and take control of our laws, taxes, borders and imports. It would, in a small but significant way, help our alcohol harm reduction efforts as well as our economy. It is sad that the Prime Minister is so obsessed with his legacy that he is currently trying to row us in the opposite direction.

Mr. Bill Olner (in the Chair): Order. The debate is not about taxes and VAT; it is about alcohol misuse.

Bob Spink: Yes, Mr. Olner, I accept your advice. However, taxes, VAT, and import and border controls affect in a small way the supply of alcohol to our kids on the streets, and that is the point that I was making. I accept your ruling so perhaps I had better call time on my speech. However, the Labour and Conservative Front-Bench spokespeople must realise that the subject will not go away for the British people.

10.15 am

Patrick Hall (Bedford) (Lab): I congratulate the hon. Member for Enfield, Southgate (Mr. Burrowes) on his success in having his name picked out of the hat. He knows that, on an all-party basis, a number of us were seeking to secure the debate, and I congratulate him on being the one to do so.

I shall not get distracted—tempted though I am—by the entertainment that we have just had from the hon. Member for Castle Point (Bob Spink); perhaps others will have time to refer to that. The hon. Member for Enfield, Southgate set the national scene ably, so I intend to concentrate on the situation in Bedfordshire, where some of the most valuable work on the treatment, awareness and prevention of alcohol abuse is carried out by the non-statutory body Alcohol Services for the Community, a charity that was set up in 1979 as a treatment and prevention organisation. It started in Luton, but it has expanded to cover the whole of Bedfordshire, including Bedford and, indeed, Kempton, which is in the constituency that I represent.

Under the umbrella of ASC, there are four services. First, there is a preview prevention service, which seeks to raise knowledge and understanding of alcohol through the media, community events and groups, and which provides training and resources. Secondly, ASC delivers a licensees' course to help them to prepare for the national certificate for licensees exam. Thirdly, the James Kingham project, which is based in Luton and Bedford, is a rehabilitation service that supports people and families who want to resolve an alcohol-related problem. It also operates an outreach service throughout the community, helps to build self-esteem and encourages people to retrain and re-skill.

The fourth project, which is aimed at young people and children, is called prevention, understanding, knowledge and education—better known as PUKE. It is linked to the James Kingham project, and mainly through schools, it provides an outreach information and support service to young people and children throughout Bedfordshire. Some have a drink problem themselves, but many live in households where adults and parents have a drink problem.

Over the years following the creation of ASC, the resources, including the number of staff and, therefore, the range of activities, initiatives and innovations, have grown. Within the Luton unitary council area, Luton borough council has consistently supported the project, but unfortunately, the situation in the rest of the county of Bedfordshire, including Bedford, has been very different.

A few years ago, the James Kingham project employed five full-time-equivalent staff in Bedford, and from Bedford, 6.5 full-time-equivalent PUKE workers. Owing to funding reductions, the numbers have gone down to 2.5 full-time-equivalent staff in Bedford, and 2.5 full-time-equivalent PUKE workers. However, the work load has increased both in Luton, where the borough council has maintained the funding, and in Bedford.

The work load has increased at a price, of course, because one cannot get something for nothing. The price has been a considerable reduction in the essential one-to-one work in Bedford and wider Bedfordshire, and an increase in group work. Many more volunteers are being employed—if I can use the word "employed"—in Bedford and wider Bedfordshire. The volunteers do a good job, and I am not criticising them, because they are well trained. However, there is a difference between the likelihood of volunteers and the likelihood of paid staff remaining in such activity. Therefore, things are changing, but not necessarily for the better.

The second cost that is being borne owing to reductions in funding is that waiting lists have been introduced by ASC in Bedford and Bedfordshire. That is absolutely the last thing that somebody who feels ready to face up to their problem or to work with members of their family with a problem needs to hear. People screw up the courage to ask for help, but are then told to come back in six months. That is a worrying development, but that is what ASC has had to do.

Despite those pressures, I congratulate ASC on handling 1,100 referrals to the James Kingham project last year, 900 of whom have gone on to the active list—not everybody maintains their wish to be helped. The PUKE project has engaged 6,000 young people in Bedfordshire, 150 of whom have received much more intensive help. Therefore, despite the increasing pressure, good work is still being done.

The hon. Member for Enfield, Southgate made the point, which I now want to make, too, that there seems to be a serious mismatch between the resources directed at tackling drugs and those dealing with alcohol abuse. The boost in Government funding through the Home Office for drug treatment and prevention in Bedfordshire and nationally has been very impressive indeed. I understand that the increase in resources for drug treatment in Bedfordshire was around 18 per cent. in 2005-06 and 56 per cent. in 2006-07, although those might in fact be national figures, so perhaps my hon. Friend the Minister could clarify that. However, at the same time as those considerable increases in resources for drug treatment, ASC's budget for the last financial year was cut by 5 per cent. That is a clear mismatch, and ASC still does not know what its funding situation will be in the current financial year.

In December 2003, I was privileged to be asked formally to launch the Bedfordshire drug action team, which is based in Bedford. Since then, it has changed its name to the Bedfordshire drug and alcohol action team, which relates to the point that my hon. Friend the Member for Burton (Mrs. Dean) made, although I have a different take on that. From the evidence of what is going on in Bedfordshire, it seems that putting the two issues on an official level playing field and in an equal position of recognition is a good way of proceeding.

The Bedfordshire drug and alcohol action team commissioned a report last autumn on alcohol use and the availability of alcohol treatment services in Bedfordshire. However, despite the official interest in alcohol, which is suggested by having that word in the organisation's title, I have been categorically assured by ASC that senior staff at BDAAT say that it does not fund alcohol services and that its increased resources are entirely directed at drug treatment and prevention. From my detailed local knowledge of the attitude of councillors, it seems that officers are telling councillors in Bedford, at both the county and district level, that BDAAT is dealing with all alcohol matters, as well as all drug matters. That is the message that Bedfordshire primary care trust seems to have been given, too. Therefore, when there are resources, whatever they are, they go to BDAAT, not to the organisation that has such a good track record and is still doing such good work.

There is confusion. The situation is unsatisfactory and should be resolved locally. However, perhaps the Government can intervene and assist, too. The national review of the strategy is an opportunity for that to take place, and could propose clearer advice to PCTs and drug action teams. I ask my hon. Friend the Minister to comment on that, if she has time.

Alcohol abuse is a serious problem. It is a national issue, and it is not good enough to leave it to be dealt with primarily by the voluntary sector. The Government are understandably reluctant to impose targets. Whenever they do, they are pilloried, sometimes by the same people who might ask them to impose targets for alcohol. However, there will need to

[Patrick Hall]

be a stronger lead and a clearer message. Alcohol-induced harm to individuals and society is on a far greater scale than that caused by illegal drugs. Massive resources have been allocated to drug treatment and prevention, but more people die from, and are harmed by, alcohol misuse. I therefore ask the Minister to respond to the proposal that more of the revenue collected from the sale of alcohol be invested in the prevention and treatment of alcohol-related harm.

Mr. Bill Olner (in the Chair): Order. Will the hon. Gentleman bring his remarks to a conclusion now, please?

Patrick Hall: Certainly, Mr. Olner. In fact, you will have heard from the way I was speaking that I was seeking to convey the message that I was indeed bringing my comments to an early conclusion.

We need the balanced picture that alcohol can be pleasurable, and even preventive in health terms, and has been part of our culture for centuries. However, part of that balance is to admit that there is a serious problem that cannot be ignored, and that must not play second fiddle to acknowledging the serious problems associated with illegal drugs. We look to the Government to strike the right balance through the review promised this year. In doing that, I hope that the problems faced in Bedfordshire will be resolved, but also that we achieve a much better balance, which will help us all in this country.

10.26 am

Sandra Gidley (Romsey) (LD): I congratulate the hon. Member for Enfield, Southgate (Mr. Burrowes) on securing this debate. The problem of alcohol abuse has had a raised profile recently, which is a good thing, although I still believe that it is not discussed enough, so I thank him for successfully raising it today.

As a relatively fresh MP a few years ago, I made a round of visits to police stations. I would ask the local police officers what their biggest problem was. I was also quite interested in the drugs problems, because they were high profile at the time. This was probably not a politically correct comment to make, but the police would invariably say in informal feedback, "Drugs? No problem. In fact, we quite like them when they've been smoking spliffs, because they're quite mellow and they don't cause that much harm"—let us put aside the longer-term harm of drugs for a moment. "Alcohol's the real problem we have to deal with, but nobody's doing anything about it". Seven years on, it is difficult to see what has been done to address those problems practically, because they have got much worse.

Hon. Members have mentioned that there is a problem in recognising alcohol abuse, and also highlighted the fact that the availability of treatment varies. "A Glass Half Empty?" by Alcohol Concern calculated that £400 million had been spent on 18,390 drugs service users, which is equivalent to just over £21,000 a head, but that only £217 million had been spent on the 1.1 million people who are dependent drinkers, which is equivalent to about £197 a head. There is clearly a great disparity in how the different problems are funded and perceived.

I know from talking to my local drug and alcohol treatment centre that it feels that it has a relatively large amount of funding for drugs, but that it struggles to find adequate funding to treat alcohol problems. It is only because more and more people are coming through with joint problems that the centre can tackle some of the problems, such as the long waiting list. Figures show that an average of only about one in 18 people who need treatment for alcohol abuse can receive it. The regional disparities are even starker; in the north-east of England, only one in 102 people requiring access to such treatment can receive it. If people who have an incident that prompts a desire to tackle their alcohol problem cannot get help there and then, things become difficult. The necessity of waiting weeks or months to access services is one of the urgent problems that needs to be tackled.

I am surprised that little mention has been made in this debate of Alcoholics Anonymous, which provides a very useful service, although the style may not be for everyone. Last year, I was invited to attend an open AA local meeting, which I found illuminating. I was particularly struck that some people with an alcohol problem had been attending Alcoholics Anonymous for 15 or 20 years. They felt that it was important to keep the link and realised that they were no better, if you like, than the tramp in the gutter with a bottle of cheap plonk.

The hon. Member for Castle Point (Bob Spink) highlighted the problems in respect of children. Recent surveys have all pretty much confirmed that alcohol consumption among children is increasing. There are mixed reports about whether allowing children to consume alcohol at home eases or worsens the problem. We are probably taking too broad and simplistic a view of the issue. As was hinted at in an earlier intervention, there is a range of parental attitudes towards alcohol. Some parents introduce it in a controlled setting and supervise their children's exposure to it. However, I remember being absolutely horrified when I watched a programme called "Wife Swap"—one has to de-stress somehow—in which a couple were knowingly giving their quite young children quite large amounts of alcohol. The parents thought it fine if their children, totally unsupervised, drank large amounts at parties. So there is a range of parents, and they can have completely different attitudes to alcohol. We have to take that into account when we analyse such surveys.

Binge drinking among children is on the increase, and that is a concern. The European school survey project on alcohol and other drugs found that drinking levels among 15 to 16-year-olds in the UK were at 27 per cent., exceeded only by two other countries in Europe. Ireland tops the poll at 32 per cent. Clearly, there is a problem. Recently, I tabled a parliamentary question about end-stage liver disease among the under-18s. I did not expect any sort of answer at all, and some people were pleased that only three under-18s had been diagnosed with the problem. However, given the lead-up time to developing end-stage liver disease, the figure means that children are drinking large amounts at a younger and younger

age. A bulge in the figures indicates such a shift and indicates the growing problem, which is not being tackled.

Obviously, the problem will impact on the health service, but there are other impacts too. My hon. Friend the Member for Bath (Mr. Foster) asked for figures on alcohol-related accident and emergency admissions since 1997. In 1997-98, there were 75,863 such admissions; by 2005-06, that had almost doubled to 148,477. Earlier, we heard evidence that when such people access A and E, they can be abusive and a threat to our NHS staff. That is another aspect of the problem that we cannot afford to ignore. There is also a large alcohol-related component in domestic violence figures; about half of domestic violence incidents are fuelled by alcohol.

Another health-related link is with teenage pregnancy and it should not be ignored. In 2002, when I was one of its members, the Health Committee wrote a report on sexual health. We invited young people to talk to us and they were clear that the pressures of drink—or the pressure to drink—added to the problem of the pressure to indulge in sexual activity. The two are not unrelated. Alcohol Concern's "A Glass Half Empty?" points out that evidence suggests a strong link between alcohol consumption and the neglect of contraceptive use during sexual intercourse among the young. However, that issue was completely ignored by the alcohol strategy. It would be helpful if the Minister said whether anything was planned to tackle the issue.

The hon. Member for Burton (Mrs. Dean) claimed that things had not worsened under the new licensing hours. However, there is no evidence that matters have improved either. Recorded alcohol-related crime between 11 pm and 2 am has not decreased as a result of extended opening hours. However, I—and many other hon. Members as well, I suspect—have probably had an increase in our postbags as a result of those hours. People now go home from the pub during a longer time span, in which minor criminal damage—silly things, such as damage to cars and property, that are a real irritant to people—can take place. Having spent my teenage years on the continent, I always felt that introducing those hours would be a good thing. However, that is not necessarily the case.

In my last couple of minutes, I should like to talk about advertising.

Mr. Bill Olner (in the Chair): Order. I hope that the hon. Lady will make it only a minute; the Conservative spokesman must speak and the Minister needs to reply.

Sandra Gidley: I take your point, Mr. Olner.

I am fairly sure that it is too late for a sensible-drinking message, because there are confusing and conflicting messages about alcohol—those who drink in moderation, for example, live longer than teetotallers. People do not have a strong idea of what moderation is; glasses are bigger and alcohol is stronger. We really need a hard-hitting advertising campaign and to consider a ban on alcohol advertising. The UK budget for alcohol promotion is estimated at £600 million to £800 million, but that for alcohol awareness is £7 million. The figures do not stack up, and all the evidence shows that increased exposure to advertising increases the incidence of drinking among the young and the not-so-young. It would also be helpful if the Minister outlined how that issue will be tackled. Advertising before the watershed is also a big problem that needs to be sorted.

10.38 am

Dr. Andrew Murrison (Westbury) (Con): I congratulate my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes) on securing this debate and on the measured and thoughtful way in which he introduced it. It is about an important subject; alcohol-related deaths went up by 18 per cent. between 2002 and 2005, and that is a worrying statistic. I am sure that the Minister will tell us about the importance that she attaches to the apparently deteriorating position in respect of illness and lawlessness related to alcohol, and what she intends to do about it as part of phase 2 of the alcohol harm reduction strategy for England, or AHRSE.

According to that strategy, alcohol abuse costs £20 billion a year. I am afraid that we tend to dismiss such statistics: £1 billion, £20 billion—what's the difference? The sum is massive, however, and it impacts on all our public services as it is money lost to them. It is extraordinary that such a relatively trivial sum should have been spent on alcohol harm reduction, given the enormous figures, in cold economic terms, that alcohol abuse causes.

The alcohol harm reduction strategy has, I am afraid, been characterised by something of a lack of direction and rather indistinct leadership from the start. The Minister without Portfolio, the right hon. Member for Salford (Hazel Blears), set it up when she was in the Department of Health, and she appeared to take it with her when she was translated to the Home Office. Of course, cross-cutting and interdepartmental work is important with such initiatives, but they need ownership and it is not clear where that has been during the strategy's short history. In short, no one appears to have been in charge for much of the time.

The Prime Minister's strategy unit's website, which comes complete with typing errors, tells us that the first alcohol harm reduction strategy aimed to

"tackle alcohol-related disorder in town and city centres".

Clearly, it failed to do so. It aimed to

"improve treatment and support for people with alcohol problems".

I represent East Knoyle, and the Minister will know that in East Knoyle are the premises of Clouds, a charity that deals with alcohol problems and has recently been reformed as Action on Addiction. I doubt whether those at Clouds feel that things have improved over the past three or four years.

The strategy unit tells us that the strategy aimed to

"clamp down on irresponsible promotions by the industry".

We have heard today about how there may be shortcomings in that respect, and I would be particularly interested to hear what the Minister feels about supermarkets' attitudes to that. The strategy aimed to provide

"better information to consumers about the dangers of alcohol misuse".

Baroness Andrews spoke about that in 2004 in connection with foetal alcohol syndrome, and said that

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she would work with the industry on labelling. Not much has transpired since then. Will the Minister update us on where she is with that?

In March 2004, the alcohol harm reduction strategy said that Government would "take stock" in 2007, and that they would

"measure progress regularly against clearly defined indicators".

We have reached the point of taking stock. What are those clearly defined indicators and how has the strategy measured up to them? We understand from those who have been consulted, briefly, that there has been some effort to inquire widely as to how the first alcohol harm reduction strategy has gone. As we have heard from others today, in no way has that taken the form of a consultation. That is remarkable as Ministers come to set up the second part of the alcohol harm reduction strategy, which we expect to be launched next month. As my hon. Friend the Member for Enfield, Southgate pointed out, it is timely to review what has gone right and what has gone wrong in order to inform phase 2 of the strategy. It is worrying that it has not been more obvious that that process is under way.

It would be interesting to know whether the Minister intends to publish any sort of review to inform and educate the rest of us. It would be nice if that were the case, but so far we have seen no evidence of it. Back in 2004, the alcohol harm reduction strategy called for a national audit of the demand for alcohol treatment services and their provision. I have not seen that, and it would be interesting to know where it is. The alcohol harm reduction strategy called for, among other things, greater use of exclusion orders to ban the troublesome, more fixed penalty fines, work with licensees to ensure better enforcement of under-age drinking rules and the licensing of door supervisors by March 2004. I do not make any comment about the relative value of any of that, but it would be interesting to know where the Minister has reached.

The alcohol harm reduction strategy states somewhat tautologically:

"Effective treatment requires that...appropriate treatment is available".

I would have thought that that was fairly obvious, but clearly it is not, as the strategy's call for an audit of treatment facilities ought to have shown us. We know from providers—I have mentioned Clouds house—that primary care trusts are reluctant commissioners of services that mainly fall outwith the NHS. Other hon. Members have discussed that this morning. I know from alcoholics who have been to see me in my advice surgery that they have problems accessing residential treatment in particular.

Three times as many people die from alcohol as die from drugs, yet the National Treatment Agency for Substance Misuse focuses almost exclusively on drugs. Drug action teams, according to the strategy, were to be encouraged to become drug and alcohol action teams by the second quarter of 2004. To what extent has that happened? We know that £946 a head is spent on those who are dependent on drugs, but only £197 on people who have problems with alcohol abuse. Why does alcohol appear to be the poor relation, despite the fact that in public health terms it is clearly the more important issue?

The Food Standards Agency is exercised about identifying foods that are high in fat, sugar and salt, but alcohol seems to be the elephant in the room. The proper identification of units surely eclipses complex nutrient profiling, on which the FSA appears to be focused completely. I hope that the Minister will tell us how she will update information on units better to inform the public, who appear to have a lamentable understanding of what a unit actually is.

The first alcohol harm reduction strategy stated that the experience in the US was that there was no significant change in drinking behaviour as a result of labelling alcohol. Is that still the Government's position? Despite the lack of evidence, we were told in 2004 that the UK permanent representative to the EU, no less, would thrash out a compulsory labelling scheme for alcohol. Has he done so? Does it involve the rather crude pregnant woman logo that I believe that the French are keen to put on their bottles of alcohol? If anything similar is contemplated in the UK, it is important for the Minister to establish the evidence base that she will use to require such an initiative.

There is a link between the cost of alcohol and consumption, but the Chancellor has resisted putting up the price of alcohol dramatically, presumably because he is worried about smuggling, among other things. Has the Minister given any thought to the British Medical Association's suggestion that alcohol content should be taxed rather than the product? Presumably that would apply rather more to wines and beers than to spirits. Does the Minister think that it might be used as a lever to cut alcohol content?

Mr. Bill Olner (in the Chair): Order. Will the hon. Gentleman wind up?

Dr. Murrison: I will wind up with much pleasure. The Minister has a lot to answer for and I shall certainly leave her time to do that.

As the Minister takes stock at the end of the first alcohol harm reduction strategy, perhaps she will agree that given the fact that ill health and lawlessness attributable to alcohol have worsened since its start, much needs to be done. I hope that the second alcohol harm reduction strategy will be a great deal more successful than the first.

10.48 am

The Minister of State, Department of Health (Caroline Flint): I am sure that the hon. Member for Westbury (Dr. Murrison) will forgive me if I prioritise the questions of the hon. Member for Enfield, Southgate (Mr. Burrowes), who secured the debate, and other colleagues on the Back Benches. The hon. Member for Westbury probably gets more than his fair share of opportunities to ask questions of the Front Bench.

First, I congratulate the hon. Member for Enfield, Southgate on securing the debate. It is timely, because we are reviewing the alcohol harm reduction strategy for England that was published in 2004. Although we have not carried out a formal consultation as part of that process, I can assure hon. Members that we have had a series of detailed discussions that have informed our thoughts and views on how to take the strategy

forward. Those discussions have included stakeholders from health, non-governmental organisations, the police, young people's services and industry.

Once the strategy is published, there will be further opportunities to consult on different aspects of it. It is a cross-Government approach to tackling the multi-faceted problems of some for whom drinking has become a problem in their daily lives to varying degrees, but it is also for the majority who keep within the sensible drinking limits but for whom excessive drinking spills over into their lives. That might be because they want to go for an enjoyable night out without having to face the prospect of disorder in their communities or, as we have heard, because of matters such as domestic violence in which alcohol plays a part. Hon. Members have commented on the difficulties for children living in homes where alcohol is a common feature and contributes to a lack of support for them. There will be on ongoing discussion, and we will look for opportunities to consult on the various aspects of it.

We are determined to reduce the harm caused by alcohol misuse, and without being at all complacent I think that we have made some progress. It is becoming clear that the mechanisms that the Government have put in place since 2004 are becoming established and beginning, in spite of comments made today, to have a positive effect in tackling the range of harm that results from alcohol misuse. Most of the commitments in the Government's strategy have been delivered—on under-age sales of alcohol and on violent crime and offences involving alcohol, which have fallen. That is not to say that we should be satisfied by where we are, but the indications are that such offences have fallen.

I pay due respect to those in local communities who are enforcing operations on under-age sales, which have been extremely successful. The partnership involved has been very good. I visited two small supermarket outlets, which I shall not name, and in both asked about alcohol sales. Both those supermarkets were on a final warning after two operations in which, I am afraid, they had been found wanting. In the staff room there was information up for all staff to further get across the point that they really had to take responsibility for checking on age. Schemes such as those mentioned by my hon. Friend the Member for Burton (Mrs. Dean) are, I am sure, common to many other hon. Members' constituencies and tackle under-age drink sales. That is vital if we are to change some of the worst aspects of where drink is provided in our communities and the consequences of that.

We need to challenge the belief that drunkenness and antisocial behaviour are an accepted part of English drinking culture. There is sometimes a perception that it is our drinking culture, but the reality is that a minority indulge in such a way. Most people drink within the Government's sensible drinking guidelines or exceed them only occasionally. Even among 18 to 24-year-olds, the group most often associated with drunkenness, more than two-thirds of young men and three-quarters of young women drink within the guidelines. Of those who drink at levels above them, only a quarter become involved in antisocial behaviour or disorder.

The renewed strategy needs to build on what has been achieved and where we are now, and set out how to embed the strategy further—it is not about starting afresh—and take it forward. Total recorded alcohol consumption in the UK is estimated to have doubled between 1960 and 2002, which is a trend over a long period. That is important in dealing with the cases of cirrhosis of the liver that appear in our hospitals, and I agree with the hon. Member for Romsey (Sandra Gidley) that we need to consider future health and what we can do to prepare for the number of people who might still have problems with cirrhosis of the liver or other health conditions linked to alcohol. We must look further down the road at how we can stem that flow in the future, but consumption has doubled in 40 years.

The average weekly consumption of alcohol increased from 5.3 units in 1990 to 10.4 units in 2000, and it has since remained at about that level. That decade was significant in that respect. Heavy drinking remains high, but levels have decreased significantly among men and there are indications—I use that word carefully; we cannot be complacent—that it may have peaked among 16 to 24-year-old women. It is too early to say whether that represents the start of a consistent downward trend in consumption levels, but it is at least helpful for an informed debate.

In 2000, between 15,000 and 22,000 deaths in England and Wales were related to alcohol misuse. Since 2003 the number of alcohol-related deaths has slowed and flattened out. I use those figures not to over-hype that as a sign of success, but something seems to be happening. I am not suggesting that it is all down to the Government; maybe it is because of greater awareness or maybe the headlines in our papers are beginning to make people take stock of their drinking and the impact that it has.

Through the strategy we undertook the first national assessment of the need and availability of alcohol treatment, which was published in November 2005. We allocated £3.2 million last October to establish three major identification and brief advice trailblazer trials, which are taking place on 57 sites, to identify and support harmful drinkers. That initiative is important because it is about trying to address people who are not defined as chronic alcohol dependants but whose drinking is regularly proving hazardous to their health and could result down the road in severe health conditions for them to face up to.

We are trying to examine the matter differently—maybe in accident and emergency settings or maybe in other environments such as a local police station if someone has been picked up for antisocial behaviour—to engage with a person's drinking and its relationship to why they have turned up there. They might have turned up at A and E because they have fallen over and cracked their head open and require stitches, or at a police station because of disorder. I know that they are examining the matter in Enfield and are in discussion with their trust about staffing in the A and E department to support such work. I congratulate them on that.

The hon. Member for Enfield, Southgate, my hon. Friend the Member for Bedford (Patrick Hall), and the hon. Members for Romsey and for Westbury talked about drugs and why they are given such a priority compared with alcohol. We could have a whole debate about that, but I have a few comments. Action on

[Caroline Flint]

alcohol is at a much earlier stage than that on drugs. It is also, as I think we all agree, a complex issue in that it is not of itself illegal. The drugs strategy was combined with dealing with illegal drugs and their link to crime. Unlike tobacco consumption, low alcohol consumption may be beneficial for health for certain population groups, and moderate consumption is not harmful. Alcohol therefore poses a different range of problems and issues to be resolved.

The alcohol harm reduction strategy for England was the first comprehensive Government-wide strategy to establish different ways to approach this complex issue. We may compare that with drugs, for which the Government have had a strategy in place since 1998 and for which there were predecessor strategies before that under other Governments. We are now encouraging drug and alcohol action teams, and many people involved in drug addiction through illicit drugs, a number of whom I have met, also have alcohol problems. There is an opportunity for dual diagnosis and dual treatment to go hand-in-hand.

I say to my hon. Friend the Member for Bedford that there is an opportunity to use the young people's grant to address both alcohol and drugs. I am happy to talk to him about the situation in Bedford and why that might not be happening in his area. We work with the NTA and discuss such issues regularly, and we are considering how we can improve the situation. I hope that I shall not be corrected on this by officials, but I understand that if an area has met its targets on drug treatment numbers there is flexibility to use resources for alcohol services.

Of course, a number of our providers are both alcohol and drug treatment providers and will have benefited, for example, from the capital funding that we have provided for those services. Many of them are in the voluntary sector, such as Clouds, which was mentioned. I was happy to go to the launch yesterday of the merger of Clouds, Action on Addiction and The Chemical Dependency Centre. Quite cleverly they are going to use the same name—Action on Addiction.

We are absolutely serious about focusing on the area in question. I commend the comments of my hon. Friend the Member for Burton about how we can work with the industry. We cannot work with the illegal drug industry, but we can work with the alcohol industry in different ways to tackle irresponsible retailing. I have heard the points made about on-trade/off-trade promotions. We are examining advertising, and the authorities are going to review the code that they tightened up only a short while ago to see whether it is working. We are also working on labelling, and through self-regulation that is one way in which we have made some progress.

Higher Education (Funding)

11 am

Ian Lucas (Wrexham) (Lab): It is a pleasure to appear under your care and control this morning, Mr. Olner, and to have the company of such a star-studded cast of Members of Parliament, in particular my hon. Friend the Minister for Higher Education and Lifelong Learning, with whom I had the pleasure of working for a considerable period. We still speak intimately as well as publicly.

I am delighted to have the opportunity to speak on the important issue of funding systems for higher education in the United Kingdom, an issue that has been neglected somewhat since our intensive discussions on the subject during the passage of the Higher Education Act 2004. The area that particularly concerns me and which I want to explore is the existence of different funding systems in the UK. I proceed from the premise that education should always broaden the mind, and that individuals from the different member countries of the UK should be encouraged to go to university in other member countries of the UK. The present system is making that more and more difficult.

I am reaching the time of life when my own children are considering going to university. That pleases me greatly but the situation brings pressures and concerns. I recently picked up a rather good edition of *The Guardian* that included a helpful university guide. An interesting article headed, "Want to study in a different part of the UK? What you need to know" contained 16 paragraphs setting out the different arrangements that exist for individuals who want to apply to go to universities in different parts of the UK, depending on where they live and where they want to study. That is a real concern for the student. I have a simple approach: I believe that students should apply to study on the course that suits them best as an individual and that will take them the furthest academically and in terms of their future career. At present, financial factors differ depending on where they are from and where they go to university, and that is unfortunate.

I have a strong constituency interest in the matter because I represent a border constituency; Wrexham constituency is on the border with Cheshire. I represent an area of the country, north-east Wales, that has been extremely successful economically in recent years. Indeed, the area that includes west Cheshire and north-east Wales has been one of the most successful in the UK. Recent studies have shown that that geographical area, which is known as the Deeside hub, is one of the areas of the UK with the most intensive economic growth.

There are many multinational companies in the area, including, most famously perhaps, Airbus in Flintshire, General Motors, Sharp UK and JCB, all of which are large multinationals. It is interesting that, until very recently, that area did not have within it a university. I am pleased to say that a couple of years ago university status was secured for what is now the university of Chester, and, at present, the North East Wales Institute of Higher Education in my constituency of Wrexham is going through the arduous process of securing degree-awarding powers.

Yesterday, I attended the launch of NEWI's annual review. I have nothing but praise for the work that is being done by the institute's staff, particularly the principal, Professor Michael Scott, who has taken the institute forward enormously. We hope that there will indeed be a university based in Wrexham within the next year.

NEWI is a particular type of higher education institution. It is entitled to boast that 67 per cent. of its graduates come from households earning less than £17,000 per annum. That is an extremely impressive statistic, and even more impressive is the fact that 91 per cent. of its students are in work within 12 months of graduation.

The institute works hard to engage with powerful companies in the economic area. Along with a further education college, Deeside college in the constituency of my hon. Friend the Member for Alyn and Deeside (Mark Tami), it has developed a foundation degree with Airbus, which is the type of degree that I understand is on the Government's agenda and what we want for delivering higher education throughout life.

The institute takes individuals from non-traditional university backgrounds through education, and provides the education and skills that we all want for our children—and, indeed, for adults. Many of the students at NEWI are part-time students who secure entry to university, often through their employers and often through an aggressive marketing campaign that the institute runs in the area, which convinces people from non-university backgrounds that university is for them and that it will take them forward.

A problem for the geographical area known as the Deeside hub, which is an integrated area, is that it spans both sides of the England-Wales border. The financial regime for students from Wrexham is completely different from the one for students from, for example, Cheshire, which is literally across a brook some 5 yd wide. That creates enormous complications for the institutions that have to deal with the process. As I said, *The Guardian* set out in 16 paragraphs the process for any student who wants to attend university in the UK. I believe that there are actually seven different funding systems for UK students.

I have always been concerned about the issue. Indeed, that concern was one of the major reasons why I voted against implementation of the 2004 Act. One of the most unfortunate aspects of the Act, as far as I am concerned, is that it has created a situation in which it is cheaper for Welsh students to attend university in Wales than in England. As a Unionist—I do not hesitate to use the term—I think that that is extremely unfortunate. I would like a situation where that is not an issue for someone from my constituency who chooses to go to university. The key consideration should be whether the course is right for them academically, not whether it is cheaper to attend a university closer to home.

There are different conditions in England and Wales. There is also the situation of someone from Wales who wishes to study veterinary science but cannot attend a university in Wales because the course is not available in any of the higher education institutions. They would have to go across the border into England, and in that case the funding system for them would be the same as for a student from England.

The complexities of the present system in the UK are legion, but we are not having any real discussion about them. We have had recent elections in Wales and Scotland, and Governments are yet to be formed in those constituent parts of the United Kingdom. Therefore, it is an appropriate time for us to step back and to examine the overall higher education system and the way in which students choose to go to university in the United Kingdom. The constituent parts of the United Kingdom should begin to talk to each other to a greater extent about how the higher education system should progress.

There is a common agenda for UK higher education and we all recognise that the sector is a competitive environment. We all know of universities that are competing hard for international business and trade. The difficulties of the different funding systems do not just affect students; they also affect higher education institutions. When I secured this debate late last week, I quickly found out that there is an active higher education system in operation for briefing MPs. I am grateful to those bodies that forwarded interesting information to me about their particular areas of interest.

It is clear that there is real concern about the future of university funding and the different sources of funding that exist. I have always accepted that, at a time when, on leaving school, 43 per cent. of individuals go into higher education, it is appropriate for students to make a contribution to their higher education. However, I favour a graduate tax, rather than the variable fees introduced by the Government in 2004.

Mr. Boris Johnson (Henley) (Con): The hon. Gentleman makes an interesting case against the disparity between charging systems in England and Wales. Does he wish to roll back the devolutionary settlement whereby Wales can have separate arrangements for university finance?

Ian Lucas: I do not want to roll back the devolutionary settlement, although I am certain that some of my colleagues will be surprised at my gentle approach to that matter. I would like to facilitate much closer dialogue between the constituent parts of the UK, and between Ministers in the devolved bodies and the UK Government. We should not simply go back to the system that existed before the Higher Education Act 2004 because there are benefits from having closer links between universities and the local community as a result of a devolved system. However, there must be better recognition that we are operating in a competitive world market and not simply a UK market.

Mr. Andrew Smith (Oxford, East) (Lab): I am sorry that I missed the start of my hon. Friend's speech. He speaks with feeling about the complexities affecting students, particularly in his own area. On the funding of higher education as a whole, does he agree that there is a strength in diversifying sources of funding and that, as well as a contribution from the taxpayer and students, there is an increasing role for endowments and other sources of funding? That would allow us to strengthen the independence and long-term stability of our universities and colleges in what is, as he said, a competitive global situation.

Ian Lucas: That is certainly the case. It is extremely important that we diversify the sources of funding in higher education. There are difficulties in the approach

[Ian Lucas]

to endowments recently announced by the Prime Minister because the scheme tends to benefit those universities with a more traditional background, more alumni and more affluent alumni; smaller and newer universities do not have that same support. We must look for new sources of funding by developing links with previous students and with industry. The most competitive economies in the world have extremely high levels of contribution from the private sector. For example, in the higher education sector in the United States, levels of private sector funding are higher than we currently have. That is something that we need to develop. The foundation degree scheme that I mentioned in relation to Airbus in my own area must be extended in order for universities to progress.

There are concerns about the disparity of funding in the UK, which was recently expressed in evidence that was given by the Higher Education Funding Council for Wales to the inquiry on globalisation by the Select Committee on Welsh Affairs. Even now, under devolution, there is a dual-support system for higher education in Wales. The Welsh Assembly Government provide funding through the Higher Education Funding Council for Wales and funding is also provided by the Department of Trade and Industry and UK research councils to important universities in Wales, such as Cardiff and Bangor. Therefore, even under the devolved system, contributions are made by the UK Government.

The higher education sector in Wales has expressed concerns that it is not adequately funded by the Welsh Assembly Government. When a Government have been formed, I will ask them to look at that issue. The Higher Education Funding Council for Wales observed in its evidence to the Welsh Affairs Committee:

"Levels of overall public investment in HE in Wales lag well behind England, Scotland and some of our key international competitors. HEFCW estimates a £41 m funding gap exists between the HE sectors of Wales and England."

Anecdotally, vice-chancellors in Wales have told me that that is their perception of the issue. I am not sure whether the Minister should take that as a pat on the back from England or not, but I am sure that he will take it that way if he can.

Welsh institutions are in a small higher education environment and must compete with higher education institutions in England. It is increasingly difficult for Welsh institutions to secure the appropriate level of investment to finance high-quality higher education for students. In the modern economy that we are developing, which is supported by universities, it is important that progress is made on that issue. I want to see a university in Wrexham, in my own constituency, that works closely with the successful private industry in north-east Wales and provides support for the research that companies undertake. I have met companies in my constituency that have told me about their research and that they use universities from across the United Kingdom and, in certain cases, from other parts of the world. There is a gap in the market and a missed opportunity for the local education sector as it could provide companies with the support that they need to progress.

The link between industry and universities must be taken forward and competitive universities should be able to offer the appropriate support to business. However, that is complicated by the current arrangements and the disparity in funding regimes for students and institutions in the UK. This matter has not been on the political agenda for a long time, which may be because of the elections to the Welsh Assembly and Scottish Parliament. The issue presents some political difficulty and should be discussed not just within one political party, but among all parties. We all agree that we need a competitive and high-quality higher education sector, which at the present time is very complex. We had a full debate about different funding systems for students at the time of the 2004 Act, but things have moved on since then. We are beginning to see evidence of changes in student behaviour, and that evidence will, of course, increase as time passes.

This is the appropriate time for the UK Government to engage closely with the devolved Governments and institutions to discuss how we can codify and bring together the funding systems within the United Kingdom. It is also time that we had detailed proposals from all political parties, not only from the Conservatives and Liberal Democrats in the House of Commons, but from nationalist parties in Wales and Scotland, so that we can hear what they have to say on the subject and how they believe that higher education can be taken forward.

Make no mistake: the higher education sector is vital to the continued success of the UK economy and to the UK as a cultural centre that other countries respect. We have built that up over many years, and further in recent years, and I am pleased to see the increased number of students accessing higher education through different means—not just through school, but through the workplace, institutions such as the North East Wales Institute and other non-traditional means. It is important that we make the system work as well as possible. In order to improve the current position, we need much greater dialogue between the UK Government and the devolved institutions.

11.22 am

David Howarth (Cambridge) (LD): I congratulate the hon. Member for Wrexham (Ian Lucas) on securing this debate. He is quite right to say that this issue needs more discussion. The level of public debate seems to have gone down since the one on the Higher Education Act 2004. I add also that, as a parent, I appear to be in a similar position to him. My other interest, perhaps formal, is that I am a university academic, and I shall come back to a point arising from that in a moment.

The hon. Gentleman raised an important point about differences between funding opportunities for students across the boundaries between Scotland and England, and Wales and England. However, in many ways, that comes back to the fundamental point made by the hon. Member for Henley (Mr. Johnson), that this flows from the very idea of devolution and of devolving student support as part of the devolutional settlement. That relates also, as he said, to the devolution of some parts of university funding. What he said about one part of university funding—the research councils—remaining on a UK basis is true.

There is an interesting question about whether that should be devolved further to Scotland and Wales, or whether there is an important benefit from maintaining

a UK basis for research council funding. The amount of money available to universities from the research councils might be stabilised, because the complication of devolution makes it more difficult for the Government to shift resources about. I gather that there is a question about whether the research councils will continue to come under the auspices of the DTI, which may not be long for this world. If that is the case, the question arises of where the research council funding should go. Should it go to education or perhaps to the Cabinet Office? That is a difficult decision, but academics can take some comfort from one thing at least: because of the complications of devolution, the Government's possibilities for raiding the research councils' overall budget might be less in mainly England Departments than in United Kingdom ones.

On fairness and the opportunities for students on different sides of the boundaries, it strikes me that this is very similar to what used to happen when county councils and local education authorities could give discretionary grants for particular postgraduate courses, for example. Funding depended on where a person lived, but that was a political decision by that local authority, just as it is a political decision by the Scottish Parliament to spend the money available to it on effectively paying the fees of Scottish students in Scottish universities. It seems to me that if devolution means anything at all, it means allowing different layers of government to make different political decisions about spending priorities. That is the Scottish Parliament's decision, and we have to respect it.

The second point from the hon. Member for Wrexham that I want to comment on was about the breadth of sources of funding in higher education. He is quite right that we should be looking for a broad range of funding sources. During our discussions on education funding at the end of the last decade and the start of this one—with the Dearing report and so on—a number of ideas arose that have not been taken forward. Most obviously, the point was made that students, the economy, employers and the Government all benefit from higher education, but in the debate since then, we have concentrated exclusively on the balance between the individual student and their family on the one side, and the taxpayer on the other. The one source of funding originally mooted, but no longer in the debate—it ought to be brought back—is employers. What place should they have in the funding of higher education? I would be interested to hear the Minister's views on that.

Mr. Andrew Smith: Does the hon. Gentleman accept that one way in which employers could help would be to assist those they recruit with meeting their outstanding student debts? He might care to elaborate on that. Does he accept also that it is not quite true to say that other sources of funding have disappeared from the picture? Does he welcome the £200 million announced by the Government earlier this year as match funding for universities and colleges able to raise money from other sources, thereby expanding the endowment foundation, which, as I said earlier, has an important role to play in offering stability, security and independence for universities?

David Howarth: Yes, on those two points, certainly I welcome the money offered by the Government to universities to encourage fundraising. There are limitations on it and difficulties with the amount offered, but the principle is none the less a good one: higher education institutions should be looking for as much independence as possible, and financial independence is one of the foundations of academic freedom. It is often said that the older institutions have more opportunity to fundraise on that basis than new ones, but experience in the United States, to which the hon. Member for Wrexham referred, shows that even quite new state universities can raise a lot of money from the private sector in that way.

On the other point that the right hon. Member for Oxford, East (Mr. Smith) mentioned about employers effectively paying off the debts of those they recruit, that is one way in which employers can contribute, but of course it is voluntary: some do it, but others do not. There is a problem with free-riding by some employers. Furthermore, in America—part of my education was at a law school in the United States—I noticed that that was one of the ways in which the very well-off commercial law firms in New York and Wall street attracted bright students to their firms, as opposed to their going into perhaps more socially useful areas of the law. The number of my contemporaries who went into New York legal aid was, I think, one, and the number of my contemporaries who went into very large commercial firms in New York was very large. That is part of the problem with doing things in that way.

My main reason for speaking today, though, is to put a particular point to the Minister, to which I hope he will respond. Much of the debate on fees has been about the financial attractions or otherwise of taking a university course. As an academic, my point of view is probably slightly different from that of most people, in that for me, the most important thing about university is the content of the course and the effects of higher education more broadly on our culture. There is evidence, for example, that people who go through university courses tend to be more tolerant and liberal in their outlook, which I think is a very important aspect of our education.

Nevertheless, the question of the financial return to the student from taking a higher education course is important. I want to bring the Minister back to his comment in a debate in the main Chamber not so long ago that, on average, the financial benefit for students of taking a degree, over and above what they would obtain on the basis of A-levels, was about £100,000. Does that figure take into account taxation and the amount of income forgone by a full-time student on a three-year course? I ask that because those amounts can be quite considerable.

There are estimates that the amount of tax that someone would pay on an extra lifetime income of £100,000 would be about £42,000. Turning to the income forgone, let us say that someone worked for, say, 30 weeks a year extra by not taking a course and they worked full-time at about minimum wage level. On those figures, a student would lose, over the period of a three-year degree, some £20,000. Obviously, that figure would be much higher if the alternative employment was more lucrative, as it probably would be.

Let us consider how much per year a student will gain over a 40-year working lifetime and how much they lose by not working for the three years of the course—they never get that back, and in effect they lose the interest that they could have earned by putting

[David Howarth]

the money in the bank. If we also take into account the tax, the overall calculation as to whether it is worth while, purely in financial terms—for me, that would not be the most important factor—for a student to take on a university course turns out to be very close. Indeed, it is so close that the question whether there are fees, and especially whether there are £3,000 fees, would make a difference to a large number of students.

I ask the Minister to consider that, because if the calculation is correct, we will see a shift in the student population away from students who are from what one might call risk-averse backgrounds. People who are not sure what the rewards will be may be less confident than others that those rewards will come their way, which will discourage them from going into higher education. Perhaps just as important, there will be a shifting of students on to courses on which they think they will get a higher financial return than the present average.

That might be part of what the Government intend to achieve through their higher education policy, but we need to consider whether it is right to encourage students to think about lucrative careers—in the City, perhaps—and to think less about less lucrative careers, which might be highly socially useful, such as careers in social work or in teaching. For me, the crux of the argument about fees is what we are trying to get students to do and whether we think that the only plausible incentive to give people who go into higher education is financial. If it is financial, will it work and what effects will it have?

My final point about the fees system applies also to the proposal made by the hon. Member for Wrexham when he talked about a graduate tax; it is a problem with that system as well. If it is true, which I think it is, that higher education is desirable for the whole of society—it is something that we want to see more of—does it make sense to tax it? Increasingly in the debate about green taxes or environmental taxes, for example, it is accepted broadly across the political spectrum that taxation should be used as far as possible to discourage activity or behaviour that we disapprove of and to encourage behaviour that we do approve of. If that applies to higher education, what we are doing now is completely wrong.

11.35 am

Stephen Williams (Bristol, West) (LD): I was not expecting to speak so soon: I thought that the right hon. Member for Oxford, East (Mr. Smith) might be about to speak, so that we would have an Oxbridge contribution across the Floor of the Chamber.

I congratulate the hon. Member for Wrexham (Ian Lucas) on securing the debate. I listened with interest to his description of North East Wales institute of higher education. He may not know that I come from south-east Wales originally. I am sure that he has followed the fortunes of what was in my day Caerleon institute of higher education, which has become the university of Wales, Newport. Newport has become a city; perhaps Wrexham will go along the same path in the near future.

I also had some empathy with what the hon. Gentleman said about Airbus. From the point of view of my own constituency across the border in Bristol, Airbus is crucial to the west country economy as well as to the economy of north-east Wales and Cheshire, and co-operation between higher education institutions and industry is vital in that area.

Going back 20 years, I was a cross-border student myself, but it was a rather simple thing for me to decide to go from a south Wales valleys comprehensive school to an English university. There was no difference at all for me between doing that, going to Scotland or going to Cardiff or Swansea, which were my two nearest home institutions. Now, of course, students face a considerably more complicated application procedure and have financial choices to weigh up. The Campaign for Mainstream Universities has sent through a most useful briefing, to which I think the hon. Member for Wrexham would also have had access, which says that there are seven scenarios as to whether someone is an English, Welsh, Scottish or Northern Ireland student, depending on where they apply. Universities UK has also sent a very useful summary, which sets out the financial difference that students now face.

Let us take the example of students who originate from Wales or are going to study in Wales. A Welsh-domiciled student studying in Wales will receive from the Welsh Assembly Government £1,845 towards their £3,000 tuition fee, whereas someone going from Wales to study in an English university, as I did 20 years ago, will not receive that support: they will have to pay the full £3,000, albeit on a deferred basis under the new arrangement. A Welsh student from my background will now have to weigh that up.

An English student studying in Wales is subject to exactly the same regime as if they were studying in an English university. Someone who is from Wales but studying in Scotland has a completely different arrangement, and a Scottish student studying in Wales has a completely different arrangement as well. I will not go into the arrangements in Northern Ireland, because that would complicate things even further.

As someone who believes profoundly in devolution, I suspect from what the hon. Member for Wrexham said that I have rather more enthusiasm for it than he has. Indeed, my first political act as a schoolboy in the late 1970s was to deliver leaflets for the yes campaign in the dying days of the Callaghan Labour Government, so I have a long-term interest in devolution, and some of the things that he described and that I am summarising are an inevitable consequence of the devolved arrangements. I am sure that those complexities will evolve even more. If we believe in devolution, we cannot complain too much about that, because just as is the case for different health treatments on different sides of the English and Welsh border, or for bus travel and all the other anomalies that have sprung up since devolution, it is a natural consequence. For a 17 or 18-year-old in school who is contemplating where to study, the state none the less has a role in ensuring that they have access to the best advice and information, so that they can make an informed choice.

The hon. Member for Wrexham alluded to the funding gap between Welsh and English universities as institutions. Again, I can express concern about that as my party's spokesman on higher education in England,

but it is for the Welsh Assembly Government to decide how to spend the block grant that it receives from the UK Treasury, and the choices that it makes in the Cardiff Welsh Assembly are fundamentally a matter for politicians there. Perhaps the hon. Gentleman should influence his Labour colleagues in Wales—if they are still in government—to invest rather more in higher education than they have over the past eight years of devolution.

At many events in this place, I have anecdotal conversations with Welsh vice-chancellors and principals, and many of them have told me that the Welsh Assembly Government are not giving higher education in Wales due attention. Historically speaking, that is rather peculiar, because investment and belief in education have always been fundamental in Wales, and there has always been enthusiasm for investment in education. I did a history degree at Bristol university, and my dissertation was partly about the foundation of the university of Wales and the Welsh people's huge enthusiasm for providing the initial funds to set up Aberystwyth, Bangor and Cardiff. It is a pity that that enthusiasm is perhaps no longer felt with enough fervour by politicians in Cardiff.

Ian Lucas: The investment is happening in higher education in Wales, but as the hon. Gentleman said, the Welsh Assembly Government have chosen to invest in providing support for the student fee contribution—the £1,800 that he mentioned. Welsh institutions are spending the money, but money cannot be spent twice—there is not a bottomless pit. That might be why the funding that the Government give directly to higher education institutions in Wales is lower. The difficulty for the Liberal Democrats is that, yet again, we have no suggestion of where the money they talk about will come from.

Stephen Williams: I thank the hon. Gentleman for his intervention, but this is not the time for me, an MP who represents an English seat, to reopen the issue of the Welsh general election that has just taken place and—

Mr. Bill Olner (in the Chair): Order. I can assure the hon. Gentleman that he will not be doing that.

Stephen Williams: I am happy to be bound by your ruling, Mr. Olner, and I have no intention of going down that road anyway.

Of course, students, whatever their nationality, face further complexities, and bursaries are a good example. The financial section at the back of different universities' prospectuses now needs to be ever larger. There are complex tables about what sort of bursary students might expect to receive, covering funding from the university's own endowment-giving or alumni sources, which is fine, and the £300 minimum bursary that all universities must now offer as a result of the Higher Education Act 2004. Following that Act, it was expected that a market would eventually develop in fees, but that has not happened, because most institutions, with the exception of one or two, such as Leeds Metropolitan, have charged right up to the cap. However, a market has developed in bursaries, and it is now hideously complicated for a student to weigh up what subject they might do at what institution and what support they might get from that institution.

The situation is also not very egalitarian around the country. One reason why institutions such as Oxford and Cambridge, where my hon. Friend the Member for Cambridge (David Howarth) and I spent most of yesterday, can award generous bursaries to students from disadvantaged backgrounds is that relatively few apply and are accepted for places. However, a post-1992 university, which might take in a lot of students from its locality, which has done a great deal of work in widening participation and which draws in many students from poorer social and economic backgrounds, will have the same pot of money available to it and will therefore be unable to offer such a generous bursary, even though its students will clearly have the same need as those at other universities. I therefore wonder whether the bursary market that has developed is delivering equity for students from different family backgrounds at different institutions.

My hon. Friend the Member for Cambridge rightly mentioned the role of employers in university funding. It is now 10 years since the Dearing report, which recommended a tripartite approach to university funding. Lord Dearing recommended that money come from the state, and that funding has continued. He also recommended that the student or graduate should contribute, and that contribution has increased over the eight years since tuition fees were introduced. Finally, he recommended that employers step up to the plate and make a contribution, but that part of the report has not received sufficient policy attention from the Government. I therefore invite the Minister to expand on the Secretary of State's comments in his funding letter of 11 January 2007 to the Higher Education Funding Council, which is reproduced as a final appendix on page 41 of the Library debate pack. In paragraph six of his letter, the Secretary of State invites HEFC

"to develop a new model for funding higher education that is co-financed with Employers"

and

"achieves sustained growth in employer based student places".

Will the Minister expand on what the Government are alluding to? Are we really starting to ask employers to make a greater contribution to higher education?

My hon. Friend the Member for Cambridge rightly said that the undoubted salary benefit to graduates of accessing education is now more in the balance given that the debt that they will incur is now augmented by increased fees. The Government's evidence for drawing firm conclusions about the policies that they have implemented and those that they might be contemplating is still rather flimsy. We do not yet know for certain which of the shifts in behaviour that my hon. Friend mentioned might be taking place. We do not know whether students are deciding to do business studies rather than classics because they think that such courses will be more commercial and more attractive to employers when they graduate. I saw the hon. Member for Henley (Mr. Johnson) rushing to meet the Roman soldiers who were outside Parliament yesterday to stand up for ancient history, and I agree with him that it is important to preserve such things. Merchant banks and firms of chartered accountants, such as the one that I worked for, want to employ people with trained minds who can think critically for themselves and argue a case, and students are better able to get those skills from a history,

[Stephen Williams]

classics or law degree. However, students are now thinking about the commercial viability of their courses and might take courses that they might not otherwise have taken because of the financial arrangements.

Mr. Boris Johnson: The hon. Gentleman makes a good point about the necessity to make it clear to students that the humanities also offer lucrative prospects. However, is it not also our duty to make it clear to students that science—the numbers have gone down in the past, although the Minister will no doubt correct me and say that they are booming—is also a lucrative path for them to take?

Stephen Williams: Absolutely. My hon. Friend the Member for Cambridge and I heard anecdotally from an admissions tutor at Cambridge about a conversation with a parent who wondered whether their daughter should take physics or business studies. She was scheduled to get four As, including physics, and was an ideal candidate for a physics degree, but she thought that business studies might be more appropriate because of the debt and everything else.

Shifts are therefore taking place in subject choices, which is bad enough, but there are also likely to be shifts in location. It is a question not only of the cross-border issues at the heart of this debate but of whether the pattern of access to higher education, from which all of us here probably benefited—with people going away to study—will become completely different.

I went to Bristol from south Wales. It was a completely different environment from that of the mining village in which I grew up, and my life is completely different now. I have even largely lost my Welsh accent. Will students from more disadvantaged backgrounds now study closer to home, because that will reduce their subsequent debt? Increased fees, which augment the debt, might lead to that shift in behaviour.

Looking to the future, I am sure that the Minister hears from many vice-chancellors of their desire for the cap on the £3,000 fees to be lifted. I know that the Government will hold a full review in 2009. Of course, if the cap is lifted in England, the chances are that there will be even greater financial pressures affecting the ability of the Welsh Assembly Government and the Scottish Executive to maintain the differential, and that investment in those universities will change as a consequence.

My hon. Friend the Member for Cambridge also mentioned research. Of course, the Department of Trade and Industry made an extremely short-sighted decision to lop £68 million from the research councils' budgeted income—income for which they had already budgeted, which they had allocated to research projects, and which they will now have to claw back. That decision cuts investment in tomorrow to finance the industrial mistakes of the past. At present we have a UK-based research funding council system, which is, at least, able to invest in Scottish and Welsh universities. I hope that that will continue.

I thank the hon. Member for Wrexham for introducing the debate. He rightly said that not enough attention has been given to the anomalies that are now arising between the three nations and one Province of the United Kingdom. Those issues need to be teased out much more in the future.

11.52 pm

Mr. Boris Johnson (Henley) (Con): I, too, congratulate the hon. Member for Wrexham (Ian Lucas) on calling the debate and on putting his finger on a difficult political problem, which will not get easier, and which will start to come up the political agenda as we move towards a further reform of higher education finance, for reasons that I shall go into in a minute. He has only scratched the surface of the problem, but he is right to draw attention, first and foremost, to the need for strong and stable public finance for higher education. That is certainly something to which my party is firmly committed. Higher education is good for the country. Universities UK says that it generates £45 billion a year, and I do not quibble with that. It is a wonderful thing. It is a great motor of social mobility and, as the hon. Members for Cambridge (David Howarth) and for Bristol, West (Stephen Williams) both said, it is a great thing in itself. We thoroughly support the expansion of higher education and we want to ensure that it is funded properly.

Higher education is not, however, being funded properly at present, in the sense that the unit of resource has gone down considerably. As the Minister will confirm, anyone who goes to universities and talks to students about what kind of deal they are getting will sometimes encounter a good satisfaction rating—the students are happy—but will often meet students who say they are not getting a fair suck of the sauce bottle: they do not get enough teaching, class sizes are too big, and the student learning experience is not what they have come to expect. Particularly now that we are asking students to pay their fees, they are becoming more and more consumerist, and they deserve a better deal.

We need to think creatively. I welcome the cross-party note that the hon. Member for Wrexham struck. He is right, because the issue is so sensitive politically that there is a risk that it can become acrimonious. We all need to think creatively about ways of getting more money into higher education. The right hon. Member for Oxford, East (Mr. Smith) is of course right to say that endowments offer great hope. I welcome the recent proposals by the outgoing Prime Minister; I hope that the incoming Prime Minister will develop them. The Minister nods, which is all to the good, and we should support that idea.

I do not necessarily agree with the slightly defeatist note that is sometimes struck, although it is a valid point that some universities do not have the alumni base that others do, and therefore find it difficult to raise funds in the same way. That does not mean that we should discourage that route. Let us remember what American universities have achieved in a short space of time. They have fantastically increased the amount of money that they pull in, and we should think—in a revenue-neutral way, as I am not allowed to make any spending commitments—about the possibilities. For example, it might be possible to adjust the gift aid arrangements to make them more like the American system, where the giver has more of a direct sensation of giving. In America people can write out a cheque with more noughts on it than they can using the British system. It is a cosmetic change, admittedly, but I

wonder whether it has a role in the psychology of giving that seems to be so prevalent in America.

I wonder, also—and I know that the Minister has thought about this and that the Higher Education Funding Council is already working on it—whether it is possible to be more relaxed with universities about how they spend the money that they get. Might it be helpful in some cases to break down some of the barriers between the various budget lines that HEFC sets out? Is it possible to smash some of the jam jars so that vice-chancellors just get more of their money in a single wodge, rather than having to bid constantly for this or that penny packet of money? There are arguments both ways, and different vice-chancellors would give different answers about it, but that seems superficially an attractive way to go, because it would involve trusting universities more and allowing them to get on with developing their operations as they see fit.

We should also, of course, develop funding for part-time students. If we could get the holy grail of some kind of income-contingent, revenue-neutral system of funding part-time students, which did not discourage business from contributing, we should go that way. We also need to think—as we are doing—about getting money from the beneficiaries of higher education. That was the importance of the 2004 reform, against which the hon. Member for Wrexham voted; and we should look honestly at the results of the reform. I do not think that the gloomsters have been proved right. It is perfectly obvious that numbers going into higher education—certainly in England—have gone up. I know that the Liberal Democrats sometimes dispute that, but the figures are 7.2 per cent. up this year in England. I think that I am right in saying that that effect is happening in the lower socio-economic groups.

Stephen Williams: I am sure that the Minister will be pleased at the hon. Gentleman's helpful points, but does he acknowledge that the largest group of applicants to the Universities and Colleges Admissions Service is those defined as unknown? That group is growing, because students do not say what background they come from. The evidence that the number of students from lower socio-economic groups is growing is flimsy.

Mr. Johnson: I would say that I am grateful for the intervention, but I am not really. The hon. Gentleman is clutching at straws to vindicate a point that was convincingly demolished by the increase—surge—in applications this year. He should execute a complete U-turn and drop his opposition.

To come directly to the point, the position in England is not replicated in Scotland, where, admittedly from a higher base, the number of applications has gone down by 1.2 per cent.

David Howarth: Would not it be fairer to look at figures across two or three years, since in England there was a great decline in applications and then a great increase? There were two factors: the introduction of a new system, which always causes uncertainty, and underlying demographic changes. People's chances of becoming a student are still pretty much what they were before the change happened.

Mr. Johnson: One could not call the 2006 figures a sharp decline, as they were substantially up on the 2004 figures. The Liberal Democrats must move on from this point. They have lost the rubber; they should give up the argument, move across and start supporting a constructive, creative and socially progressive way of getting more money into universities.

This issue is particularly relevant in Scotland, where numbers have gone down. The Scottish did not go for the English solution and they have something approaching a crisis in their university system. There is a brain drain of academics going down to England, and there are considerable redundancies in the faculties of Scottish universities—I hope that we are allowed to talk about Scotland even though it is a devolved Administration. Dundee has had to lay off 100 lecturers, Strathclyde is laying off 250 and Glasgow 230.

If one reads the Scottish papers, as I do, one will know that Scottish academics are looking longingly at the alternative English system that was created as a result of the devolution arrangements. They are urging Scottish politicians to go down the English route, and are becoming more and more vociferous in saying that their competitive position is not sustainable and that they want to replicate the situation here. Unfortunately, something terrible has happened in Scotland: they voted for the hon. Member for Banff and Buchan (Mr. Salmond), who takes an even more regressive position than that which was taken by the previous Administration. He says that he will get rid of all kinds of repayment and will reinstitute the grant, which will further increase the disparity between the English and Scottish systems.

Ian Lucas: Does the hon. Gentleman agree that one advantage of devolution is that it enables us to compare different systems and see which works best? We can look at the evidence and then follow a particular route as a consequence. It will be to the advantage of the devolved Administrations to work towards a single UK model by consensus.

Mr. Johnson: One might just as easily gain the same advantage by looking at many different countries. However, I see the hon. Gentleman's point. This is a difficult problem and it is going to get sharply worse. Some time this summer, the Government will appoint a commission. The word on the street is that the person who will run it has already been designated by the Minister. I do not know whether that is true; there is a studied blankness on the Labour Benches. One way or another, a commission will be appointed this summer to look forward to 2009 and to begin work on a review of higher education financing in England.

I do not want to prejudge the review in any way, but I will say that we all want an equitable system that allows universities as much freedom as is compatible with widening access and ensuring that people from poorer, non-traditional backgrounds are not deterred from going to university. We want progressive reform that gives universities more freedom to make their own financial arrangements, within reason, if that is possible. One imagines that at some stage in the next Parliament, a Bill will come before Parliament, as it did in 2004, setting out the arrangements by which that might happen in England. The background to such a

[Mr. Boris Johnson]

Bill will be very different from that in 2004, because by then the disparity between the funding arrangements in England and Scotland will be even worse, and Scottish academics will be looking with ever more longing eyes at the English system and worrying that their competitive position is being further eroded.

David Howarth: I cannot let the hon. Gentleman move on without putting to him the obvious, Scottish academic, point of view. Funding for research in Scotland is considerably more generous than it is on this side of the border, so the academics who are looking longingly across the border might be looking the other way.

Mr. Johnson: The hon. Gentleman makes a fine point about research, but if he were to read the Scottish papers and look at the redundancies in Scottish faculties, he would not speak quite so glibly.

Given the widening competitiveness gap between Scottish and English universities, one has to wonder whether the 59 Scottish MPs should be allowed to vote on these issues in this Parliament. English MPs have no corresponding say over those questions in Scotland, and the motives of those Scottish MPs will be mixed, to say the least. Will they vote for a system that allows English universities to have a yet greater competitive advantage and so disadvantage universities in their own constituencies? Should we allow a Bill to be drawn up that will take account of those Scottish motives, when it will affect only English universities in English constituencies. I do not think so.

It is all very well to have two or three different systems of university funding in this country, but it is not right to have one group voting on another group's system if the other group is not allowed to vote on the first group's system. That fundamental injustice is going to move up the political agenda, and it will be extremely difficult to solve unless the Government move towards the system that the Opposition advocate, of having English votes for English laws. Under no circumstances would a Scottish Conservative MP vote on a higher education funding Bill that did not affect his constituents. The most elegant, logical and natural solution is for the Minister to pledge now that no Scottish MPs shall vote on the future financing arrangements of English universities.

The problem is not insoluble, and the hon. Member for Wrexham was right to raise this issue. His comments are timely and prescient, and he is right to point out the difficulties of having several university finance systems in a united kingdom. I look forward to joining his cross-party effort to sort the problem out.

12.7 pm

The Minister for Higher Education and Lifelong Learning (Bill Rammell): It is a pleasure to respond to my hon. Friend the Member for Wrexham (Ian Lucas), whom I congratulate on securing the debate. It is not often that a Minister has the opportunity publicly to thank his former Parliamentary Private Secretary for his work. My hon. Friend worked very well on my and the Government's behalf, and he knows that I was disappointed when he left that position. I thank him for his excellent work.

I have some personal understanding of this important and interesting issue, as I went to university in Cardiff, and I well understand that there will inevitably be a flow of students across borders. I recognise my hon. Friend's concerns about the different higher education funding systems in each of the devolved Administrations, particularly the different systems of financial support for students. There is no point in denying that the nature of those differences can cause complexity, but while I recognise the strength of his views on the merits of giving responsibility for higher education to the devolved Administrations, I must tell him that there is no prospect of turning the clock back in terms of the devolved settlement.

Fundamentally we must recognise that the differences arise from different, but legitimate, democratic decisions: those of people in Scotland and Wales to support devolution, and those on student finance and universities taken by elected Ministers. Sometimes the exercise of that democratic choice gives rise to complications and rough edges. The task for all of us, whether in Westminster, Cardiff, Edinburgh or, indeed, Belfast is to do what we can to make sense of the complexities. We neither can nor should wish away the democratic process that has led to them. This is not something dramatically new, because there have always been differences in the education systems in the different parts of the United Kingdom. Devolution naturally empowers each country to do things differently for its people when compared with the prevailing systems elsewhere in the UK.

It is important to make it clear that each Administration carried out a thorough review of their own higher education systems before implementing the current systems of student financial support. Each system has helped, importantly, to maintain the upward trend in higher education application figures. The systems, in effect, provide different ways of achieving important and common objectives: they encourage all students to participate, and they support those from lower-income backgrounds, who would not be able to access higher education without additional support.

The other feature that the systems all share, which I want to emphasise, is that nobody affected by the new arrangements should, or does, pay up-front tuition fees anywhere in the United Kingdom. We have rightly recognised that it was a mistake in 1998 to introduce the concept of the up-front payment of tuition fees, and the new system across the UK rectifies it.

I can also reassure my hon. Friend that we are actively monitoring what is happening in each part of the UK. My officials from the Department for Education and Skills talk regularly to their colleagues at the Scottish Executive, the Department for Education, Lifelong Learning and Skills in Wales and the Department for Employment and Learning in Northern Ireland, to encourage the effective and efficient delivery of student finance across the UK and to sort out any cross-border issues. That is overseen by regular contact at ministerial level.

We are not going back to a one-size-fits-all model, but we all accept that students need proper information and advice on the choices that they face. Such information is put out for students and parents, and on the web, setting out clearly the full details of the student financial package in England as well as information on what students can expect should they

choose to study at a university in Scotland, Wales or Northern Ireland. We make it clear what applies to England, and a section directs people from Wales, Scotland and Northern Ireland to the appropriate information sources in the devolved Administrations.

In all this debate, we should not forget that the benefit of this apparent complexity is that much more money is now available in higher education than was the case under the previous Government and that the systems are better and fairer. They are helping more students to participate in higher education, which is good both for them personally and for the country.

It is worth underlining the scale of the change that has taken place. Let us consider the situation just 10 years ago. Between 1989 and 1997, funding per student fell by 36 per cent., and that at a time of great expansion in higher education, as our economy changed from mass production to high skills. The result of that funding squeeze was that universities were seriously underfunded in comparison with their international competitors.

In contrast, since 1997, this Government have invested heavily in higher education. Our spending has increased by 23 per cent. in real terms since we took office, and we now spend more than £10 billion a year on higher education, with more to come in real terms in each of the next three years.

It is important to point out—this is an issue to which I shall return—that increasingly the responsibility for the future funding of higher education needs to be shared between the Government, the individual and employers. The changes that we have made, certainly those in England to the student finance system and the fees system, are proving beneficial. Not only are they bringing in additional money, but the most recent set of university application figures—those for courses next year—are a strong pointer in the right direction. Applications have increased by about 6 per cent. and the proportion from lower socio-economic backgrounds has increased too.

We have made progressive changes to the system of student financial support: we introduced the return of non-repayable grants; we provided for additional bursaries from universities; and we raised the threshold for loan repayments from £10,000 to £15,000. All of that has been positive. We have also had to focus on communicating those messages effectively to students and potential students. I pay tribute to the work that the Government have done with Universities UK, the National Union of Students, the Student Loans Company and the Universities and Colleges Admissions Service—UCAS—to name but four, to ensure that students can access the information that they need.

I should like to respond directly to a number of the points that have been made.

Ian Lucas: Before the Minister does so, will he say whether he is in any way disappointed that the present system contains so few variable fees and that the market in courses that was envisaged at the time that the legislation was implemented has not developed?

Bill Rammell: That is an interesting question. Although there has not generally been a market in fees, there has—this is where I agree with the hon. Member for Bristol, West (Stephen Williams)—been a market in bursaries. In that sense, a competitive situation exists in which universities rightly have to examine not only their student financial support package, but the quality of delivery. Let us consider the new mechanisms to ensure positive performance, for example the national student survey. Universities rightly will increasingly have to justify the work that they do and the service that they provide to students.

Mr. Andrew Smith: Does the Minister agree that as we approach the review of the fee cap, it is crucial that a good, thorough, comprehensive and trusted evidence base exists about the impact of the fees, the bursary arrangements and so on, both in overall terms and in terms of the performance of each individual institution? We need to have an informed debate at that stage, and the empirical evidence that underpins the debate will be crucial.

Bill Rammell: My right hon. Friend is right, and I shall return to the point. To all the people who say that we should pre-empt the decisions of the independent commission in 2009, I must say that it is right that we see the proper, full evidence from the first three years' full operation of the new system and that we, the Office for Fair Access, UCAS and others work together to ensure that as much information as possible is available to inform whatever judgment is made after 2009.

To return to some of the points that my right hon. Friend raised, I agree that one of the strengths of our university system is the diversity of funding streams. He is right to focus on our recent announcement of the £200 million to incentivise the giving of endowments to universities. The way in which we have structured the initiative means that it moves significantly beyond the top five or 10 universities in terms of research income; we envisage that about 75 institutions will be able to benefit from that matched funding scheme. We also need a greater contribution from employers, and I shall return to that.

This week, we are hosting a major international conference in London—the Bologna conference—on comparability and the mobility of students across the broader European higher education area. As I talk to my counterparts, I find, privately at least, that a number of them are envious of the broader funding streams that we have in our higher education system.

The hon. Member for Cambridge (David Howarth) talked about raiding the research budget. This Government and I will take many criticisms, but if he were to look in detail at this Government's commitment to, and record of, financial support for research over the past 10 years, he would see that it is one of the most positive in generations. There has been a 70 per cent. increase since 1997. We are talking about more than £2 billion a year, combining the DFES and Department of Trade and Industry contributions.

The hon. Gentleman raised the issue of employer contributions. As I have said many times in the past couple of years, the big future expansion in higher education will be in the field of employment-based higher education. Part of the way that that needs to go forward involves developing a co-financing model, whereby employers contribute to the costs of driving up the skills base and the qualifications of their employees.

[Bill Rammell]

The hon. Gentleman also raised some questions about the financial return to students. I want to make it clear to him that the figure that I am quoting, which is based on detailed research, is an average net £100,000 graduate earnings premium of a student over the course of their working life, compared with someone who has just two A-levels. That is on top of tax and on top of forgone income during students' three years of study. Indeed, the financial returns for graduates in the UK are among the highest in the world.

I must say gently and charitably that I take some the Liberal Democrats' concerns with a pinch of salt. People ultimately judge politicians not on what they say at the hustings or in opposition, but on what they do when they have their hands on the lever of power. The Liberal Democrats, in coalition in Scotland, have supported a system of postgraduate repayment, which is no different in principle from the variable fee system that we have in England. It is important to register that point.

David Howarth: The basis of this debate, called by the hon. Member for Wrexham, is that the systems are different. The system in Scotland is plainly different from that in England, because the first principle of the Scottish system is that the Scottish Executive pay Scottish students' fees.

Bill Rammell: Yes, and the hon. Gentleman will be aware that although there is less to pay in fees, the student must find more for living costs. In England, low-income students have much more support per year for living costs. Better-off Scottish students also have the fees advantage, but receive significantly less maintenance support because income thresholds are lower and the non-means-tested part of the loan is much smaller than the 75 per cent. in England.

Let us have a proper debate on the facts, and let us stop sloganising about higher education. When people look long and hard at what the Liberal Democrats have done when in power, it is very different from what they say in speeches on university campuses throughout the country.

The hon. Member for Bristol, West (Stephen Williams), who leads for the Liberal Democrats on this issue, chided my hon. Friend the Member for Wrexham to encourage the Welsh Assembly to invest more in higher education. Again, the Liberal Democrats have not been part of the Assembly's government. If he is handing out advice, he can give it to my colleagues in the Welsh Assembly, but he must also give it to his own colleagues.

The hon. Gentleman said that we are not doing enough to encourage employers to contribute to the cost of higher education. That is not true. For example, the Government have developed foundation degrees, co-designed with employers. At the moment, there are around 61,000 foundation degrees throughout the country, and we are moving towards 100,000. The hon. Gentleman referred to the Secretary of State's letter to the Higher Education Funding Council. We have told the Higher Education Funding Council in England to provide at least 5,000 co-funded places a year, working with universities that are keen to expand this area. We have initiated three regional pilot schemes under the training-to-gain banner, to add a higher education dimension to that programme of encouraging and helping employers to move their employees up to the highest level.

The hon. Gentleman also asked about the cap. Let me make it clear that the Government have said all along that we need an independent commission in 2009. I believe it would be premature to pre-empt its deliberations and decisions, and I say that to some vice-chancellors who urge me to lift the cap now, and to the National Union of Students which urges me to scrap tuition fees. I also said it recently to the Liberal Democrats' think tank, which urged me to lift the cap now to £5,000 a year. Across the board, it is important to await the full three years' figures, and then make the judgments.

The hon. Member for Henley (Mr. Johnson), who leads for the Conservatives on these issues, raised some important points. He started by questioning what was happening to the number of science applications in our universities. I dispute his accusation, which he and I have discussed on a number of occasions. There has been a three-year trend of a turnaround in applications for STEM subjects—science, technology, engineering and mathematics. The application figures for the coming autumn show significant advances of 10 per cent. plus for physics, chemistry, maths and engineering. One reason is that we are now more successful in convincing students of the additional graduate earnings premium for STEM subjects, which is about a third more than for students of non-STEM subjects. Indeed, I shall make a major speech and an announcement tomorrow on what more we must do to get the facts across to young people about the benefits of studying science at university in this country.

The hon. Gentleman then went on to decry the fact that the unit of resource had fallen considerably in our universities. That was certainly the case under the Conservative Government, and between 1989 and 1997 it fell by around 36 per cent. However, during the current three-year comprehensive spending review we have, for the first time in a generation, maintained the unit of resource. In the Budget announcement this year, we made it clear that for the next three-year period we will again maintain the unit of resource, so for six years in a row, after a generation of moves in the opposite direction, we are maintaining that unit of resource in higher education.

On top of that, we have additional fee income, the endowment initiative, and the extra research funding commitment to universities. As I go round the country talking to academics, university staff and vice-chancellors, although there are, rightly, questions and challenges, they acknowledge, virtually universally, the real step change in support and funding that we have delivered to our higher education institutions during the past 10 years.

The hon. Gentleman also asked about part-time students. It is to the credit of this Government—I would say so, wouldn't I?—that we are the first ever to have introduced a part-time student grant. Not only that, last year we increased it by some 27 per cent. We have also increased the access to learning fund from £3 million to £12 million across the country.

I make no apology for saying—I think the hon. Gentleman and I agree on this—that it would be wrong to replicate the full-time student support package for part-timers because the evidence shows that around 41 per cent. of part-timers have their costs met by their employers. Given that we must collectively incentivise more employers to make a greater contribution, I would not want to do something that simply substitutes state funding for employer contributions. Our changes have been beneficial. We must monitor the impact on part-time students, but we should not do things that might have an unwelcome consequence.

The hon. Member for Bristol, West intervened on the hon. Member for Henley and made an accusation that it was difficult to claim that the proportion of students from lower socio-economic groups was being maintained and increased, given that an increasing number of students do not designate their social class identification in the UCAS application process. It is certainly true that there has been a reduction in the number who do that, but the hon. Member for Bristol, West has no basis in fact for suggesting that that would disproportionately impact on students from lower socio-economic groups.

I say this charitably, but there is a need for real care in this debate. I respect the fact that the Liberal Democrats claim to have a different position on student finance, but there is a slippery slope from that position of integrity and moving to misrepresentation and scaremongering, which will put off the very students from the poorest backgrounds for whom the system of student financial support is immensely better than in the past.

Mr. Boris Johnson: In the final minute of his speech, will the Minister address my central question: does he think it right, with the current university financial crisis in Scotland, that Scottish MPs should be able to vote on further reform of university finance in England?

Bill Rammell: People have voted for a devolved settlement, and it is right and proper that that is taken forward. It enables people throughout the United Kingdom to exercise their choice and judgment.

In conclusion, we have had an extensive debate. I congratulate my hon. Friend the Member for Wrexham on raising the issues, and pointing to some of the important work that local institutions near his constituency are undertaking, which he and I have talked about. They are doing absolutely the right thing, particularly in respect of foundation degrees.

St. Helier Hospital

12.30 pm

Tom Brake (Carshalton and Wallington) (LD): I am very grateful for the opportunity to raise the issue of patient care in this debate. I also put on the record my thanks to the Minister for the generosity that he showed to a constituent of mine, Mrs. Donoghue, who visited him with a representative from Headway. I hope that, during the debate, my hon. Friend the Member for Sutton and Cheam (Mr. Burstow) will also be able to catch your eye, Mr. Taylor, as he would like to make a few important points, and I am happy to facilitate that.

The St. Helier hospital and the Epsom and St. Helier University Hospitals NHS Trust have not escaped media attention in the past few months, following the trust's decision to remove one out of every three light bulbs from its communal areas. However, in today's debate, I shall raise a much more serious matter: the quality of patient care generally in the trust, and specifically at St. Helier hospital. I shall ask whether it is affected by the trust's need to balance its books and to hit its efficiency savings targets, which amount to at least £24 million over the next two years.

It is always dangerous to draw conclusions from anecdotal evidence, so I acknowledge that the two patient cases to which I shall draw the Minister's attention—the cases of a man whom I shall call Douglas, and a Mr. Kent—do not amount to a pattern of neglect. The many constituents who have contacted me recently to express their gratitude for the care that they have received at St. Helier hospital would, I am sure, want me to make that point.

However, the two cases require the trust and the Minister to set out what the trust and the Government are doing to ensure that the quality of patient care is acceptable and is not affected by the trust's cutbacks. In my view, the trust has in those two cases failed to achieve that standard of acceptability. The debate is not about high-tech equipment or the availability of expensive drugs; it is about the washing and feeding of patients, communication with relatives, respecting patients' dignity and keeping their loved ones as well informed as possible at a time of great stress.

In those two cases, and others, which had time allowed, I could have raised, the source of patients' and relatives' complaints has been problems concerning poor communications with relatives, medication not being administered, soiled bedding not being changed, inadequate levels of hydration, strict diets not being implemented in a timely manner, and relatives having to clean up their loved ones. The issue is not about a postcode lottery for the latest wonder-drug.

I shall first relate some of the details about Mr. Leonard Kent. In September, he went for a total hip replacement in Epsom. After the operation, he was discharged with a weeping wound. The wound was discharging clear liquid, but I understand that it is normal practice to discharge a patient in that condition. In October, he was admitted to St. Helier hospital with signs of jaundice, and there then ensued a number of incidents. For instance, his CT scan was delayed, because the portable oxygen bottle that he needed to take with him for the scan was not available.

[Tom Brake]

He was also put in B4 ward. From the letter that the trust's chief executive, Graham Smith, sent to the Kents, I understand that B4 had recently moved, and that there were more bank staff on the ward than was usual.

Mr. Kent suffered the indignity of soiling his bed because he was not attended to, and his wife had to clean him. Water, which he needed, was not always available, and cannula changes were not carried out promptly. Charts relating to his strict diet were completed three days late. It is not clear whether it was simply a case of the charts not being completed, or whether the diet was not adhered to in those first three days. The trust's letter does not make it clear. Fortunately for Mr. Kent and his family, none of the errors or delays proved life-threatening. However, they left him and his family with the feeling that he had been neglected. I am pleased that in that particular case, the trust has issued a full apology.

The second case is that of a patient, Douglas, who very regrettably has since died. His family are still recovering from that loss. He was admitted in January for a broken hip and transferred to B4 ward, the ward where Mr. Kent was placed. Douglas was transferred to the ward three months after its reorganisation, so any issues about the ward's move and reorganisation three months previously should have gone away. However, I am disappointed to note that his and his family's experience of patient care was very similar to Mr Kent's.

Douglas was left with an unsupported broken hip when in bed, his bed was wet from urine on at least a couple of occasions when his family visited him, his mouth was not hydrated, medication was apparently left half dissolved on his tongue with a second tablet on the floor, and his family felt that they were not kept informed about what was happening to him or about the care that he was receiving. Now, his family are struggling with their loss and with the knowledge that the care that he received in the final stages of his life was not acceptable.

The experience of the local health service for the two patients and their families was not only very sad, but perplexing given that there has been a large increase in the number of nurses working in the NHS. The Government intended ward housekeepers to take responsibility for the quality of the cleaning and food on the wards, thus freeing up nurses' time to enable them to focus on patient care. The Government introduced that initiative in 2000, with £50,000 start-up costs for each trust, and I assume that the Epsom and St. Helier University Hospitals NHS Trust was a beneficiary of that sum. At the time of the launch, the Government set a target whereby half of all trusts would have housekeeping services in place by 2004.

The document, "A First Guide to New, Modern and Dependable Ward Housekeeping Services in the NHS", was published in 2001. Describing the role of ward housekeeper, it says:

> "A ward housekeeper's main tasks will focus on cleaning services, food services and maintaining the environment... Ward housekeepers will work together with the ward sister to 'get the basics right', so that: patients feel...cared for; patients' individual needs are met; hospital wards are clean; food is enjoyable".

The guide also says:

> "There must be commitment from trust management"

to make it work. Such care was exactly what Douglas and Mr. Kent needed but did not receive.

The trust is abolishing the existing housekeeper posts. Their abolition is the most concrete example of a measure that will, inevitably, impact on patient care. In the trust's proposal for removing the housekeeping service, it specifically says in its conclusion:

> "There is a risk that the standard of support services, and the ability to respond to immediate requirements of the ward, will reduce, but"—

it goes on to say—

> "be consistent with other wards in the Trust."

The conclusion implies that the trust is reducing services to the lowest common denominator. The higher standards that applied to the wards with housekeepers will no longer apply; standards will simply be consistent with those that apply to the trust's other wards, because housekeepers have not been available on all its wards. I could cite other examples, such as the freeze on staff vacancies, which will have an impact on patient care.

Like my hon. Friend the Member for Sutton and Cheam, I hope that the better healthcare closer to home project will continue to proceed smoothly. We have debated it many times in this place and it could facilitate the rebuilding of St Helier hospital. However, it is not the subject of today's debate. In the meantime, I urge the trust not to lose sight of the necessity to provide patients with standards of care that we would all feel comfortable with were they applied to our own families.

12.39 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): I congratulate my hon. Friend the Member for Carshalton and Wallington (Tom Brake) on securing today's debate, which is one in a series of debates that we have had about the future of St. Helier hospital and the Epsom and St. Helier University Hospitals NHS Trust. Over the past 18 months or more, many people in my constituency have rallied to the flag to give their full-hearted support to St. Helier, through protest marches, petition signing and letter writing. However, amid the publicity, the expressions of support for the trust and the high-profile campaigning to secure its future, people have also said, "I cannot support St. Helier, because of the experience that I and my family have had there." I acknowledge, as my hon. Friend did, that they are probably a minority of those who have experienced care in the hospital. The vast bulk of people who have been cared for there do not write to me as a Member of Parliament, because they have had a good experience. However, that should not be an excuse for ignoring those who do not have a good experience.

I should like to a refer to one particular case and to a conversation that I had recently with the Sutton Association for the Blind, which has drawn together a compendium of evidence relating to its concerns about the experience of blind or partially sighted people at the trust.

The case that I want to cite is that of my constituent Mr. Bedford, which was drawn to my attention by his daughter Mrs. Eaton. He was admitted to St. Helier hospital in September 2006. During five weeks in the Barrington Brooke ward he went from being a mobile individual, able to potter around the ward, as my constituent put it, to one who was bedridden, incontinent and unable to feed himself. He suffers from Parkinson's disease and appears also to have had a change in prescription of the drugs used to manage his condition, which has produced some violent reactions and a change in his condition generally. My constituent also tells me that Mr. Bedford had not been bathed for 10 weeks and that when he was transferred to St. George's hospital, it was discovered that his hair was dirty and matted, evidence of a lack of attention to personal hygiene on the ward.

Mrs. Eaton felt that the decision making about her father's care was more about managing the work pressures of the staff than about choosing the appropriate level of care for the individual. She cites the fact that it appeared to have been decided to treat him as though he were incontinent rather than providing a bedpan, to put him on a drip rather than providing him with fluids orally, and to leave him wet in a bed until lunch was served rather than changing him before then. It was only when the family's lobbying and my contribution to it led to a transfer to St. George's that things got a little better. Indeed, some of the comments and reactions at St. George's that Mrs. Eaton passed to me were disturbing in themselves. I mention that case because it is one of a number of examples that constituents have raised with me recently.

Sutton Association for the Blind has cited three repeated concerns of visually impaired constituents of mine and my hon. Friend's, which go to the heart of the initiatives that the Minister is likely to tell us about in a minute. First, there is a concern about the lack of awareness and sensitivity on the part of staff about feeding, particularly of people with disabilities or a visual impairment. Placing food in front of someone who is blind, but then not guiding them to the knife and fork or the plate, is a sure-fire way of not providing them with a nutritious meal. Secondly, there is a concern about medication not being properly provided in a capsule that can be readily accessed and about patients not being talked through the process. As a consequence, patients on wards have taken the wrong combination of medication or incorrect quantities.

The third concern, which is almost always at the centre of the cases that constituents bring to me, is about communication. That includes communication with the relatives, at what is often the most emotionally charged point in the care of their loved ones, when they need staff who are most able to communicate effectively and understand their needs, communication between staff, the effective handover between teams and effective record keeping. The lack of audit in all those respects is a concern.

That is why I agree with my hon. Friend that what is required is a fresh start. We do need that new hospital that he talked about. But, well before that, we need the kind of cultural change in the organisation that the Government want to see in the NHS and which is essential if the care that relatives and patients need is to be delivered in the right way.

12.44 pm

The Parliamentary Under-Secretary of State for Health (Mr. Ivan Lewis): It is always a pleasure to serve under your chairmanship, Mr. Taylor. I congratulate the hon. Member for Carshalton and Wallington (Tom Brake) on securing this Adjournment debate. It is perhaps important that we as parliamentarians occasionally bring individual real-life stories to this surreal world of ours. I congratulate him on bringing to our attention some of those cases, which I shall deal with, as much as I can directly, in a moment.

I am also delighted that my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh) has joined us in this debate. She more than anybody has been passionate in her support for St. Helier hospital and in making the case, privately and publicly, for the site to remain a district general hospital, serving the local community. There has been a tremendous all-party commitment to that campaign, which we welcome, although it is interesting to note that no Conservative Members at all, either Front Benchers or Back Benchers, have been present during this debate. I do not quite know what that says about their interest in the health service or some of the issues locally.

The hon. Gentleman recently brought Mrs. Donoghue, one of his constituents, and the organisation Headway to see me, to talk about the impact of her husband's condition on her and her family's life. She is a remarkable woman, of tremendous courage and insight, and she gave a most powerful presentation. The hon. Gentleman will be pleased to know that we are having a summit tomorrow on the specific issue of long-term neurological conditions. As promised, we will begin that summit with a presentation on Mr. Donoghue's case given by Jean Donoghue. Talking about the real-life impact that those debilitating and challenging conditions can have on people is an innovative and important way to begin such a meeting, so I thank the hon. Gentleman for giving me the opportunity of meeting Mrs. Donoghue. We shall be using her and her husband's personal experience tomorrow to influence, I hope, the development of some of our policy on neurological conditions.

The hon. Gentleman referred to two cases: that of Mr. Leonard Kent and that of Mr. Douglas. The first thing that I would say, through the hon. Gentleman, to the families of those individuals is that we cannot underestimate the reality, which they have articulated, of their experiences of the health care that they have received. It is important to send them the clear message today that not only do we have empathy and sympathy with their experiences, but we redouble our efforts to ensure that every day we minimise the number of people who have a negative experience of the national health service. We would never want to belittle or devalue the experiences that people have had. I should like in particular to extend my condolences to the family of Mr. Douglas, who tragically passed away, having, from his family's point of view, not received the kind of care that they would have wanted and had a right to expect.

It is also important to say, however, that the vast majority of people, when asked about their experiences of acute national health service care, speak about it incredibly positively, whether at St. Helier or in

[Mr. Ivan Lewis]

different national health service organisations up and down the country. There is a great disparity between the way the NHS is reported and people's general or abstract sense of optimism about the state of the NHS, as well as the real-life experiences of those who access NHS services day in, day out.

It is important to make that point, and not only for political reasons—clearly the Government are very proud of the additional investment, nearly tripled by next year, that has been put into the NHS. We are also proud of the fact that by the end of 2008 we shall have achieved the historic target of a maximum wait of 18 weeks from the point a patient visits their GP to reaching the door of the operating theatre, for the vast majority of conditions. That is a remarkable story for waiting times in the NHS, compared with 10, 15 or 20 years ago.

It is important to make the point that the extra investment has made a difference and that waiting times are coming down. However, the point is also important for the morale of the people who work on the front line of the service—the doctors, the nurses, the support staff and the ancillary staff. On the whole they do a tremendous job, not always in the easiest circumstances, to ensure that patients and their families get access to the highest-quality treatment. However, health services are about not only treatment but emotional support and understanding what emotional impact a serious illness can have on a patient and their family. On the whole, those health care professionals are still passionate and idealistic about working in the national health service and still, by and large, do their best to be as professional as possible. In debates such as this we must always pay tribute to those front-line workers.

However, we must also make it clear that dignity and respect in how we treat patients, particularly older people, have to be at the heart of the health care that we provide. About a year ago, not long into this job, I launched a national campaign to place dignity and respect at the heart of services for older people—whether delivered in hospitals or nursing and residential care settings, or as part of day care services or of the support that people receive at home. We launched the campaign because people and their families told us time and again about some of their unsatisfactory experiences. Those were not so much to do with surgery or medical attention, but were about the sense that becoming a patient should not mean ceasing to be a human being. When we become more frail and dependent and lose control of many elements of our personal needs, perhaps for the first time, we want to hang on to our dignity and respect more than ever. It is crucial that the health care system—indeed, the social care system—should place dignity and respect at the heart of everything that they do.

The hon. Member for Sutton and Cheam (Mr. Burstow) mentioned the experiences of the Sutton Association for the Blind and his constituent Mr. Bedford. I say to Mr. Bedford's family that obviously I regret some of the experiences that they appear to have had. It is not for me to make judgments; there is a formal and proper complaints process that families and patients have the right to use. However, I obviously regret that Mr. Bedford and his family feel that they were let down.

The Sutton Association for the Blind raises issues that are right at the heart of our national dignity and respect campaign. First, at a basic level, if somebody does not eat properly when they have a health problem, that will undermine their capacity to recover and will affect their general well-being. Too often, we hear from patients and relatives stories of food being left in places clearly inaccessible to the person who wants to eat. The direct impact will be that the person will not have the balanced, nutritious diet that they require and that will have a direct impact on their health care. A major part of our dignity and respect campaign is the question of nutrition. Often an assumption is made that somebody's deterioration is due to their condition, when it may well be because they are not getting the balanced and appropriate diet that they require.

There are other factors. My hon. Friend the Member for Don Valley (Caroline Flint), the Minister with responsibility for public health, may not thank me for saying this on the record, but if an older person of 85 or 90 is used to eating steak and kidney pudding, trying to persuade them to eat salads regularly is a little pointless. There is also the question of appropriate food, listening to people's definitions of a balanced diet and offering them a choice so that the food is as attractive as possible.

There are also cultural and faith-based sensitivities about food. That applies particularly to older people. For most of their lives, they have been in control, have made choices, and have been proud of their independence and clear about what they want. Suddenly, because of a health issue, they find themselves dependent on others in a way that they would not have chosen. Even in such circumstances, it is crucial that we respect their right to retain maximum control.

Mr. Burstow: Will the Minister confirm that one of our concerns should be about how staff are sometimes too informal in how they address people, particularly seniors? Sometimes staff drop patients' titles and use first names very familiarly. Should there not be further encouragement to staff to respect the patients' wishes and use the name that the patient wants?

Mr. Lewis: I can think of occasions on which we Members of Parliament would like to be called names different from those that are used.

Of course what the hon. Gentleman mentions is an issue. Some time ago, the *Daily Mail* attacked me for making that point and asked whether that was the only problem that existed in the system and whether it really mattered. However, it is a person's fundamental right to be addressed in the way that they feel comfortable with. We should not take that for granted. Sometimes first names are used when older people would prefer more formality; on the other hand, some older people will feel more comfortable and relaxed if addressed by their first name. The issue is about establishing what the person feels is appropriate and respectful and what makes them feel as comfortable as possible. It is not about launching some ideological politically correct campaign, but about the rights of individuals to be treated with respect.

Siobhain McDonagh (Mitcham and Morden) (Lab): Does the Minister agree that in most cases, constituents' letters in MPs' postbags are not about waiting times or people being on trolleys at the weekend or overnight, but about care? They are rarely about brain surgery, but often about the human care that people get. Do we need to consider how we train nurses, and the qualifications that they require?

Mr. Lewis: My hon. Friend makes an important point. All the evidence is that personalisation, individual attention and treating each person differently according to their needs, experiences and preferences are the future challenges that face the health service and all public services in this country. That is why the reform of public services is important and giving maximum control as well as choice to those who use services really matters. Of course there are implications for the nature of the training experience—initial and entry training and also continuing professional development—in respect of the things that we focus on.

I also have a strong view on the role of senior managers in the health service. To inform their management decisions about what matters in their organisation, they should be on the front line, regularly engaging with staff and patients. I do not believe that that happens anything like enough. Chief executives and senior managers should spend time and be visible on the wards to experience for themselves the everyday realities for staff and patients.

Tom Brake: On management, I raised one specific point about whether the Minister thought it appropriate for the trust to withdraw the ward housekeepers, who deal with such bread-and-butter issues.

Mr. Lewis: It is not for me to second-guess decisions, trust by trust and hospital by hospital; such judgments and decisions are for others. However, it is true that when we consider the responsibilities and priorities of a modern health care system, the personal, emotional and practical needs of the patient and family are incredibly important. They should not be given Cinderella status in comparison to other aspects of the health care provided—particularly, although not exclusively, when we are talking about older people. Recently, we have heard pretty horrendous stories about how people with learning disabilities have been treated by the mainstream health care system. Frankly, that is unacceptable in a modern society.

To conclude, I again congratulate the hon. Member for Carshalton and Wallington on raising some really important issues on behalf of individual constituents. The vast majority of people speak positively about the NHS and the vast majority of staff do an excellent job. However, we have to reflect and listen when people tell us, from their everyday experience, that the service is not as good as it needs to be.

HIV/AIDS (International Development)

1 pm

Dr. Gavin Strang (Edinburgh, East) (Lab): We are all aware of the tragedy of HIV/AIDS and the impact of that pandemic throughout the world. The damage being done is particularly serious in a number of developing countries. We are looking forward to the launch of the Government's consultation on a new strategy for HIV/AIDS later this week. The Minister will not be able to anticipate the content of that document, but I hope that he will see the debate as an opportunity to set out the Government's assessment of the problem.

Some 40 million people now live with HIV. Last year alone, 3 million people died of AIDS and more than 4 million were newly infected. Two thirds of people with HIV live in sub-Saharan Africa and three quarters of all AIDS deaths occur in that region. In recent years, the most dramatic increases in the spread of HIV have been elsewhere. In east Asia, the number of people living with HIV rose by 17 per cent. in the last three years. In eastern Europe and central Asia, the number of new infections rose by almost 70 per cent. in the last two years.

HIV/AIDS in the developing world is predominantly a young person's disease. The leading causes of death in the UK tend to affect people as they get older; HIV/AIDS tends to strike young people. Life expectancies in many countries have plummeted and many of the people killed by AIDS are at an age when they would contribute most to the development of the country that they live in. So it is that in many developing countries, HIV/AIDS corrodes the economies, the services and the infrastructure. Vital sectors—health, education and agriculture—are put under intolerable strain as the work force are removed by AIDS.

The world has responded to the pandemic, but slowly. The $10 billion estimated to be available for HIV in low and middle-income countries this year is a significant increase on the $8.9 billion provided last year. However, that $10 billion is just over half of what is needed. Estimates of global resource needs for this year stand at $18 billion, and $22 billion will be needed next year.

One landmark development in the effort to combat HIV/AIDS has been the establishment of the Global Fund to Fight AIDS, Tuberculosis and Malaria, which has approved a total of $7 billion for more than 450 grants in 136 countries. A report on the first five years of the work of the global fund was published in February, and the fund has made a good start.

The focus has rightly been on expanding access to treatment. Until a few years ago, to become infected with HIV was in practice a death sentence. The question was not whether one would die of an AIDS-related condition, but when. That is no longer the case thanks to the development of antiretroviral drugs. With access to proper treatment and care, people with HIV can now live fairly normal lives. However, millions of people have died of AIDS despite the emergence of antiretroviral treatment because those drugs have been unavailable to much of the developing world.

[Dr. Gavin Strang]

In recent years, the international community has accepted the principle of universal access: as far as possible, everybody who needs antiretroviral drugs should receive them. Under the presidency of the UK in 2005, the G8 agreed the aim of universal access by 2010, which was taken up in the political declaration by the world's Governments at the UN last June.

There have been improvements in access to antiretroviral drugs. UNAIDS—the Joint UN Programme on HIV/AIDS—estimates that since 2002, some 2 million life years have been gained through expanded access to antiretroviral treatment. In December 2006, the number of people on treatment in low and middle-income countries was 54 per cent. higher than in the previous year.

Treatment still reaches only a small proportion of the people in need. The World Health Organisation estimates that just over a quarter of people in low and middle-income countries who need treatment receive it. There is a particular problem with children. Despite a 50 per cent. increase in the number of children receiving treatment in the past year, still only 15 per cent. of those in need get access to HIV treatment. The World Health Organisation and UNAIDS have called for urgent action to develop appropriate diagnostics and paediatric drugs.

A report published last month by the World Health Organisation, UNAIDS and UNICEF made it clear that universal access by 2010 will require a steep increase in the number of people who receive treatment each year. The UN Secretary-General has reported that many countries are struggling to scale up their work sufficiently to be on course for the 2010 commitment. If we continue at this pace, the UN estimates that less than half of those in urgent need of treatment will receive it by 2010. My hon. Friend the Minister will be aware of the campaign calling for a G8 funding plan to be put in place to achieve universal access, and I would be grateful for his thoughts on that.

Will my hon. Friend set out what is being done to enable developing countries to find their way through the legal complexities of TRIPS—the agreement on trade-related aspects of intellectual property? There are particular concerns about access to newer drugs, including second and third-line treatments. Since 2003, the price of most first-line antiretroviral treatments has decreased by at least 50 per cent. in low and middle-income countries. However, the World Health Organisation has found that the prices paid for second-line treatment tend to be unaffordably high in countries that lack generic alternatives.

In the years to come, more people will need access to second and third-line therapies as the first-line treatments will cease to be effective. UNITAID, the international drug purchasing facility of which the UK Government is a sponsor, is working to lower prices of second-line medicines and I was pleased to see the price reductions that the Clinton Foundation was able to announce last week. However, as patenting restrictions are tighter on newer drugs, a lot needs to be done before we can expect to see adequate reductions for second and third-line treatments.

On 30 August 2003, a decision was taken with the aim of allowing certain countries to import generic drugs. However, my hon. Friend is probably aware of the conclusions of Médecins sans Frontières that the mechanism is unworkable. The Government have made clear their support for the right of developing countries to use TRIPS flexibilities to ensure affordable access to drugs, including the use of compulsory licensing provisions. My right hon. Friend the Secretary of State and his G8 counterparts agreed at their meeting in March that more needs to be done to help to lower the cost of some drugs

"including the use of TRIPS flexibilities to the fullest extent".

My hon. Friend will be well aware of the calls from non-governmental organisations in the field for the G8 urgently to review the effectiveness of the TRIPS flexibilities and to identify and resolve all obstacles to their use. I would be most grateful for his perspective on the progress that has been made.

Perhaps my hon. Friend can also take the opportunity to update us on the new independent advisory body that was announced by his Department last month to help get more drugs to the world's poorest people. The Secretary of State has also expressed an interest in patent pooling, and I should be grateful if my hon. Friend would tell me the Government's thinking on that point.

In order for antiretroviral treatment to be successful there must be a medical infrastructure in the country that ensures that people have regular access to their medication, and are properly instructed and supported in adhering to their regime. The UN Secretary-General has remarked that we must move from an emergency footing to a longer-term effort, laying the groundwork for sustainable progress and strengthening health and social service systems. Far greater investment is required in the infrastructure of health systems.

When we talk about getting drugs to people, there is a tendency to assume that Governments and Government services alone can deliver, but in many countries projects run by employers or the voluntary sector are equally important. Professor Richard Feachem, the previous executive director of the global fund, and the Secretary of State himself have singled out faith groups as being particularly important because of the work that they do in that area.

It is right that we focus tremendous effort on expanding access to treatment. It is a matter of international shame that so many have died and continue to die of a treatable disease. At the same time, we must dramatically step up our efforts to prevent the spread of HIV/AIDS. Work on a vaccine continues, and it seems that every few years we are told that a vaccine is 10 years away. I know that that work is supported by the UK Government. A vaccine would of course be a huge breakthrough, but in the meantime we need to improve prevention efforts dramatically. If we do not, meeting the commitments to universal access to treatment will be well-nigh impossible.

The rate of new infections far outstrips the expansion of HIV treatment. While 700,000 additional people got on to treatment last year, 4 million became infected with HIV. Treatment and prevention services must be scaled up in parallel. The World Health Organisation has called urgently for far more effective outreach work with at-risk populations and for prevention work to be done with people living with HIV/AIDS.

UNAIDS has identified three main problems with the current prevention effort: insufficient funding, inadequate access for populations with higher rates and risks of infection, and a lack of action against the social, economic and cultural factors that drive the spread of HIV, such as stigma, poverty and gender inequality. Access to prevention services for at-risk populations in low and middle-income countries remains generally very low. In 2005 it was less than 20 per cent.

Still only about 11 per cent. of pregnant women with HIV are given treatment to prevent mother-to-child transmission. That is a particularly depressing statistic when one bears in mind the fact that the treatment available for pregnant women with HIV is so effective that it virtually eliminates the possibility of the child being born with HIV. I presume that it is very different if no treatment is provided. I would have thought that most reasonable people would see it as a priority to get a lot more pregnant women on the treatment so that their children are not born HIV-positive. Just last year my hon. Friend's Department cited an estimate that a comprehensive HIV prevention package costing $4.2 billion annually could avert 29 million of the 45 million new infections expected by 2010.

I cannot end my consideration of prevention work without mention of a recent development relating to male circumcision. As colleagues may well be aware, the World Health Organisation and UNAIDS have stated:

"Male circumcision services should be recognized as an important intervention to reduce the risk of HIV infection".

That followed clinical trial data that demonstrated a significant reduction in the risk of heterosexually acquired HIV infection among circumcised men.

This summer marks the halfway point in the work to achieve the millennium development goals. As one of those goals, the international community made a commitment to have halted and begun to reverse the spread of HIV/AIDS by 2015. A massively increased prevention programme is required if we are to meet that commitment. We must also consider the important role that diagnostic testing must play, as the availability of testing is vital for progress in prevention and access to treatment. The global coverage of HIV testing and counselling remains low. Available information is limited, but surveys done in a small number of countries in sub-Saharan Africa indicate that at most one quarter of people living with HIV were aware of their status. Late diagnosis not only impedes prevention work that can be done with people living with HIV but means that treatment for an individual is less likely to be successful.

The Government are playing an important role in the councils of the world. They have ensured that HIV/AIDS is on the agenda at the UN, the EU and the G8. They are also putting their money where their mouths are by increasing the amount that Britain spends on overseas aid. Will my hon. Friend give us his view of the prospects for progress at the G8? The Finance Ministers meet this Friday and the G8 summit is just more than three weeks away. I am sure that we all hope for progress.

I am pleased that we have had the opportunity to have this debate in the week when my hon. Friend the Minister will be launching a consultation on a new strategy along with the interim evaluation of the current strategy. I look forward to hearing his comments.

1.15 pm

The Parliamentary Under-Secretary of State for International Development (Mr. Gareth Thomas): I begin by saying, and particularly this time genuinely meaning, that I am grateful to my right hon. Friend the Member for Edinburgh, East (Dr. Strang) for persuading Mr. Speaker to allow us to debate this topic. As he said, the debate is timely, not least because of the launch on Thursday of a consultation on how we can step up our work on HIV/AIDS as a country and particularly as a Department, but also because we are a matter of weeks away from the G8. There will be considerable international attention on what else the G8 can do to focus attention on the terrifying growth in the incidence of HIV/AIDS across the world. I shall not repeat the statistics that he rightly reminded the House of.

My right hon. Friend ended his comments by drawing attention to the lead that the Government have taken on HIV and AIDS. It is perhaps worth noting that, in 2005, when we held the G8 and EU presidencies, we took the opportunity to use them to secure important commitments to universal access to HIV treatment and prevention. As he and the House will know, through the UN General Assembly we managed to secure a commitment to a broader definition of universal access, including prevention, treatment, care and support. I know that he supports that.

A year earlier, in July 2004, we attempted to prepare the ground for such a discussion at the UN by setting out an ambitious and, I hope the House will agree, progressive UK policy on tackling AIDS in the developing world in the document that we published called "Taking Action". We shall have a chance to discuss on Thursday a review of that document and an assessment of where we have got to in implementing the commitments that we made in it. It set, for the first time, a spending target for funding through my Department of some £1.5 billion to support our response to AIDS, making us the world's second largest bilateral donor. It took a strong stance on the importance of meeting the needs of vulnerable groups, including by committing to spend some £150 million on support for children affected by AIDS.

My right hon. Friend rightly sought to remind the UK and the international community of the need to follow through on the commitments made at that G8 summit and the UN millennium review summit. That is why we have sought to do our part by commissioning an independent interim evaluation of the "Taking Action" document to enable us to assess our performance at the midway point in the drive to make progress towards universal access, and to enable us to take any corrective action needed. Again, Thursday will offer the opportunity to review in more detail where we have got to.

It is also why we pushed to set ambitious targets in-country, led by the developing countries themselves, including interim targets for 2008, in the UN General

[Mr. Gareth Thomas]

Assembly's political declaration on AIDS in June 2006 to help us to review progress towards the goal of universal access. It is also why we pressed the G8 at St. Petersburg—and will press again at the summit in just a matter of weeks—to report against the AIDS commitments that were made at Gleneagles.

On progress, it is clear from the UN and from civil society reports that there are areas where the AIDS response has progressed. We can be proud of that response, but it is also true, as my right hon. Friend said, that there is a considerable amount that we still need to do if we want to achieve our ambition of an AIDS-free generation.

On treatment, there have been huge increases in the number of people taking antiretroviral drugs, as my right hon. Friend said. According to UNAIDS, the World Health Organisation and UNICEF, more than 2 million people were receiving treatment at the end of 2006, a 54 per cent. increase in just one year. Of that number, more than 1.3 million people in sub-Saharan Africa were receiving treatment in December 2006, compared with just 100,000 in 2003.

However, the sad truth of those impressive statistics is that only 28 per cent. of those who need treatment actually have access to the drugs that they need. We must do more to boost access to treatment and diagnostics, in particular for children. We must take steps to reduce the cost of second-line AIDS drugs, which, as my right hon. Friend clearly knows, can cost as much as 10 times more than other treatments, and we must take more steps to tackle the stigma and discrimination that block people's access to services, including treatment.

I am delighted that the UK played its part in tackling those issues by helping to set up UNITAID, the new international drug purchase facility. It has already approved, among other things, programmes of nearly $62 million for treatments for children and nearly $70 million for those second-line therapies that cost so much.

This week, UNITAID and the Clinton Foundation announced a major cut in the price of 16 AIDS treatments that will be available to 66 developing countries. That clearly is positive progress and an endorsement of the approach that mechanisms such as UNITAID allow. I am pleased, and I hope that my right hon. Friend is as well, that through the Medicines Transparency Alliance we can begin to tackle some of the fraud and other inefficiencies that can on occasion lead to a 300 per cent. mark-up in the price of medicines in developing countries.

My right hon. Friend drew attention to funding, and rightly said that we need to do more to ensure that the necessary resources are available to finance universal access. He said that an estimated $10 billion will be available in 2007 for HIV-related programmes in low and middle-income countries. As he said, that is a huge increase, but, as he also said, it is just over half of the $18 billion that UNAIDS estimates is needed in 2007, so the international community needs to do more work together to meet that funding gap.

We are committed to playing our part, not least through the Global Fund. I take this opportunity to put on the record my appreciation of the considerable effort made by Richard Feachem, the first head of the fund, and of the excellent job that he has done. We have pledged some £359 million to date to support the fund, making us the fifth largest donor, and we recently supported the decision to triple the size of the fund so that it has the potential to reach $6 billion to $8 billion in 2010.

I touched on UNITAID. We pledged some $20 million for UNITAID as part of a 20-year commitment potentially increasing to some $60 million by 2010, subject to the performance of the organisation. We also pushed hard at the UN General Assembly in June to ensure that the international community in general made a commitment that no credible, costed national AIDS plan should go unfunded. That important commitment should play a central role in helping to get all donors working on the goal of achieving universal access in each developing country.

The AIDS response must support and strengthen health systems—we must not undermine them. In short, that is the only way to achieve universal access and better all-round health outcomes. We must do more collectively to strengthen health systems, not least because of the need to address the global shortage of 4.3 million health care workers, as estimated by the Global Health Workforce Alliance. People are not likely to stay on antiretroviral drugs without health care workers to support them as they take the drugs, and, potentially, the virus could become more resistant to drugs. I have no doubt that that issue will be of particular importance in the discussions that will take place at the G8 coming soon.

The UK is playing its part on that issue. In Malawi, for example, we are helping with a £100 million emergency programme over six years that seeks to double the number of nurses and to treble the number of doctors. The programme helps to do that by increasing salaries by some 50 per cent. We are considering options to extend that approach to other countries, and we are seeking to have discussions with other donors about how we can better pool our funding to make that happen more effectively in developing countries. I personally have had discussions with key people in the US Government about how we could do that.

My right hon. Friend touched on the importance of prevention. We are supporting ongoing research to develop new microbicides, which potentially offer the most appropriate technology most quickly to help women to protect themselves from HIV infection. We continue to put money into the international AIDS vaccines initiative to help to make progress there.

I know that my right hon. Friend shares our concerns about stigma and discrimination. I hope that he will be able to attend the launch tonight with England and West Indies cricketers of a stigma unit to promote our work in the Caribbean, which has the second fastest rising epidemic rates in the world. Discrimination is the single biggest blockage to making progress on that issue.

My right hon. Friend also asked about our position on trade-related aspects of intellectual property rights. We remain a strong supporter of the right of developing countries, including Thailand and Brazil, to implement the TRIPS agreement, as is appropriate for

their circumstances. We understand the concerns of Médecins sans Frontières and several others about the complexity of the agreement, which is why we are working in Kenya and Botswana to fund legal research and assistance that will help those countries to implement the flexibilities that are available under the TRIPS process.

We initiated an access to medicines conference just a matter of weeks ago because of concerns about TRIPS, about whether enough diagnostics are available, about whether we need new treatments and about how to cut through some of the other blockages to making drugs available to fight HIV/AIDS. The conference brought together experts in health systems and drug programmes from developing countries, people from the non-governmental organisation world, international pharmaceutical companies and generic drug companies. From those who came to that meeting, we are seeking to establish a small group to work with us, on a continuing basis, on the key blockages internationally to making progress on delivering more HIV/AIDS drugs and more drugs to help to fight other developing-country diseases.

I am grateful for the considerable effort that was put in by the many different stakeholders who turned up at the conference. As my right hon. Friend will know, access to medicines is often a politically contentious issue, but the constructive nature of the dialogue at that conference offers hope that we will be able to make faster progress. I know that he will be pleased in particular by the announcement by UNITAID and the Clinton Foundation.

Again, I welcome the opportunity for this debate. It is timely, with the G8 approaching so soon, with our launch on Thursday of a consultation on what we can do next about HIV/AIDS and with the launch of the stigma unit tonight. My right hon. Friend takes a considerable interest in the issue and has done so for a long time. I hope that he will continue to pursue that interest and to put pressure on us to do more.

Local Health Funding

1.30 pm

Andrew George (St. Ives) (LD): I am delighted to have secured a debate on local health funding after having the good fortune to initiate a debate on midwifery and maternity services only a fortnight ago, to which the Under-Secretary of State for Health, the hon. Member for Bury, South (Mr. Lewis), responded. I am pleased to see that the Minister of State will be responding to this debate. I will consider the Government's national policy and the way in which it affects local health funding, considering the local circumstances in my area—Cornwall and the Isles of Scilly—and, as I am sure the Minister expects, I will look constructively at potential solutions to local problems.

I have always welcomed, strongly supported and voted for investment in the NHS. I appreciate that the Government were fearful that some of the money would go into a black hole and that they have therefore engaged in a number of reforms, but I fear that the Government have created some black holes of their own, particularly regarding the pursuit of the so-called choice agenda. Sadly, I believe that that agenda has swallowed up billions of pounds in IT systems and bureaucracy. Choice is desirable, but for many people it is a luxury to be considered after basic services are in place and are sure to be intact.

The theme of my speech is that I am worried about a lot of the changes to the NHS. I have seen some of the proposals for health reform and they seem to be promoted by PowerPoint-wielding management consultants who have too much say in how services are run. Instead, we should concentrate on running front-line services properly and effectively. Those are the issues that I want to consider.

When considering the national policy context, the Minister may wish to look at the British Medical Association document that was published last week, "A rational way forward for the NHS". It puts the issue in context and provides some good, helpful and constructive comments, on which I am sure the Department has reflected. At the BMA conference in 2006, alarm was expressed at the incoherence of Government NHS policies. The letter that was attached to the BMA document and was circulated to MPs—I am sure it was also sent to the Government—states:

> "Thanks to the government's injection of funds and the hard work of NHS staff, patients have seen considerable improvements in the health service."

The letter goes on to state:

> "However, there has been a failure to engage either the public or health professionals in the early stages of policy developments which undermine the long-term future of the NHS."

The BMA document states:

> "Progress...is under threat due to a constant wave of poorly integrated initiatives from the centre",

and:

> "The NHS is suffering from reorganisation fatigue".

I am sure that those are themes that the Minister has heard many times before from critics of the system. Indeed, at the weekend, the former Secretary of State

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for Health, the right hon. Member for Holborn and St. Pancras (Frank Dobson), said on "The World This Weekend" on Radio 4:

"We started losing advantage when we started saying choice was the great thing and that the choice that people want is the choice between 5 competing hospitals. Every bit of polling evidence and common sense suggests that that's not the case. The first choice for most people is that the hospital down the road will do a first class job for them and do it promptly. That should've been the Government's task. It started going wrong there."

I agree with that.

If the Government want to offer choice, in my area the choice of an NHS dentist would be nice. Those who get the opportunity of once in a while joining an NHS dentist seem to have that opportunity for only a short time before being presented with the ultimate choice of staying with the practice and going private or having no dentist at all. Sadly, that is the type of choice offered to the patient—the consumers—on the ground.

The national programme for IT underpins the choice agenda and the "choose and book" system, which has been re-branded "connecting for health". The system is immensely expensive, and the *BMA News* of 27 May last year states:

"Connecting for health management has now admitted that it will cost at least £15 billion and final figures in excess of £30 billion have not convincingly been denied."

Perhaps the Minister will reflect on that. I have asked many parliamentary questions about the cost of the "choose and book" system and the nature of its assessment and costs locally. In March, I received an answer to a written question that I had asked about what measures the Secretary of State had put in place to assess the change in the overall administrative burden of the "choose and book" system. The answer provided was:

"None. The choose and book system should reduce the overall administrative burden of managing referrals."—[*Official Report*, 12 March 2007; Vol. 458, c. 142W.]

Yet we know that because of the creation of private sector contracts, which primary care trusts were forced into, the Government has had to encourage PCTs to establish referral management centres to intervene in the referral process. That has added a further administrative and cost burden, which has not been part of or factored into the overall budget of the service.

Indeed, the movement towards a greater emphasis on the private sector has concerned many people. The BMA document that I referred to earlier, which was published last week, states:

"There is no evidence that the private sector offers improved services or better value for money than the NHS"

and that the role of the private sector is to

"support the NHS rather than supplant it".

I know that my hon. Friend the Member for North Cornwall (Mr. Rogerson) has been assiduous on that matter, particularly regarding the movement of a contract to a private sector hospital in his area in Bodmin. He shares my concern about that issue and I have asked parliamentary questions on the nature of the contracts and the basis on which PCTs were forced into them. In particular, I asked about the widely understood target of contracting 15 per cent. of all elective procedures, and in an answer that I received last July, the Minister said:

"The figure of 15 per cent. is not a target but a level of service that the independent sector might be providing by 2008."—[*Official Report*, 18 July 2006; Vol. 458, c. 381W.]

On the same day, in answer to another question, the Under-Secretary of State for Health, the hon. Member for Bury, South, said:

"Individual contracts' performances are monitored to ensure facilities are utilised."—[*Official Report*, 18 July 2006; Vol. 458, c. 376W.]

On the same day, in the very next column, the same Minister said:

"Capio and national health service sponsors are working to ensure that the full value of activity is delivered over the contract period."

I have also asked Ministers questions about the extent to which the Government are ensuring that contracts would add value to services locally, rather than denude funding from the local community.

In February, the Minister of State, Department of Health, the hon. Member for Don Valley (Caroline Flint), said in answer to a question in the Chamber:

"I am pleased to say that the Plymouth and Bodmin treatment centres are on target for up to 100 per cent. capacity."—[*Official Report*, 6 February 2007; Vol. 456, c. 703.]

Freedom of information figures showed, however, that the company met only 19 per cent. of its contracted activity in the first quarter up to April 2006; 45 per cent. in the six months between April and September, and only 65 per cent. in the final period to the end of March. Any yet it will be paid fully for the services that clearly are not being rendered to the local community.

On 7 March, in a debate that we had here, I raised another point with the Minister about the impact of European competition law, which he did not address that day. Indeed, I raised subsequent questions in the House and wrote to the Secretary of State to ask what assessment the Government had made of the impact that that significant move in trend will have on increasing the amount of work contracted through the private sector, and whether it will open a Pandora's box. On 5 April, in reply to a letter that I had written her, the Secretary of State for Health stated:

"National Health Service bodies have generally fallen outside the scope of EU competition rules".

Generally that might be the case, but given the contractual and tendering processes, and the ability to alter, reconfigure or intervene, the NHS will be open to very complex challenges. In fact, the European Court is likely to deem the service a market and not a public service. I am sure that local health services will be most concerned about that.

On the local situation, as the Minister knows, at the end of the last financial year, the Royal Cornwall Hospitals trust ended up with a deficit of £45 million, and is currently one of 18 financially-challenged trusts undergoing a review. Obviously, it aims to balance its budget, but wants an agreement on how to repay the deficit. It believes that that can be done provided that it is given a reasonable time in which to repay. It is now in the second year of a three-year period, but it would be helpful to have the Minister's advice on whether it is

possible to consider a five-year period in which to achieve the kind of balance that a trust such as Royal Cornwall Hospitals needs.

I have another point to make that I really would like the Minister to address: unlike other trusts with severe deficits, for some reason, the strategic health authority, rather than the Department made the adjustment for the resource account budgeting arrangement for the Royal Cornwall Hospitals trust. As a result, it appears to have lost out significantly.

Matthew Taylor (Truro and St. Austell) (LD): I am sure that my hon. Friend would want also to reiterate to the Minister the fact that prior to the switch in health authority, the hospital never had a deficit. It inherited one that has built up subsequently and which it has struggled to overcome, primarily owing to the low levels of funding that it receives. Its cost per patient is low, and its outcomes good, but under the financial formula that ties its funding to low local wages, it will struggle ever to balance the books.

Andrew George: I am very grateful to my hon. Friend for making that point. I was due to come on to the income that the Royal Cornwall Hospitals trust and indeed the health community in Cornwall receives. He made the point very well.

I would appreciate it, however, if the Minister could answer this point: in order to help lift the burden we must address the purely administrative question of who adjusted the RAB for the Royal Cornwall Hospitals trust. If it had been the Department of Health, as in the case of many other trusts around the country, it would have been better off by a significant number of millions of pounds.

The Minister responded to me on 17 July last year regarding the market forces factor. I am sure that he would be surprised if I did not raise this issue, given that Cornwall is at the bottom of the league table for the income it will receive under that element of the funding formula. He said:

"The advisory committee on resource allocation (ACRA) is carrying out a review of the approach to calculating the staff market forces factor".

He continued:

"It is expected that the work will be completed by autumn this year. The publication of the findings will be considered later."—[*Official Report*, 17 July 2006; Vol. 449, c. 245-46W.]

We know that that work is completed and we are awaiting its outcome; it would be very helpful if the Minister could indicate when it is likely to be published and give us a timetable for making adjustments. Were the Royal Cornwall Hospitals trust to approach at least average funding and parity under the market forces factor, it could net at least £6 million to £8 million —that is just for that trust, let alone others in Cornwall and the health community generally.

On positive proposals, I would like the Minister to consider the fact that under local government reform proposals in Cornwall we are looking closely at the possibility of bringing the health and social community far closer together. I know that the Minister would welcome that. I received a parliamentary answer that stated:

"Local partnerships...under section 31 of the Health Act 1999"

can be used

"to deliver seamless services and develop close co-operative working."—[*Official Report*, 10 May 2007; Vol. 460, c. 406W.]

A week earlier, I was advised that powers exist for single pooled budgets to be established

"under section 75 of the NHS Act 2006 and for an application to be made to the Secretary of State to establish a care trust as permitted under section 45 of the Health and Social Care Act 2001."—[*Official Report*, 3 May 2007; Vol. 459, c. 1842W.]

We seem to have quite a bit of potentially conflicting legislation to achieve such pooled arrangements. The BMA's proposals for a new NHS framework stated that it wants a great deal more democracy introduced into the decision-making process for the future of that service. When considering bringing the two budgets together, I hope that the Minister will bear in mind the fact that health is free at the point of delivery, whereas social care is means-tested. It would be helpful to give some advice to the local community on how to ensure that those two budgets are brought together seamlessly and not fractured, which is the danger with the means-testing of certain activities but not others.

That is particularly important with regard to, for example, the many cases in which an elderly person might end up in hospital, when really they require care at home, which cannot be provided. Providing that service in hospital might be much more expensive that providing it at home, which might also be more appropriate. I hope that the Minister will consider those elements when answering my questions.

1.48 pm

The Minister of State, Department of Health (Andy Burnham): I congratulate the hon. Member for St. Ives (Andrew George) on securing this debate. I know that he takes a close interest in these matters and I pay tribute to him for the diligent way in which he seeks to improve health services in his area. I wanted to acknowledge that at the beginning.

At the same time, however, I would have hoped perhaps to have heard more acknowledgment from him of some of the major progress being made in the health services in the south west and in Cornwall specifically. It is an interesting day on which to have a debate on local health funding, because the Department published today a detailed breakdown of how the extra £8 billion that the NHS will receive this year will be spent in communities up and down the country.

At times, we can become complacent about the numbers, but by any reckoning, £8 billion extra for the NHS is a major increase and will produce tangible benefits on the ground in constituencies throughout the country, including those of the hon. Members for St. Ives and for Truro and St. Austell (Matthew Taylor). In the south-west, it means an extra £590 million a year for that health economy, and it will, among other things, make possible rapid progress towards achievement of the target of 18 weeks from GP referral to hospital treatment.

I hope that the hon. Member for St. Ives would acknowledge that significant and substantial improvements can be expected in all parts of the country this year. It is important, while we rightly address concerns, that those

[Andy Burnham]

things are accepted and explained to the public, because it is the public's money and they are entitled to know what it is paying for.

The transformation of services that I am talking about has been possible because of the extra funding that we have made available. Every primary care trust received an above-inflation increase in funding in 2006-07 and will do so again in 2007-08—an average of 9.4 per cent. across the NHS. The hon. Gentleman's local PCT, Cornwall and Isles of Scilly PCT, received allocations of £646 million in 2006-07 and £711 million in the current financial year, which together represent an increase of £119 million over the two years, which in turn equates to a 20.1 per cent. increase in funding over the two years. Notwithstanding the issues that he put before me today, which I shall come to in a moment, that compares favourably with the England average for all PCTs of 19.5 per cent. growth in funding over the two years.

In addition, we have adopted a faster pace of change policy for the 2006-08 revenue allocations period. PCTs such as the one in the hon. Gentleman's area have been moved more quickly towards their fair share of funding. In 2003-04, the most under-target PCT was 22 per cent. under its fair share allocation; by the end of 2007-08, no PCT will be more than 3.5 per cent. under target. Cornwall and Isles of Scilly PCT will be only—I say "only"—3.3 per cent. under its weighted capitation target by the end of this year. The hon. Gentleman would rightly say to me, "Come on. Let's see further progress towards that target funding." I, too, represent an area where the PCT is under its target allocation. Although it remains the Government's intention to move PCTs towards their target allocation, we of course have to do that at a pace that is fair to the rest of the NHS.

Let me deal with some of the specific issues that the hon. Gentleman raised. He asked me to comment on the BMA document. I agree that it makes some very important points about how we take forward the debate about the future of health care and the NHS specifically, but he did not comment on one of the central points in that report, which was the call for, as I understand it, more rationing of services and more openness about where services may need to be rationed. We have shown in the past 10 years that a comprehensive NHS and universal service can be provided free at the point of use, and that certainly remains our intention. I hope—in fact, I expect—to continue to have the Liberal Democrats' support in making the political case for such a service as the NHS approaches its 60th anniversary.

The hon. Gentleman spent some time attacking the notion of choice and quoted others in aid of that point. He needs to think: in this day and age, on what basis can we say that people cannot have the right to choose what is best for them and their families? I ask him to think about his own constituents. There may be a family with a young child who has a rare condition. I am sure that his constituents are like mine: they want full rights to go to wherever in the health service may be able to help them. I do not think that it is right to say that that is a political construct or a fad that is being imposed unnecessarily.

It is true that people want a good local service, but what if they do not have one? What if they live in a part of the world like mine, where a number of reasonably large district general hospitals are within easy reach? For my constituents, Warrington, Wigan, Bolton and even Hope hospital in Salford are within pretty easy reach of one another. Why should people not be able to look at the service provided by those organisations and choose which one suits them best? It is true to say that providing choice is not an end in itself, but if it can help to achieve the goal of better local services for patients in areas where they are not good enough, surely it is a justifiable policy. It is not the be-all and end-all, but it is an important part of improving the system from the bottom up.

Andrew George: I do not want to detain the Minister on choice—I would rather that he moved on to the local questions—but just to clarify the position, of course choice is desirable, and I think that I acknowledged that, but the point is that it is important that the Government recognise that local health services need to walk before they run. Routine services need to be in place and to be reliable and local. By all means, once we have achieved that, the desirability and luxury of choice is something that I think we can all applaud.

Andy Burnham: I accept that point; it is one on which we can agree. I have to say to the hon. Gentleman, though, that we cannot will the end without willing the means. He mentioned "choose and book". Last week, 40 per cent. of appointments were dealt with through that system, and some 68,000 patients received their appointment in that way. It is important that people do not just cast aspersions, as they tend to, on these projects. Just think about the benefits for those 68,000 patients: they got their appointment immediately; straight away they knew their time, so they could then start making plans. The alternative would be people waiting for the hospital to contact them with an appointment that might not suit them. There are direct benefits to the individual from these systems, and it is important to recognise them.

On the use of the private sector, the hon. Gentleman raised concerns about the utilisation rate of Bodmin independent sector treatment centre. I can tell him that utilisation is building month by month. In May the rate was 85 per cent. and in April it was 80 per cent., so I hope that he can see that there is a build-up. The point of the policy is that, as services become established, they will work towards the full utilisation rate. It is very important, if his constituents are to benefit from the 18-week target, as I expect all people in the country to be able to, that that capacity be made available to the NHS.

In many ways, what we are describing is a different relationship with the private sector. It is not one in which the private sector trades on the back of failings by the NHS and the really awful notion of choice that applied under the previous Conservative Administration: "You can wait two years or the feller down the road will deal with you in two days." That was utterly appalling. Now, the private sector puts its capacity into the NHS for the benefit of NHS patients, which I think most people in this country would celebrate.

On European law, I understand the point that the hon. Gentleman makes, but I think that perhaps he is overstating the issue. Within the European settlement,

as I understand it, it is possible for domestic Governments to manage and control health services as they see fit, but I take his point that these things need to be carefully watched.

The Royal Cornwall Hospitals NHS trust has particular financial challenges. We are looking case by case at each of these trusts in this particular period, in which they would struggle to repay at the same time as keeping services stable. I can assure the hon. Gentleman that we will inform both him and the hon. Member for Truro and St. Austell about any decisions taken in relation to recovering that trust's financial position, but it is making improvements this year through its turnaround process, and I hope that we can see a clear way forward in the not-too-distant future.

On the market forces factor, a review is going on that will inform this year's allocations—the allocations to be made later this year for all PCTs. That is the timetable. The hon. Member for St. Ives asked me about that. The representations that he has made over a period and that others have made about the issue will be listened to, but obviously I cannot prejudge the outcome of that review of the market forces factor.

Let us finish on a positive note. I completely agree with and support the notion of a greater partnership between local government and the health service. I would welcome progress in the hon. Gentleman's county on that issue, so—

It being Two o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Wednesday 16 May 2007

[DR. WILLIAM MCCREA *in the Chair*]

Fatal Accidents (Construction Industry)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Claire Ward.]*

9.30 am

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): I draw the attention of the House to my entry in the Register of Members' Interests, which lists me as a member of the Union of Construction, Allied Trades and Technicians. I also chair the UCATT group of MPs in Parliament. I am grateful to be granted this Adjournment debate, because it covers an extremely important issue—the number of corporate convictions in the construction industry following fatal injuries. I have three points to make. First, I want to highlight the trend, shown in the report of the Centre for Corporate Accountability, of a fall during the period of the study on the number of corporate convictions following fatalities in the construction industry. Secondly, I want to draw attention to the unacceptable rate of fatal industries in the construction industry, and thirdly, and more importantly, I want to suggest how we might work together to ensure a cohesive health and safety culture in the construction industry.

The study by the CCA is entitled "Levels of Conviction and Sentencing Following Prosecutions Arising from Deaths of Workers and Members of the Public in the Construction Sector" and it examined the figures for 1998 to 2004. I do not want to go into methodology, or the rationale of the statistics. The authors studied the number of deaths in that six-year period and the number of corporate convictions. I emphasise that I am talking about corporate, not individual, convictions. The main finding of the report, which has been questioned in some areas, was that in 1998 convictions followed 42 per cent. of fatal injury cases, whereas by 2004 the rate had dropped to 11 per cent. That is quite a change and has caused great concern among trade unions in the construction industry.

There are no statistics relating to the study for the years after 2004. That is because it generally takes about three years to complete the legal process. Another major finding of the report, and one that I think is a cause for concern, is the great disparity in fines between UK regions. The study includes Scotland and Wales.

Not only the deaths of workers, but the deaths of members of the public on building sites, were included in the study. I understand that that is because the statistics on the Health and Safety Executive website include those for both workers and members of the public. Any death causes distress to the family, and that is all the greater when, following a fatal accident, the legal process does not provide redress. That is a major point. Families who believe that there has been no proper legal redress feel that their loved one is not valued in the eyes of society as other people are. That can lead to people becoming alienated from the democratic process.

Because of the way in which working practices are arranged in the construction industry—it is a complex pattern—some companies, usually subcontracting companies, have been known to go into liquidation to avoid prosecutions by the Health and Safety Executive and to avoid paying compensation. I draw the attention of the House to the recent case of Michael Parr. It involved a company that went into liquidation to avoid a fine from the HSE and to avoid paying the widow compensation. In August 2004 Michael Parr, aged 54, was fatally injured in an accident on the Land Rover site at Coventry. He was working for a company called Haydens which was doing subcontract work for the main contractor on the site. Following an investigation the HSE made it known that it intended to prosecute the company. To avoid prosecution, and presumably to avoid paying compensation to the widow, the company went into liquidation. The case was then brought against the main contractor, but because that contractor disputed liability it was finally dropped.

That case exposes the vulnerability of individual workers and their families in the face of the widespread subcontracting arrangements in the industry. I believe that it also illustrates the need for a proper employment framework in the construction sector. That is all the more important with the increase of migrant labour on construction sites. I shall return to that point because there is a feeling among the unions on construction sites that greater casualisation of work on building sites is under way.

There has been some disagreement about the statistics in the CCA report. However, the data came from the HSE's database, which was accessed by the CCA in January 2007. To me, the important thing is the drift that can be detected in the statistics. That is worrying, and it is the basis for this morning's debate. In a previous statement, the HSE estimated that management failure played a significant part in 70 per cent. of deaths at work. Given that according to the statistics the number of corporate convictions following a fatal injury has fallen to 11 per cent., the CCA can be forgiven for drawing attention to the matter as it has. The issue needed to have attention drawn to it.

I am told that, in the recent years that are not covered by the report, corporate convictions have started to rise again. Moreover, the HSE is aware of the complex working arrangements in the construction industry, and knows that there is a need to ensure that prosecutions for breaches of health and safety are kept up, if we are to deter employers in that complex matrix of working relationships from taking short cuts that have tragic consequences.

Mr. Russell Brown (Dumfries and Galloway) (Lab): I congratulate my hon. Friend on securing the debate. He is talking about prosecutions and convictions for accidents and fatal accidents. Does he agree that much more needs to be done in the industry to ensure that there is on-the-job training for apprentices and people who come into the sector? There should be more emphasis on such training in order to reduce the number of such accidents.

Mr. Clapham: I am grateful for my hon. Friend's intervention. It is important to do something positive in the construction industry to drive a health and safety culture through the sector, and training is a main plank of that. In 2000, the Deputy Prime Minister set up a summit with the aim of providing better training opportunities and driving the health and safety culture forward. Seven years later, there have been some improvements, but they have not been driven through the whole industry. We therefore need a summit to pick up where the last one left off and to revitalise the health and safety initiative.

I realise that not all cases will require prosecution, but the fall in the number of corporate convictions is of great concern. The CCA recently wanted to validate some work that it was doing. Having heard that the HSE had carried out an internal audit, it made a freedom of information request to obtain details of that audit. I am told that the audit showed that the HSE recognised that there was a serious gap in its enforcement procedures. The audit also estimated that the HSE should be prosecuting almost three times as many corporate cases. UCATT tells me that if the HSE had been doing that, convictions would have been secured in as many as 60 per cent. of construction industry cases in the relevant period—1998 to 2004—instead of the actual figure of 20 per cent.

It is clear that convictions are related to the health and safety culture. The HSE takes the view that we need to ensure that there are prosecutions if we are to have a robust health and safety culture. That is why we need to address the regional disparities between fines upon conviction. If a company is fined £50,000 in one part of the country after a fatal accident in which there was a breach of health and safety rules, but a company is fined just £18,000 in another part of the country, that is a great concern.

My hon. Friend the Member for Caerphilly (Mr. David) recently promoted a private Member's Bill to raise the standard of fines, but it was opposed by the Conservative Opposition. Sadly, that opportunity to raise fines for breaches of health and safety was, therefore, missed. We must now ensure that the Government pick up that issue; I hope that the Minister will take it forward to the relevant Department. We need a Bill to increase the fines for breaches of health and safety, particularly when there has been a fatal accident.

Mr. Jim McGovern (Dundee, West) (Lab): I congratulate my hon. Friend on securing this important debate. I am interested in his comments about companies that go into liquidation to avoid their responsibilities. One of my constituents, Mrs. Karen Stupart, tragically lost her husband in a building site accident in the mid-1990s. The employer was subsequently charged and convicted of offences under the Health and Safety at Work, etc. Act 1974, but when Mrs. Stupart and her two children were awarded £250,000 in compensation, the company immediately went into liquidation. Does my hon. Friend agree that the way forward might be to legislate to introduce a scheme, not unlike the Pension Protection Fund, to ensure that employers pay into a central fund so that even if an employer goes into liquidation, people who are awarded compensation will receive it? Mrs. Stupart has yet to receive a penny of that £250,000.

Mr. Clapham: I am grateful for that contribution. I agree that something positive needs to be done. Companies should all have to contribute to a fund, so that even if they later try to escape liability by going into liquidation, the fund will make good and pay compensation to people who have been injured, particularly in cases involving fatalities as a result of health and safety breaches. We need to consider that idea seriously.

My next point is about the appalling level of accidents in the industry, particularly fatal ones. The construction industry is large, employing 2.2 million workers and contributing more than 9 per cent. to the UK's gross domestic product. It is a modern industry in which technology is applied, yet we have an appalling record on accidents.

UCATT recently expressed concern about the ongoing casualisation of the industry. It estimates that up to a third of the workers who are employed in the industry could be described as being bogusly self-employed. If a third of 2.2 million people are bogusly self-employed, that is a great loss to the Treasury. About four or five years ago, UCATT commissioned a study on bogus self-employment, which was drawn up by a university lecturer. The study suggested that the loss to the Treasury could be more than £2.5 billion. The Treasury has since responded, and a new scheme to tackle bogus self-employment is being rolled out in the construction industry, but UCATT thinks that the scheme will be less effective.

We need UCATT and Treasury officials to sit down together and to consider how we might make the scheme much more effective, because it has terrific implications both for Treasury revenue and for health and safety culture in the industry. It has been suggested that, if we could tackle bogus self-employment, it would bring in enough additional revenue to the Treasury to pay for all the Olympic stadiums—that is the size of the problem.

Harry Cohen (Leyton and Wanstead) (Lab): On that point, one of the biggest building projects will be for the 2012 London Olympics. Has my hon. Friend seen comparisons between the approach in Australia, where they used a more direct employment model, and that in Greece, where they used subcontractors and obscure contracting arrangements much more? There were far more construction deaths in Greece than in Sydney. Should that not inform the model that we adopt for building the Olympic stadiums in London?

Mr. Clapham: I am grateful to my hon. Friend. I, too, have seen the statistics. They show that more deaths occurred while building the stadiums in Greece than while building those in Australia, because the Australians applied an orderly employment framework. I could suggest to him an example closer to home: the building of terminal 5. It is being built within a negotiated employment framework, delivered on time and there has been just one fatality during the entire construction period. The kind of procedures that are in operation at terminal 5 must be replicated when we build the stadiums for the 2012 Olympics.

Bogus self-employment is a difficult issue to deal with, and it undermines the health and safety culture. Between 1998 and 2004, which is the period of the

study that is the basis of this debate, there were 504 construction fatalities. I am told that last year's fatality figure for the construction industry will be 78, which compares with 59 deaths the year before. In other words, we are talking about a 32 per cent. increase last year. That is just not good enough and we must take positive action to ensure that we drive through the health and safety culture.

In dealing with my third point, I shall suggest to the Minister that we might do a number of things to improve the health and safety culture in the construction sector. First, as I mentioned, we need to ensure that the summit on the construction industry that the Deputy Prime Minister arranged is picked up and taken forward. In so doing, by bringing together all sectors in the industry—the insurance companies, the trade unions, the employers and the solicitors—we could emphasise the need to ensure that we focus on health and safety training in the industry. I hope that the Minister will suggest to the Secretary of State for Work and Pensions, who I know has been interested in some of the construction issues, that the Department ought to put on another summit on health and safety in the construction industry. That would be a way of revitalising the health and safety initiative, which seems to have fallen since 2002.

Secondly, I have no doubt that my hon. Friends will refer to the regional statistics on sentencing, which show that we need to do something positive to ensure that the fines for breaches of health and safety are increased. I hope that the Minister will make the Solicitor-General aware of the concerns and of the need for legislation to increase the fines for health and safety breaches, particularly those following a fatal accident, be it in construction or in industry generally.

Thirdly, there is a need to arrest the fall in the Health and Safety Executive's budget. By 2008, the HSE will have lost 17 per cent. of the staff that it had in 2002, when comparing like with like. The pressure is set to get worse in this autumn's comprehensive spending review if the Department for Work and Pensions passes on the 5 per cent. year-on-year cut. Again, the Minister may wish to ensure that that is brought to the attention of the Secretary of State and to investigate what may be done in the Department to ensure that those cuts do not occur.

My fourth suggestion deals with the Corporate Manslaughter and Corporate Homicide Bill, which is about to be made law. I hope that it is, because I support it and believe that it will make it easier to prosecute large and medium-sized companies for manslaughter following a death. There is evidence to suggest that the Bill could be made even more effective, for example, by giving company directors duties under it. I hope that the Minister will draw the appropriate Department's attention to the fact that we need a change in the Health and Safety at Work, etc. Act 1974 to put duties on directors. Such duties would strengthen the Bill and would help to drive through a health and safety culture, particularly in the construction industry.

Fifthly, in the face of the increasing casualisation and fragmentation of the industry, we need to ensure greater protection for workers, particularly the migrant workers who are coming on to construction sites. In that context, will the Minister consider extending the Gangmasters (Licensing) Act 2004 to the construction industry? I recall that my hon. Friend the Member for Paisley and Renfrewshire, North (Jim Sheridan) promoted the private Member's Bill that later became that Act. It is an important piece of legislation, which is now in need of being extended to the construction industry.

Finally, I should draw the House's attention to the fact that over the past decade, 20 young people between the ages of 16 and 19 have been killed on construction sites. In the face of that, the Institution of Occupational Safety and Health and the HSE got together to produce a hazard awareness course for year 10 pupils. Will the Minister take that up again with the Secretary of State for Education and Skills and ask whether we could make the course mandatory and a part of every curriculum?

In conclusion, I am aware that the Construction (Design and Management) Regulations 2007, which were again opposed in the first instance by the Conservative Opposition, focus on effective planning and risk-management. Given that one worker is killed and 70 are seriously injured every week in the construction industry, it is clear that more needs to be done. The CCA report has uncovered a worrying trend, and the concerns of UCATT, which is the main union in the construction industry, deserve to be addressed in a way that will ensure that positive proposals are put forward to drive through the construction industry a health and safety culture that will protect workers.

Several hon. Members *rose—*

Dr. William McCrea (in the Chair): I advise hon. Members that I intend to start the winding-up speeches at 10.30 am.

9.58 am

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): I congratulate my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) on securing this crucial debate. He has a proud track record of campaigning on issues such as this, and I am sure that the House would like to recognise his efforts in this regard, as many in the trade union movement do.

It is worrying that despite the legislative measures passed by this Government and this Parliament to bolster health and safety in the workplace, the number of fatalities in the construction industry remains so high. The dangers for those in the industry are greater than for those in any other industry: they are seven times more likely to die at work than workers in any other industry and one in three of all work-related deaths occur in the construction industry. No disrespect to our armed forces or emergency services, but if the same number of fatalities was to occur in those professions, there would rightly be a public outcry. Parliamentarians would be asked to solve the problem and we would be looking for solutions. Unfortunately, when someone dies in the construction industry—it sometimes happens daily—it is unheard of and even the press and media no longer report those untimely deaths.

Working in the construction industry is dangerous. No one can ever be 100 per cent. safe all the time, but it is not unreasonable for those in that line of work to

[Jim Sheridan]

expect and to have the right to be protected from unnecessary danger caused by negligence or cost-saving. As with all elements of a construction project, the safety of workers and the public must be managed. Inclusion of safety issues at the start of a project is essential to allow for safety to be considered at the design stage and throughout the construction and operational phases. Unfortunately, that does not always seem to be a priority for those at the top of the construction industry, and for that reason bodies such as the Health and Safety Executive exist to monitor safety practices on site and to take appropriate coercive or legal action when necessary.

Reference has been made to the 2012 Olympics, which is a great opportunity for the construction industry and its skills. However, I hope that the Government will not construct the site on the deaths of people working there. When companies tender for contracts, I hope that their health and safety record and that of their subcontractors is taken into account.

We are here today because of concern among the public, trade unions and politicians about inadequate safety. The increasing number of accidents and fatalities is alarming, and the Union of Construction, Allied Trades and Technicians published a report in April this year which highlights the fact that only 21 per cent. of the 504 deaths in the construction industry between 1998 and 2004 were successfully prosecuted. Coupled with a drop of 75 per cent. in the number of prosecutions following deaths in the industry, it is clear that the Health and Safety Executive has not provided the necessary monitoring and enforcement action to safeguard construction workers, who continue daily to face danger and death on British building sites. It is already clear that too few workplace injuries are investigated and too few companies are ever visited by the Health and Safety Executive. That situation can only worsen when, this time next year, the Health and Safety Executive sheds almost 400 inspectors.

Furthermore, the UCATT report also refers to an internal audit carried out by the Health and Safety Executive, which uncovered the lack of a coherent application of the Health and Safety Executive's criteria for pursuing prosecutions against companies that had placed their employees' lives in jeopardy. Aside from the obvious concern that violations of health and safety regulations are going unpunished, evidence has emerged of widespread variations in both convictions and sentencing throughout the United Kingdom. That has allowed companies to flout health and safety regulations with impunity, cut costs and endanger people's lives. What is needed is a cohesive approach in all areas of the Health and Safety Executive's operation from inspection to the issuing of improvement and prohibition notices, and particularly the prosecution of those guilty of putting workers' lives at risk.

During my time in Parliament, I have supported efforts to make companies and particularly individuals responsible for the safety of their employees. It is clear that despite the Government's best efforts, the current punishment whereby companies are fined for violating health and safety regulations is not a sufficient deterrent. If the directors of those companies were hit where it hurts—in the wallet—and/or faced jail terms, they would take greater care and consideration of employees' wellbeing in the workplace.

The Health and Safety Executive has estimated that management failure contributed to or was directly responsible for 70 per cent. of deaths in the construction industry, and I am sure that my colleagues will agree that that is unacceptable and outrageous.

Mr. Clapham: My hon. Friend did a great deal of research when he presented his private Member's Bill. Has he given any thought to how that Bill might be applied to the construction industry? The unions are witnessing migrant labour coming and working in similar conditions as those in agriculture where they work under a gangmaster. Could the Gangmasters (Licensing) Act 2004 bring greater protection in construction?

Jim Sheridan: I thank my hon. Friend for his intervention. He is absolutely right. The gangmaster legislation covers only those working in the agriculture industry. There is clear evidence that gangmasters are now moving from agriculture to the construction industry and that is a major issue. It is time we reflected on and reviewed how effective the legislation is, and whether we could extend it to the construction industry.

Things seem to be going from bad to worse. In the past year, there has been an increase of 32 per cent. in the number of construction workers killed over the previous year. That is a worrying trend, and I think it can be traced to the expansion of the European Union which has led to an influx of migrant workers from eastern Europe. I stress that I neither believe nor suggest that the increase in accidents results from foreign workers' negligence or inability to do the job, but some of them may not have a firm grasp of English and are being put to work on sites without a full understanding of the health and safety practices needed to ensure their own safety and that of their fellow workers and the public. Health and safety must be factored in at every stage of any construction project, and in the global age that should include a multilingual work force.

There is some validity in ensuring that companies hiring staff from outside the UK require all their staff to undertake a skills audit to assess performance, from both a task and process management perspective. Adopting such a practice would ensure that only workers who are appropriately trained and accredited to perform the job they are employed for and who are fully versed in all aspects of site health and safety are working on Britain's construction sites.

As a trade unionist, I have fought all my adult life to make workplaces safer, and as an MP I work with my parliamentary colleagues to continue that fight. If the construction industry cannot bring itself to protect workers, Parliament must step in and make it happen.

10.8 am

Mr. Stephen Hepburn (Jarrow) (Lab): I commend my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) for securing this debate. As we all know, in stature he may not be the largest person

in the world, but in Parliament he is a giant in health and safety matters, and a credit to us all. It is typical that he managed to secure this debate.

I praise my trade union, UCATT, and I must declare an interest. I have been a member of UCATT for more than 25 years, and was branch president for more than 12 years, so I know the work that can be done to secure health and safety in the workplace. Its report, horrendous as it is, would be a lot worse but for its work in the workplace. It is self-evident and we all know that the building and construction industry is dangerous. My hon. Friend referred to that fact. One can look at the military situation weekly, and people are in uproar, the press are furious and there is outrage in Parliament when there is a death in Iraq. Large sections of the press, of Parliament and of the community say that we should withdraw from Iraq to save the lives of soldiers. However, what do we also see weekly? Building workers are killed through the negligence of their employers, and the only furore comes from the families and friends of those workers—no one else.

One would have thought that in light of those facts and figures, especially those that the report highlights, we would want to do something about the industry, making health and safety central to its ethos. Sadly, however, the industry does not want to do so. Once again, building industry employers put profits before people.

The report sets out in graphic detail how society, the Government and the industry are letting workers down. In the past six years, there have been more than 500—504—deaths. What is more—and what makes the situation worse—the perpetrators of those deaths are walking away almost scot-free, sometimes with paltry fines of as little as £1,000; that is, if they are convicted.

Mr. Russell Brown: Does my hon. Friend agree that it is a disgrace that the official Opposition recently blocked a private Member's Bill introduced by my hon. Friend the Member for Caerphilly (Mr. David), which would have increased the penalties for breaches of health and safety legislation?

Mr. Hepburn: Anything that Parliament can do to help the cause of health and safety in the workplace should be supported by all parties, because we are talking about deaths. We would not stand for deaths anywhere else in society, so we should not stand for them in the workplace. I agree with my hon. Friend; he makes a very valid point.

The report highlights three areas. First, it highlights the lack of justice and the fact that the investigation and conviction period can be long drawn out. The dead person's family has to go through murder and pain during the investigation, and at the end of the day, little if anything is done. The report highlighted the fact that in the past year, only one in 10 cases brought about a conviction.

Secondly, the report highlights the level of disparity between regions. Is it not a nonsense that if a worker in the north-east of England is killed at work on a construction site owing to the negligence of his employer, the employer will be fined £15,000 on average, but if the same thing happens in the south-west of England, the records show that the employer will be fined £60,000 on average? That is a nonsense, and something must be done about it. It is a nonsense that a worker can be more valuable in one part of the country than in another.

Thirdly, the report highlights the need for a change of law. In 2005, I introduced a private Member's Bill on directors' duties. Unfortunately it was not successful, but my view remains the same: until directors are given direct responsibility for health and safety in the workplace, such deaths will continue. The issue will remain out of mind and out of sight, and people will say, "If it is not my responsibility, I have nothing to do with it." Changes must be made.

The construction industry is massive: it comprises about 10 per cent. of the economy, it makes billions of pounds of profit every year for employers and it employs millions of workers. The industry is very important, but one fact that comes out of the report is that we are letting those workers down. There is no doubt that a change of law is required to make directors directly responsible for health and safety in their workplace.

It is an excellent report, and all credit must go to UCATT. The report shows that it is time to ensure safety in the workplace, to bring about justice through investigations and the courts, and to place responsibility in the boardroom where it should be and where it should have always been. The Government should act now.

10.14 am

Harry Cohen (Leyton and Wanstead) (Lab): First, I apologise to you, Dr. McCrea, and to my hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham), who presented the debate, for missing the first 10 minutes. I was actually late due to train delays, and as frustrating as they are, it is better that the trains are driven safely than that we have an accident. The same should apply to all industries, including the construction industry.

I congratulate my hon. Friend on securing the debate and on his excellent speech. It is an important subject, and the UCATT report that motivated the debate is splendid and informative. He drew attention to that fact, and he has an outstanding record on health and safety campaigning in Parliament. My hon. Friend the Member for Jarrow (Mr. Hepburn) called him a giant, and I echo those words.

I sit on the parliamentary panel of the building trade union, UCATT, but there is no personal financial gain in that situation, and my concern for better health and safety long predates my membership of the panel. A number of hon. Members have a common interest in those situations.

The UCATT report, which has been referred to, considered:

> "Levels of conviction and sentencing following prosecutions arising from deaths of workers and members of the public in the construction sector."

The report, which was published last month, showed that from 1998 to 2004 there were 504 construction deaths, only 21 per cent. of which resulted in a conviction. In that six-year period, prosecutions by the Health and Safety Executive following construction deaths fell by 75 per cent. That is an appalling set of figures and an

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appalling trend. In 2006-07, construction deaths rose by 25 per cent. In the current year, which started in April, there have already been 11 deaths, one of which was the death of a 15-year-old child. We are only in May, and those are serious matters for concern, but the HSE is prepared to shed 300 inspection posts, which seems to run counter to the trend of the problem.

The Corporate Manslaughter and Corporate Homicide Bill, which I welcome and support, is before the House, and I hope that it will soon be an Act of Parliament. I sat on the scrutiny Committee, and I voted in favour of company directors being directly accountable for health and safety matters. However, it looks as though that provision will be squeezed out of the Bill, so the reliance will be back on fines. I shall address the level of fines in a moment, because the UCATT document mentions them and they are relevant.

It is perverse that company directors can go to jail if they are found guilty of financial irregularities, but that if their direct actions or their neglect leads to the death of a worker, there cannot be a prosecution and they will not be sent to jail. It is wrong. I come from east London, and in my area one of the current stories is about a fine of £5.5 million that has been imposed—admittedly by the Football Association—on West Ham football club for a couple of player transfers. The club has been fined £5.5 million, when employers are invariably fined just a couple of hundred pounds for the death of a worker, which seems perverse.

My hon. Friend the Member for Barnsley, West and Penistone made the point that one of the reasons why deaths on construction sites are so high is our culture of subcontracting and self-employment, which he called bogus self-employment. Alan Ritchie, the general secretary of UCATT, gave a good explanation why that ricochets into deaths in *Tribune* on 27 April:

"Despite the strong health and safety rules in place, the casualised nature of the British construction industry makes it an unnecessarily dangerous place in which to work.

If Britain's employment practices were in line with the rest of northern Europe, then only 5 to 10 per cent. of our construction workers would be self-employed. But in this country the figure is around 50 per cent. These are not people who have specialist skills, tools or equipment. The vast majority of self-employed construction workers work in much the same way as normal workers."

He said that such workers are indeed bogus, because they do jobs and take orders, and are not in any way specialist. He also said that

"sites relying on bogus self-employment are less safe and suffer a higher number of casualties than sites which have direct employment."

Part of the reason for that is that such workers have no representation for health and safety, but the trade union does a good job in demanding health and safety on site.

Mr. McGovern: My hon. Friend has mentioned the fact that trade union-organised sites are generally safer than non-organised sites. I can attest to that, as a member of the GMB and a former safety rep. Many construction companies employ just five, 10 or 12 people and are therefore exempt from the legislation covering trade union recognition. Does my hon. Friend agree that that is a loophole that should be closed?

Harry Cohen: I do, actually. Health and safety is so important that there should be the right to trade union representation in those small firms, and certainly on health and safety matters. Even more than that, I would favour trade union representatives playing a role in inspections. They should also have the strength of the law on construction sites or any other site, to back them up if they withdraw their labour, for example, because something is not safe. Personally, that is what I would favour.

Mr. Ritchie continued:

"However good the intentions of the contractor on issues of safety, these get weakened or lost as they pass down the chain of command to a plethora of companies which may only be on site for a relatively short period of time. In such circumstances, it is unsurprising that more accidents happen.

Finally, if a contractor does not have their own workforce and does not know the people working for them, the safety imperative is inevitably reduced."

That reinforces the point that subcontracting, bogus self-employment and the plethora of companies involved mean more deaths and less safety on sites. We need to move in the direction of more direct employment.

I want to use the last few minutes that I have in this debate to refer to the UCATT report directly, and in particular to its comments about London. Before I do so, however, I note the trend, identified right at the start of the report, on page 3, in the number and percentage of construction sector deaths that resulted in a conviction by year. To focus on just three of those years, in 1998-99 there were 69 deaths and 29 convictions, which meant a rate of convictions per death of 42 per cent; in 2000-01, the number of deaths increased to 113, while there were 27 convictions, resulting in a decrease in the rate to 25 per cent.; and in 2003-04 there were 75 deaths and eight convictions, which meant a rate of just 11 per cent. That trend is incredibly alarming, and it shows that the rate of convictions is going right down.

In the six-year period from 1998 to 2004, there were 75 deaths in London and 19 convictions, with a conviction rate per death of just 25 per cent., which is again very poor. Over that six-year period in London, the total fines imposed on defendants following a death came to £935,500 and the number of defendants convicted following a death was 25, which worked out at £37,000 per defendant found guilty of an offence. That is low, although in certain parts of the country, such as the north-east, which my hon. Friend the Member for Jarrow mentioned, the rate is half that.

The report gives details on some of the cases. In 2000, in a case involving Galliford Try Partnerships, a child died from a fall while playing on scaffold during the refurbishment of occupied housing association flats, because the principal contractor had

"failed to identify and fence foreseeable access route from public walkway over parapet onto the adjacent scaffold."

The fine, for the death of a child, was just £40,000. In 2001, in an accident involving Dave O'Keefe and Co., the report said:

"Death took place when large slab of masonry from base of foundation fell on workers who were digging underpin excavation. Lack of support precautions. Foundations known to contain matrix of rotting wood. Lack of proper risk assessment and method statement."

The fine for that category of neglect was just £25,000. Also in 2001:

"A tower crane driver, fell whilst climbing the access ladder to his cab. The ladder up to the crane had a number of defects."

The fine for that was £5,000. Another example said:

"Deceased fell from a platform due to an insufficiently secured, extended ladder."

The fine for that was £8,000. The fine for another accident—exactly the same sort of accident, actually—was even worse at just £5,000.

Another example said:

"Fatal fall of self-employed heating engineer, assisting in lifting of boiler unit."

The fine in that case was £52,000, but that is very low—carrying boilers was that worker's job, so one would have thought that health and safety would have been in place. Another example said:

"One scaffolder...killed in fall, another...broke his leg when a...scaffold collapsed whilst it was being dismantled. Major...risk to public. Immediate cause was the overbalancing of the rig during the lowering of counterweights".

The fine for that disaster was just £30,000. In London, Mr. Edward Smith died

"following a fall of 2.4 m. The fall occurred whilst he was attempting to access a scaffold using an inappropriate ladder, no appropriate ladder access had been provided."

The fine for that was £7,500. My last example from the report said:

"Peter Coldspring, a sub-contract painter and decorator was electrocuted whilst carrying out refurbishment work in a flat. Failure to ensure electricity was isolated during works."

The company to which he had been contracted was fined £30,000 in that case.

Those fines are pathetically low. Not included in the report are the profits that those companies make, not only overall, but on those individual jobs and contracts. Their profits far exceed the fines, which are little more than a pinprick. Those fines must go up significantly if they are to have any deterrent value for health and safety. It is disappointing that the Corporate Manslaughter and Corporate Homicide Bill has not pinned that liability directly on directors.

My last point is about migrant workers, who are particularly vulnerable. There is bogus self-employment, and because of their language problems, migrant workers are often given the worst jobs in the industry. There is a strong case for the Health and Safety Executive to record employment status, nationality and the name of the client who procured the work. Some of that work might have been procured by the public sector—by the Government or local authorities. If so, we should know that so that there is an opportunity to put pressure on the public authorities to take action.

Those are my comments; I congratulate my hon. Friend the Member for Barnsley, West and Penistone and UCATT on raising an important matter.

10.30 am

Mr. David Laws (Yeovil) (LD): We have had a good debate, and I also congratulate the hon. Member for Barnsley, West and Penistone (Mr. Clapham) on raising this extremely important topic. If I may, I shall anticipate what is likely to be the third or fourth line of the Minister's speech by putting on the record my acknowledgment that, compared with other European countries, the UK has quite a good record on this issue—the Minister is deleting those lines as I speak.

A recent parliamentary answer from the Minister stated:

"Within the European Union, Great Britain now has the lowest rate of workplace fatal injury per 100,000 workers."—[*Official Report*, 19 February 2007; Vol. 457, c. 372W.]

That is good, but our debate has shown that there is an awfully long way to go and a lot of scope for increasing workplace safety.

This debate focuses particularly on the construction industry, but the context, which hon. Members have sketched out, is that there are more than 200 workplace fatalities each and every year. What is also relevant—the debate does not touch on this directly—is that there are also a lot of non-fatal accidents that can have serious consequences. In fact, in the last year for which information is available, there were almost 30,000 major-injury accidents that did not involve fatalities but which, as we can imagine, left people with lifelong injuries in many cases.

I do not have the individual figure for the construction sector, but we can all guess that it was likely to have been heavily accounted for in that category. Even in the short period since I was first elected in 2001, I have met quite a few people in my constituency who have sustained serious injuries in the construction sector. Many of them cannot work again in that sector, and sometimes they cannot work at all. That is devastating for them and their families, and it involves a major cost to the taxpayer, because such people will often be stuck on benefits for long periods as a consequence of the injuries. Thirty thousand major but non-fatal injuries a year means that about 100 people experience such injuries every working day. Reducing both sets of figures is a big challenge.

Hon. Members have also mentioned that the construction sector, perhaps understandably, accounts for a large proportion of fatal accidents each year. The hon. Member for Barnsley, West and Penistone cited the figure of 504 fatalities for the six-year period from 1998, of whom the majority were employees. However, as the hon. Member for Leyton and Wanstead (Harry Cohen) has said, we are also talking about members of the public, who can also lose their lives as a consequence of the conditions in those sectors. As the hon. Member for Barnsley, West and Penistone has said, that figure of 504 represents about a third of total fatalities over the period. Alongside agriculture, construction accounts for a lot of fatalities, and both sectors obviously deserve a lot of attention in Government policy.

Members' speeches in this debate have ranged widely and raised issues for the Government to consider in respect of improving health and safety in the workplace and reducing fatalities, which is obviously the most important issue. The hon. Member for Paisley and Renfrewshire, North (Jim Sheridan) talked about holding companies with a bad safety record to account for future Government contracts, which is sensible.

There is scope for a wider debate than we can have in our restricted time today. Understandably, the hon. Member for Barnsley, West and Penistone has raised

[Mr. David Laws]

not the whole issue of workplace safety, but the specific issue of prosecution and conviction rates in the construction sector. He made a number of charges, based on the report, about prosecution and conviction rates. I hope that the Minister will tell us whether the concerns are justified. In a nutshell, the concerns are that the number of fatalities has been going up in recent years—the figures are bumpy from year to year, but overall they are too high. However, the conviction rate has been falling to a low level—it was 11 per cent. in the last year for which information is available, which is a lot lower than in previous years.

Members also mentioned that the time leading up to trial seems to have lengthened to a large and noticeable extent in recent years and that there are significant regional variations, not only in fines but in the extent of prosecution. That is in the context of the significant job cuts at the HSE as part of the Government's overall attempts to reduce staff at the Department for Work and Pensions and elsewhere. In its bluntest terms, the charge is straightforward—the HSE is not doing its job of securing enough convictions in cases that involve genuine negligence. That is the case that has been put to the Minister, and we should like insight into it.

When the UCATT report came out, Mr. Podger, the HSE chief executive, made a statement that cast doubt on some of the figures that had been cited. He also said that it was a distraction from the real issue of reducing fatalities rather than simply prosecuting. Most people would see those things as being tied together. Mr. Podger also said:

"There are many reasons why a fatality might not always lead to a prosecution: for instance if during a long investigation a company goes into liquidation"—

something that hon. Members have referred to—

"there is no duty holder to prosecute".

He added that

"if a self-employed individual were to fall from a ladder whilst working on their own, there are often no witnesses."

It would be helpful to hear from the Minister the extent to which the low prosecution rate is accounted for by there being a large proportion of self-employed individuals in the sector, for whom there is simply no adequate evidence, and by companies that go into liquidation. Were the arguments deployed in the chief executive's response to the report relevant only to a small number of cases, or are they serious reasons why the prosecution and conviction rates are so low?

Will the Minister also say something about migrant workers? The hon. Member for Paisley and Renfrewshire, North expressed concern about whether the figures had been inflated by such workers. Is that true? I have not seen the figures, but if it was true, it would be a concern and might hint at loose health and safety regulations in the sector. Will the Minister also comment on what is supposed to be an HSE internal audit report, which a couple of hon. Members have cited? I understand from the original union report that the internal audit report concludes that the HSE inspectors are not prosecuting in enough cases. Does the Minister accept that internal criticism by the HSE? Is that report in the public domain? I genuinely do not know. If it is not, will she consider having it published to cast light on the issue?

I have seen the latest figures on the offences prosecuted by the HSE. If the charges about the HSE's behaviour in respect of prosecutions were justified, we would expect a general decline in HSE prosecutions. In recent years, there has been a dramatic decline—2,000 or so cases were prosecuted in 2001-02 and only 1,000 in the latest year. The number of convictions has also halved. Why is that? It appears to be a dramatic decline, which in some ways reinforces the concerns that have been expressed.

Will the Minister tell us, in relation to the parliamentary answer to the hon. Member for Worthing, West (Peter Bottomley), why the time between an incident and prosecution has increased so dramatically in recent years? It has almost doubled.

The hon. Member for Barnsley, West and Penistone has raised some serious issues, and I hope that the Minister can address them or at least put our minds at rest.

10.40 am

Andrew Selous (South-West Bedfordshire) (Con): I, too, congratulate the hon. Member for Barnsley, West and Penistone (Mr. Clapham) and all the hon. Members who spoke in this important debate in order to press the Government on a serious issue, which is getting worse.

In the six years to 21 March 2004, 473 construction workers and 31 members of the public were killed, which means that 504 people in total died from construction accidents. The average figure for all fatal and major injuries between 2000 and 2003 was 111 per 100,000 employees. In 2003-04, that rose to 121 and in 2004-05 it was above 118. On 27 April, the chief executive of the Health and Safety Executive, Mr. Geoffrey Podger, said that he expected a 20 to 25 per cent. increase in construction deaths in the year to 31 March 2007. The situation is regrettably getting worse.

What is happening in the HSE while that is happening? It is reducing the number of inspections, and it is expected to cut some 280 jobs and £8 million from its budget by March 2008. Some £3 million will go from publicity spending, £2.3 million from workplace budgets and a further 5 per cent. cut will be made to the budget between 2008 and 2011.

We know that field operations and inspections fell by 40 per cent. between 2001-02 and 2005-06. There were 55,195 inspections in 2004-05, the lowest on record at the time, and that figure fell again in 2005-06 to only 46,032. As I say, that was 40 per cent. less than the figure for 2001-02. The HSE chief executive's leaked memo to staff of 10 August said that the cuts would lead to

"difficult decisions and unwelcome consequences".

I have learned in an e-mail from an official in the HSE, received in February this year, that within the construction division there are plans to have only 171 inspectors, whereas there are 182 now—a reduction of 11. I know that final decisions were going to be made at the end of March on resource allocation. Will the Minister give us the exact figure for the construction division in 2007-08?

The reductions have taken place in the name of the Gershon review, which was announced in the 2003 Budget. The review was supposed to

"ensure that frontline staff get the resources they need to do their job even better, and that the bureaucracy that can get in their way is removed."

The story seems rather different when we see what is happening on the front line of the HSE.

Of course, not only the HSE has a role in this. We have to consider the Crown Prosecution Service and the courts, too. The HSE is prosecuting less overall. In 2003-04, 963 prosecutions took place, but only 712 took place in 2004-05. We have heard from many hon. Members that in 1998 there was a 42 per cent. conviction rate for construction deaths, whereas in 2003-04 that fell to 11 per cent. We have heard that, according to the HSE, 70 per cent. of construction deaths involve management failure. The HSE internal audit said that there should be a 60 per cent. prosecution rate for construction deaths. Like the hon. Member for Yeovil (Mr. Laws), I hope that the report will be put in the public domain. It would be strange if it were not.

I am wary of prosecuting according to a percentage target alone, but questions have to be asked when the HSE admits that it is prosecuting only about half of the number of construction deaths that it believes it should. We have heard of the regional variations too—

Mr. McGovern: Will the hon. Gentleman give way?

Andrew Selous: I want to get on quite quickly, if the hon. Gentleman will forgive me.

In the south-west, 31 per cent. of cases of construction deaths are prosecuted, whereas in the east midlands the figure is only 9 per cent. Fines vary hugely. In the north-east, the average fine is £18,650, while in the east of England, my region, it is £78,556.

Mr. McGovern: Will the hon. Gentleman give way on that point?

Andrew Selous: No, I will not.

Justice is being hugely delayed. In magistrates courts, the number of days between the incident and the approval of the prosecution has risen from 155 days in 2000 to 251 in 2004-05. In Crown courts, the number of days has doubled from 244 in 2000 to 488 in 2004. There were problems with the legal systems in the early years, but why is there that extra delay now?

The CPS has some questions to answer, too, for example, in the case of 17-year-old Daniel Dennis. On 29 December, the High Court ordered the CPS to reconsider its decision not to prosecute. That 17-year-old was killed. He had been given no training in safety or in working at heights; he had no harness, and harnesses are not expensive; and the skylight area that he fell through to his death was not fenced off—yet the CPS decided not to prosecute. That decision has been overruled by the High Court.

The courts have questions to answer about the variability of the fines. I have more shocking news on the fines than the hon. Member for Leyton and Wanstead (Harry Cohen) mentioned. In 15 construction deaths, the fines were £5,000 or less. In some cases, the fines were less than £1,000. The worrying thing is that the HSE is recording less data. It no longer records the number of HSE inspections, the number of regulatory contacts, or the median fines for a safety offence. It should do so. I would also like to see it record the nationality of those killed, their employment status, the name of their employer and principal contractor, and their ability to speak English, as well as whether the incident took place on a domestic or non-domestic construction site.

We debated the Construction (Design and Management) Regulations 2007 last week—we voted for them, and encouraged the Government to go further and to extend them to cover an extra 200,000 cases where the design element does not apply. That would ensure that the scope of the regulations to cover the design element was built in earlier, was easier to understand and covered more cases than the Government want to.

We have heard about the problems with English speaking. The Government are reducing funding for English for speakers of other languages and that is a major area of concern. We are concerned that construction employees will not understand health and safety inspections. Speaking to the deputy chief executive of the HSE, I learned of a company that had signs in the canteen telling employees that they had only a certain time for their lunch break in many languages, but out in the workplace area the signs were only in English. I am glad to say that that company was thoroughly inspected as a result, but as we have heard, fewer inspections are taking place.

We support the Corporate Homicide and Corporate Manslaughter Bill, which is before the House today. Indeed, we would like it to go further than the Government would, so that it includes deaths in custody. What is the Minister doing to reply on the subject of the Professor Richard McCrory review and the HSE? We have heard nothing about that from anyone else today. Professor McCrory brought out a report on 28 November 2006 entitled "Regulatory Justice: Making Sanctions Effective". In relation to that report, he said that criminal prosecution has a role to play—I agree with that—but

"regulators need the flexibility to deal with individual cases appropriately. In some cases rogues find it cheaper to ignore regulations and take the penalty than comply, these proposals will end this situation."

He set out a number of principles, saying that they:

"Aim to change the behaviour of the offender…to eliminate any financial gain…from a non-compliance"

and

"Aim to deter future non-compliance".

The report proposes an administrative toolkit of extra fines, profit orders and so on. The HSE is considering it, but given what we have heard today it is urgent that the Minister should tell us when the HSE will be able to use the extra sanctions that the Cabinet Office review of regulators said should be made available. Those are important issues, and it is a scandal that there have been 504 deaths. There are serious questions for the Minister to answer, and we look forward to hearing from her on them.

10.50 am

The Parliamentary Under-Secretary of State for Work and Pensions (Mrs. Anne McGuire): I am delighted to be able to answer the debate. I congratulate my

[Mrs. Anne McGuire]

hon. Friend the Member for Barnsley, West and Penistone (Mr. Clapham) on securing the opportunity to debate this important issue. Like my colleagues, I wish to acknowledge his long-standing interest in promoting health and safety for workers, particularly construction workers. He never misses an opportunity to highlight the dangers in the construction industry.

Many questions have been asked and, to be frank, it will be impossible for me to answer every one. I shall try to deal with some of the general issues that have been raised, and I shall respond to specific points, including the catalogue given by the hon. Member for South-West Bedfordshire (Andrew Selous) in the past few minutes, by written procedure.

I thought that we could have a debate that was not essentially party political, but on penalties, as I said to him last week upstairs in Committee, the hon. Gentleman must reflect on the fact that his own Front-Bench team scuppered a Government-supported Bill to increase the level of penalties. He must take the powerful message that he gave to us today back to his Front-Bench team, of which he is a member. That Bill was well supported across the House, and it was to the Opposition's shame that they scuppered a Bill that would have dealt with some of the issues that have been raised here today.

We are concentrating on deaths in the construction industry and, as we have heard, although the construction industry work force is only about 7 per cent. of the total work force in the United Kingdom, it has 28 per cent. of worker fatalities. That is why the debate is so important. We can bandy around statistics, but the reality is that each death is a tragic event for a family somewhere in Britain. As we heard powerfully from my hon. Friend the Member for Barnsley, West and Penistone, every week in this country a family suffers as a result of the death of one of its menfolk. I think the fatalities are exclusively male.

I am aware of the issue, as are other hon. Members. In my constituency, only three weeks ago, an experienced construction worker fell from scaffolding and was tragically killed. The issue of deaths in the construction sector has been given greater and welcome emphasis as a result of the publication of the UCATT report on prosecution, conviction rates and sentencing in the industry. I recognise that an early-day motion was tabled by my hon. Friend the Member for Jarrow (Mr. Hepburn), who has long experience in the industry and brought it to his contribution today.

I thank my hon. Friends the Members for Paisley and Renfrewshire, North (Jim Sheridan), for Dundee, West (Mr. McGovern), for Dumfries and Galloway (Mr. Brown), for Leyton and Wanstead (Harry Cohen) and for Jarrow for their contributions. I also thank my hon. Friend the Member for Cardiff, West (Kevin Brennan), who as a Government Whip, as I know from previous experience, cannot say anything. I noticed that he was here for most of the debate. I also thank Opposition Members for their contributions.

I shall deal with some statistics and come to the core of the argument advanced by my hon. Friend the Member for Barnsley, West and Penistone. The HSE has reviewed the statistics quoted in the UCATT report, and its conclusion is that there is a significant underestimate of enforcement action following fatalities. I welcome the fact that my hon. Friend did not go into statistics, because there are issues to consider about the methodology used, and the CCA might want to discuss them with the HSE. Let me be clear and give out the powerful message that the HSE enforces provisions robustly and takes any death at work very seriously. Its staff are committed to investigation and, where it is right, prosecution.

We must recognise, as the hon. Member for South-West Bedfordshire did, the difference between prosecution and conviction, which are different aspects of the process that we need to take cognisance of. Every workplace death is investigated unless there are very specific reasons for not doing so. The HSE always prosecutes if a death was the result of a breach of health and safety legislation, there is sufficient evidence and it is in the public interest to do so. That accords totally with the enforcement policy statement published by the Health and Safety Commission. Following that approach, the true picture in construction is that the HSE prosecutes about half of all fatalities, and about 80 per cent. of those prosecutions result in convictions. There is no question about there being insufficient resources or numbers of inspectors to investigate fatalities and to pursue consequent prosecutions. That will always be the highest operational priority for the HSE.

I recognise that time is running out, but I wish to pick up on a couple of points. There have been comments about the disparity in sentencing, about which we are deeply concerned. Indeed, the Sentencing Guidelines Council is planning to examine the guidelines for death at work cases as part of its ongoing work to produce guidelines for the new manslaughter offences that are to be debated later today. That is being done in England and Wales and will be conducted through the Scottish Executive for Scottish cases. I am sure that that will be of interest to my hon. Friends from Scotland.

On the summit proposal that my hon. Friend the Member for Barnsley, West and Penistone highlighted, there was a summit in 2001 and a follow-up summit in 2004. There is a view that it is probably too early to have another but, given the powerful arguments that he made today, we should keep under review when to have another summit. We are not rejecting the idea in principle; it is just a matter of whether enough time has passed before having another summit.

There are many cases in which it is difficult to prosecute, such as if the person involved is a domestic householder or a self-employed worker and nobody else is involved in the work activity, as in the tragic case in which a self-employed builder took his young child into the domestic property where he was working, which resulted in the young girl being killed. There are all sorts of issues to take into account. Our priority is that the HSE should prosecute, but prosecutions cannot always be seen through to the end, because of the nuances of individual cases.

Sometimes, of course, there is not a conviction. Witnesses may fail to appear, new evidence may emerge or the court may accept a plea, and all those things can result in non-prosecution. I hope that hon. Members recognise that in some parts of the process it is outwith the control of the HSE to pursue a prosecution to the bitter end. I reiterate that every death is a tragedy to the

individual and their family, and the HSE's priority is to ensure that it investigates those deaths fully.

I shall conclude at breakneck speed by saying that my hon. Friend the Member for Barnsley, West and Penistone highlighted the fact that an agenda is shared by the trade unions, the Government and the construction industry. I welcome the opportunities that he has given us to work in partnership, and I hope that we will continue to do so to raise the issue of deaths in the construction industry, which are unacceptable. It is not about international comparisons; it is about what we expect for our workers in our own industry in the 21st century.

St. Michael's Hospital, Aylsham

11 am

Mr. Keith Simpson (Mid-Norfolk) (Con): It is a pleasure to serve under your authority, Dr. McCrea, I believe for the first time. I initiated this short debate because under the Norfolk primary care trust consultation document—the consultation is taking place between 6 March and 5 June 2007—St. Michael's hospital, Aylsham, in my constituency could close, along with two other community hospitals in Norfolk. That has caused widespread anger and dismay in Aylsham and the surrounding area, and those feelings are replicated elsewhere in Norfolk, where there are threatened cuts. My primary concern today is the standard of health care available to my constituents. I am not convinced that the alternative proposal of home health care will replace or enhance the facilities that will be cut at St. Michael's hospital.

The Minister knows that there have been widespread demonstrations against proposed cuts in community hospitals not only in Norfolk but elsewhere in England. People rightly suspect that the cuts have more to do with overcoming PCT deficits than meeting new health care demands. He will be only too well aware that his ministerial colleagues the Parliamentary Secretary to the Treasury, the Minister without Portfolio and the Under-Secretary of State for Health have publicly protested about proposed cuts in their constituencies. I do not think that that ever happened under previous Governments, and it stretches ministerial responsibility almost to breaking point.

In Norfolk, there have been widespread protest meetings, petitions and demonstrations against the proposed cuts. That is not the consequence of some out-of-date sense of nostalgia. Local people, including health professionals, value their community hospitals and are unconvinced that alternative health care delivery is a substitute. I have received thousands of letters of protest and petitions, and I have spoken to both health professionals who work at St. Michael's hospital and local general practitioners, and all are united in that view. I have not received one letter, e-mail or verbal representation that favours the proposed cuts or supports the view that an alternative home health care system would be a good substitute.

One of the problems is that people in Norfolk have very little confidence in the PCT. The Minister is probably aware that the current chairman of the PCT, Miss Sheila Childerhouse, was an independent councillor on Breckland district council. She lost her council seat to a candidate who supported the campaign to stop the hospital closure. That says something about local feeling.

The Minister should also be aware that my constituents are pretty well convinced that the consultation exercise that is now being carried out is, in the words of one health professional, "a sham", and that the decision to close St. Michael's has already been reached. In the consultation document, St. Michael's is flagged up as a hospital that may close—I believe that "will close" is the view of most of my constituents.

The idea of closing community hospitals flies in the face of what was said in a letter dated 15 March that I received from the Minister's departmental colleague,

[Mr. Keith Simpson]

the Minister of State, Department of Health, the right hon. Member for Doncaster, Central (Ms Winterton):

> "We are committed to empowering citizens to give them more confidence and more opportunities to influence public services in ways that are relevant and meaningful to them, and in ways that will make a real difference to services."

I am not convinced that closing community hospitals and trying to substitute home-based health care in their place is, in fact, in line with Government policy.

As the Minister knows, many of the problems that we face in Norfolk are a direct consequence of the continual reorganisation of PCTs that has taken place over the past six years. Reorganisation has been incredibly costly, and it has undermined professional morale and public confidence. The Minister will be aware that Norfolk PCT has an annual budget of £900 million but debts of £47 million—it is one of the most indebted PCTs in the country. That is a direct consequence of poor financial management in the past, the impact of Government NHS reforms and, of course, historic debt. Removing the deficit is one of the drivers behind the PCT's proposals, and I accept the fact that it is not the only driver—there is, of course, a genuine desire to improve health care—but the consequence is the likely closure of St. Michael's hospital.

The strategic health authority set the PCT a target to cut the deficit of £47 million by £23 million by the end of March this year, and to clear all the debts by March 2008. I understand that at present the PCT has been able to cut only £3 million. How does the Minister think that it can reduce the deficit? Even if the deficit is reduced, what guarantee is there that it will not be repeated, given the fact that only three years ago, under the previous PCT reorganisation, PCTs Norfolk-wide had debts of nearly £30 million?

It is also relevant to bear it in mind that the Government are urging that alternative health care be provided in the community as a consequence of closing community hospitals. *The Times* stated yesterday:

> "A key target in the Government's health reforms—to have thousands of community nurses treating the most seriously ill patients outside hospital—has been missed",

and that less than 50 per cent. of the required number of nurses are in place. Can the Minister assure me that we will not have a further reorganisation of the PCTs in the lifetime of this Parliament?

My constituents and most Norfolk MPs, regardless of political party, are frustrated that responsibility and accountability for health care in Norfolk are passed around between the Department of Health, the strategic health authority and the PCT—it is like pass the parcel. It is incredibly difficult to get a grip on responsibility. Ministers say that they have devolved budgets and responsibility downwards, eventually to the PCT, yet it is obvious that PCTs are constrained and often lack the kind of professionalism that is required. The result is that my constituents suffer.

So far, my constituents have not been impressed by the PCT's consultation process. At a public meeting held in Aylsham on 23 April, the chairman of the PCT and a senior official were unable to answer some obvious and straightforward questions concerning the future of the hospital, alternative health care provision, redundancies among staff and, given that the constituency is a rural one, the ensuing transport problems. In proposing the closure of St. Michael's and other hospitals in Norfolk, the PCT hopes to make financial savings, hopes to reduce redundant bed capacity, hopes to concentrate facilities and resources on fewer sites and hopes to meet the Government's policy of providing health care to people in their homes. I emphasise the word "hopes", because so far I have seen little evidence that it will be able to achieve that. Perhaps the Minister will be able to convince me that it will.

Let me remind the Minister of the important services that are currently being delivered at St. Michael's hospital. They include physiotherapy, incontinence clinic, occupational therapy, occupational health, chiropody, speech therapy, women's health, falls clinic, Parkinson's clinic, splint clinic, dietician, Dr. Woodhouse clinic—Dr. Woodhouse is a Norfolk and Norwich University hospital consultant for the elderly—and a district rehabilitation centre consisting of 24 operational bed spaces and six spare bed spaces for emergencies. I know from talking to local health professionals, particularly local GPs, that those services make up a critical mass that provides total health cover 24 hours a day, seven days a week, which, in their considered opinion, health care teams cannot and will not provide.

Many of my constituents have given me examples where elderly relatives stayed at St. Michael's hospital for post-operative recovery. Under the PCT proposals, local doctors have told me that many of those patients would have to be taken directly home without a stay at St. Michael's. If they were to have a relapse, they would find themselves back at the Norfolk and Norwich University hospital, which already has considerable pressure on beds and facilities.

When and if St. Michael's closes, many of my constituents will have to travel to alternative health care centres at Dereham, Holt or Norwich. The Minister may not have travelled in Norfolk, but as I live eight miles west of Aylsham in the market town of Reepham, I can assure him that, to say the least, public transport is not good. The proposed changes to St. Michael's will create major transport problems, particularly for the elderly, and for the journey times of mobile health teams.

The closure of St. Michael's hospital flies in the face of the Government's aim to enhance community health centres. Localism is an important matter for all political parties in relation to not only health care, but many other delivery systems that central Government were expected to provide in the past. None of the proposed changes takes into account the profile of Norfolk's population, let alone the projected population profile. Norfolk primary care trust provides services to a population of more than 700,000. It is an ageing population, and more than one fifth of people are over 65 years old, which is approximately 150,000 people. By 2020, the elderly population of the area will rise to 200,000, which is a quarter of Norfolk's population. Currently, 30.9 per cent. of Aylsham's population is already over 60 years old, which is above average for Norfolk.

The elderly often require many kinds of intense health care, and if St. Michael's hospital, Aylsham and at least two other community hospitals are closed, I suspect that in five or 10 years' time, this Government

or a future Government would want to provide the kind of community facilities that exist now in Aylsham. Such facilities would probably be brought back to Aylsham or near to Aylsham. The Government and the PCT have not taken the age profile of the area into account. Furthermore, within the next 10 years, under local government proposals, Norfolk is likely to have an extra 70,000 houses, which will mean a population increase.

In conclusion, I will ask the Minister a number of questions—I contacted his office to inform him of the questions, because I knew that it would be helpful if he had them in advance. Local people are unconvinced that the proposed home care teams will provide a credible alternative to what St. Michael's currently offers. What is his Department's assessment of Norfolk PCT's proposed plan? When St. Michael's closes, how will the 24-hour services that are currently met, in large part, by the provision at St. Michael's be met by mobile health teams? If patients have to go for treatment in Dereham, Holt and Norwich, what transport facilities will be provided by the PCT or the strategic health authority in addition to those available to individual families, either by using public transport or their own cars? If St. Michael's closes, what are the estimated financial savings over five years?

Meeting health care needs is an expensive business. Governments must continually look at how health care is delivered, and rightly so. There are continuing changes in developments in medicine and in the kind of total package that can be delivered. There must be an assessment of how populations change in an area—some areas effectively lose population while others experience population growth. I accept all those factors, but in 10 years of being an MP I have never known so much deep anger and resentment about proposed closures not only in my constituency, but across Norfolk.

This is not just a question of nostalgia, although that is important. The hospital has received much financial support from voluntary organisations in Aylsham. It was originally a workhouse and then became a war memorial hospital. There has been a lot of local investment in the hospital, but the bottom line is that any changes in health care must, as a minimum, provide the same level of health care as my constituents have now. Any changes should, of course, aim to provide much better health care, and my fear is that, as a consequence of Norfolk PCT's proposals, my constituents in the Aylsham area will receive a reduced level of health care. I hope that the Minister will answer some of my questions.

11.15 am

The Minister of State, Department of Health (Andy Burnham): I congratulate the hon. Member for Mid-Norfolk (Mr. Simpson) on securing the debate. I have no doubts in accepting that this is a matter of great significance to his constituents and I also accept that there is a lot of local attachment and investment in this particular health facility. I accept all of those points and assure him that I appreciate the strength of feeling that he represents.

As the hon. Gentleman acknowledged, these matters are subject to local consultation and as we speak the consultation is a live process. It is not a get-out to say that the issue is essentially one for local discussion and decision making, and at this point is not a matter for ministerial intervention. I hope that he balances that comment with the further remarks that I will make. If I can, I will also answer the questions put to me.

The hon. Gentleman questioned whether I had often travelled in Norfolk and I assure him that I vividly remember a family holiday to Cromer in the early 1980s—it would be difficult to forget that particular experience. I have also spent many happy afternoons at Carrow Road when following Everton football club, so I have travelled considerably in the area covered by his constituency.

Let us put the debate in context. I know that people allege that Ministers, the Department and, more broadly, the Government are interested in change for change's sake and think that it is good to continually inflict gratuitous change on the system. That is not at all the case. It is self-evidently true that medicine and medical practice continues to change, and the health service and its facilities must keep up with changes in medicine and science. If it does not, it will be left behind and will not provide the best for patients.

Recently, new technology and the latest drugs and treatments can provide faster, safer treatments and faster recovery and greatly reduce the time that people need to stay in hospital, all of which are positive developments. The NHS today and the service that it can provide are different from the services that were first envisaged when the old NHS infrastructure was developed. For example, 10 years ago it would have been common to spend 10 weeks in hospital to recover from a total hip replacement. Now, supported by community staff, most patients can expect to be home within five days—give or take a few days. That example shows that the more we improve the speed with which we can help patients rehabilitate and the more we support patients and get them active, the less the need for in-patient beds and hospital-based services. Although that process of change can be difficult, it should not necessarily be claimed that it is not progress. In my view, it is indeed progress.

The hon. Gentleman asked whether the situation has more to do with deficits. We announced details yesterday of the spending plans of each primary care trust. In the last financial year, Norfolk PCT had a budget of £839,900,000, which will rise to £932,400,000 this financial year. I hope he would agree that that is a significant increase in resources for his local community. As departmental officials tell me, it is very rarely the case that a hospital reconfiguration delivers savings straight away, if that is the intention, in order to address immediate financial problems.

From the work that Sir Ian Carruthers has done within the Department on hospital reconfiguration, and looking across the country, scheme by scheme, he said that, in the vast majority of cases, if not all of them, the schemes were aimed at making better use of resources and providing better services to patients; they were not driven by financial considerations. I hope that the hon. Gentleman will accept that although some of the decisions might be difficult and might be asking people to accept changes to services that they have long known, PCT management and staff need to be supported in making those difficult and often challenging decisions in their local communities.

Mr. Keith Simpson: On a point of clarification, I welcome warmly the extra money to Norfolk PCT, but can it use it to wipe out its deficit, or must that be met separately?

Andy Burnham: The PCT is agreeing a recovery plan with the strategic health authority so that it can get itself to a sustainable position. I am informed that by the end of the next financial year that recovery plan should have been implemented fully. No new national targets are being handed down through the system this financial year. Admittedly, there is the 18-week target and there are other challenging targets on MRSA, but over and above those we want people to use the money to respond to local priorities and needs. The hon. Gentleman's PCT is no different from any other; we want it to have that freedom.

On a further point of context, hospital lengths of stay have fallen by 20 per cent. in the last few years, and 70 per cent. of surgery is now carried out on day cases, with no need to stay in overnight. More and more people do not have to go to hospital at all, and up to half of the 45 million out-patient appointments each year can be provided in the community, along with minor surgery. It is recognised that people greatly value their local community hospitals; I hear what the hon. Gentleman says. St. Michael's Hospital is no exception. However, the public are telling us also that they want more convenient and appropriate services available at times and in places more convenient to them. That was very much the conclusion of the Government's White Paper of the same title as the local consultation that his PCT is running. After extensive consultation with patients, that became the paper's main theme. It is not some policy diktat from Whitehall; it is the message that has come over repeatedly to the Department through public consultation.

We want more services in the community and, where possible, in the home, but in that regard we do not compare well with other countries. For example, in Germany all out-patient appointments take place in the community, and that is true in other countries as well. Public consultation on the PCT's proposals began on 6 March and will end on 5 June. The PCT's aims in taking those proposals forward are to provide flexible, patient-centred care delivered at home, or as close to home as possible; to provide health care in the most suitable place, and not, for example, in a hospital just because it is the only option available; to achieve a balanced and consistent range of services across the whole PCT area; and to achieve better outcomes for patients, helping them to maintain an independent life for longer.

I want to dwell on that point for a moment because, without commenting directly on the proposals and whether they are right or wrong from a departmental point of view, it is important to draw attention to the fact that the PCT is saying that it can provide care to 25 per cent. more patients than is currently the case. Although I understand the strength of local feeling, it is important that the message is heard that the proposals are about providing people with more convenient services. They will allow 700 people to be cared for in their homes, rather than in a hospital. I accept that we have some way to go before we can convince the public conclusively that that is better, but the more that patients experience those kinds of services, where proper support is provided in patients' homes, the more minds will be changed. Some of the proposals announced yesterday demonstrate that lots of PCTs are taking forward the idea of the "virtual ward" where intensive support is provided for more elderly patients, or those suffering from a long-term condition, with the specific aim of preventing unnecessary admissions to hospital.

In my view, that must be the aim of the health service. It should not just be about building big hospitals and filling them, but about keeping people out of hospital in the first place, which the health service has not always done particularly well. It is right to move money around the system with that aim in mind—that is human progress and health progress.

I understand that the PCT has organised a series of public meetings throughout Norfolk to give people the opportunity to express their views on the proposals, and I have been informed that they have been well attended; clearly, people are engaging with the process. I believe that I have signed many letters to the hon. Gentleman responding to his constituents, and obviously we will continue to respond to concerns raised.

I shall address some of the specific points that the hon. Gentleman raised. He asked whether the PCT will be further reorganised. I recognise that the more recent changes caused disappointment among some NHS staff. There were good reasons for those changes—for example, to make them more coterminous with local government services. That was a very important part of the rationale for those changes. At the moment, I cannot envisage any reason for further changes or reorganisation of the PCT. Indeed, I would not welcome that at all, as he would not. I cannot tie the hands of a successor Minister, but from my point of view, there will be no discussion of that, and nor should there be. We want the new PCTs to bed down and work closely with their local authorities in order to provide the kind of co-ordinated services that I am talking about.

The hon. Gentleman asked how the deficit can be reduced. I hope that he will agree that we are working with the SHA, which believes that there is a way forward for the PCT to tackle its overspending, but at the same time improve services to patients. That might require some difficult decisions, but I believe that a good plan is being formulated to ensure that it happens. He asked also about population growth in his area. I can assure him that in the next round of PCT allocations, adjustments will be made and consideration given to areas experiencing population growth, or likely to. The formula can be adjusted to pick up those pressures.

The hon. Gentleman talked about the difficulties of people travelling around the county. I understand that fully and know that many of the villages are some distance apart. It can be difficult to get older people to use public transport, but let us remember that, as I understand it, the proposal is to provide many more services in patients' homes and greater convenience, thereby avoiding the need for the individual to be in hospital and for their family to visit them. So there are potentially huge benefits.

I cannot say a great deal more because it is a live consultation. I know that the hon. Gentleman is representing his constituents' views clearly and directly in the consultation. I hope that he will allow it to run its course and then take the right decision in the best interests of his constituency.

11.30 am

Sitting suspended until 2.30 pm.

Tax Credits

2.30 pm

John Barrett (Edinburgh, West) (LD): This is not the first time that I have had to initiate a debate on the problems with the tax credits system on behalf of my constituents. I would love to believe that today is the last time that I will be required to do so. On the previous occasion, I was very grateful to the Paymaster General for the speedy resolution of the cases that I raised. I hope for a similarly positive response today. I would also like to send her my best wishes for a speedy recovery.

When I last had the opportunity to speak in the House on the issue, I and other hon. Members raised a number of key concerns: the unfair way in which Her Majesty's Revenue and Customs is attempting to claw back funds; the complexity of the system; the fragile and failing IT system; and fears that the tax credit office is acting improperly in some cases in its attempts to reclaim overpayments. I cannot help but feel a sense of déjà vu today, as in many areas the problems remain.

Last week was a week of change in British politics, with the Prime Minister announcing that he was stepping down and the Blair era drawing to a close. However, last week's report on tax credits from the Public Accounts Committee showed that some things in British politics never seem to change. The tax credits system remains in disarray. It is still failing to help properly many of the families whom it was set up to help.

Perhaps most worrying of all is the nagging feeling that, despite all the damning reports and newspaper headlines, the Government have still not fully accepted the scale of the problem. I am not alone in saying that the Government, crucially, are dragging their heels over essential reforms. Hardly a week goes by without constituents of mine turning up to advice surgeries having experienced problems with tax credits. I am sure that most hon. Members here today could say the same. However, for every constituent who contacts their MP, asking them to take up a case, there are many more who in effect decide to suffer in silence. Today's debate should not be just for our current casework issues; it must also be for our constituents who have had problems with tax credits, but have decided to accept the failings of the system when their overpayments have been clawed back—they have decided simply to pay up.

I hope that the Minister will not attempt to pretend that I or others are blowing problems out of proportion. The scale of the problem is considerable, and real people are paying the price. One clear example of that is the number of people who do not want to claim tax credits for fear of discovering at a later date that money that they have spent must be repaid. I cannot estimate their number. If the Minister can, I hope that he will share it with us today.

The other number that I cannot give is the number of claimants who are spending their tax credits today in the belief that it is their money, but who will find out in the future that they should not have been given it and they are expected to repay it, even when they supplied all the information asked for, and in proper time. I will come later to the possible scale of the problem.

[John Barrett]

I will not be so churlish today as to suggest that the tax credits system has not helped people; of course it has. However, I hope that the Minister in his reply will accept that it has made life a misery for too many families and that the Government must take responsibility for the failings that have still not been dealt with.

The figures will be all too familiar to most hon. Members, but it is worth reminding ourselves of the scale of the problems facing the system. As last week's Public Accounts Committee report outlined, overpayments totalled about £5.8 billion over the first three years—a staggering total. The Department has attempted to recoup some of those overpayments, but has not always been able to do so. As a result, more than £500 million has so far been written off, and it is estimated that in excess of another £1 billion-worth of debt might be impossible to recover.

In my own city of Edinburgh, the most recent figures for overpayments show that 11,200 of 34,000 tax credit awards were overpaid—about one third of all awards. Figures from 2004-05 show that a total of £9.5 million is due to be repaid by Edinburgh recipients whose tax credit awards have been overpaid. That will result in an average due repayment across the city of about £850—enough to throw the budgets of most families out of the window.

I could give numerous examples of individuals who have contacted me since 2003, but today I will give just one or two, because they capture what is at the heart of the problem. Deborah Karimi, a 48-year-old mother of two who lives at 72 Muirhouse green in my constituency, is one example of a person who works hard—she is employed in a Sainsbury's supermarket—but who has been through such a bad experience that when advised recently that she might qualify for other benefits, she said that she would not apply for them after her experience with tax credits.

Mrs. Karimi was earning about £10,000 a year when she was granted a rent rebate from her local authority. She had supplied her three most recent wage slips to the authority and was advised by it that she might qualify for tax credits. Her most recent P60 at the time was only about one month old. It was just after the end of the tax year and the document showed her earnings at about £10,000, yet she was asked for the details of her previous P60, for the previous year, when she worked part-time and her earnings were between £6,000 and £7,000. She repeatedly offered details of her current pay, but was told that that was not how the system worked. She was told that her award would be calculated using the old P60. Some four months later, she would be asked for details of her current P60, showing that she was earning £10,000 a year.

At the same time, Mrs. Karimi received correspondence from the tax credit office saying that the payments would stop, and more correspondence confirming that the payments would continue. She was receiving £115.28 a month, which was thankfully received and spent every month. She was a low earner in full-time employment—exactly the kind of person who needed help to stay in work, rather than living on benefits. She was earning about £11,000 a year and was told that her overpayment total was £1,280.47, based on the fact that her income was too high to qualify. That is the income on the P60 that Mrs. Karimi offered to supply in the first instance, but which was refused. One has to ask just exactly how she could have been more helpful. She is an honest individual.

Jo Swinson (East Dunbartonshire) (LD): I sympathise with my hon. Friend's constituent. I wonder what his view is of the case of one of my constituents, who was told that they had been overpaid to the tune of £5,300 and that that had to be repaid within one year. Surely by definition families who are in receipt of tax credits cannot find the money required to repay sums of £400-plus a month. That causes huge stress and in some cases makes people ill with worry. The system is so complicated and is letting people down.

John Barrett: The case that my hon. Friend raises is, sadly, all too typical. Some people have not only spent the money; they may also have taken on hire purchase agreements, based on the estimated new income. They cannot live on the basic income, which is obviously low in order for them to qualify for tax credits. They have then spent that money and taken on further debts. They have the worst of both worlds. It is perfectly reasonable to accept, as is in the rules, that if hardship will be caused, in some cases these debts must be written off.

Mrs. Karimi is an honest individual who is working hard to this day. She is repaying her debts by working every alternate weekend and she is currently paying off an outstanding council tax debt at £50 a month. That is no mean feat on earnings of about £11,000 a year, but as she has told me, "You can't get blood out of a stone" and the threat to take her to court for the money will result in legal fees for lawyers and nothing much else. If ever there was a case of a debt causing hardship and needing to be written off, that case and the case raised by my hon. Friend are two examples.

Mrs. Karimi had gone to the tax credit office with the correct up-to-date information and was told that no, she needed to provide out-of-date information, which both she and the tax credit office knew would result in overpayments. Yet because that is the way in which the system operates, she is told that that is the way it has to be. It is surely a recipe for disaster.

Just yesterday, I was contacted by Citizens Advice, which is increasingly concerned about the rising number of cases in which citizens advice bureaux are having to advise clients about overpayments when the clients have no idea why they have been overpaid and find it difficult to obtain explanations. In many cases, even the amount owed is unclear. At the same time, in the past few months the number of clients who have been threatened with legal action for recovery of overpayments, even in those circumstances, has increased.

The Minister might be interested to know that Citizens Advice is conducting an online survey asking the public to report their experiences of the tax credit system. So far, 80 per cent. of respondents have reported being overpaid, most of whom did not find it easy to understand why.

Mr. Mark Francois (Rayleigh) (Con): I am listening carefully to the detailed case that the hon. Gentleman is making. Does he accept that one of the system's great weaknesses is that when people receive a notification

telling them that they have been overpaid, there is usually no breakdown of the relevant calculations? Those people are then suddenly required to pay back the money, which is sometimes quite a large sum, without even knowing how the debt was arrived at.

John Barrett: It must be very simple to supply people for whom an overpayment has been calculated with details about payments. One of the tests as to whether overpayments should be paid back is whether the individual could reasonably have worked out the correct amount. I would say that it is reasonable for an applicant to presume that the Government's calculations are correct, and that it is unreasonable to expect a low earner who receives tax credits to assume that the Government have made a miscalculation. If details about payments were supplied, more people would know right away what the calculations were, and the problem would be solved. While overpayments remain so common, there is an urgent need for an improvement in the way in which overpayments are explained, as the hon. Gentleman suggests.

Citizens Advice is calling for a 30-day delay before the recovery of the overpaid amount starts. I entirely agree. If constituents of mine have been open and honest in their dealings with the tax credit office, but internal mistakes have led to an overpayment, it is simply unacceptable to demand large amounts of money back from those people, who reasonably assumed that the Government got their sums right. It is nothing short of outrageous that decent, honest, hard-working people are being forced into financial hardship as a direct result of incompetence in the system.

Several of my constituents who have had their fingers burnt by the tax credit system tell me that they will not bother to apply for tax credits again, not because they do not need the extra help, but because they cannot cope with another round of wrangling with the tax credit office about entirely avoidable overpayments. Evidence from Citizens Advice shows that more and more eligible families who have had problems are now reluctant to claim what they are entitled to. Some 2 million people who are eligible for tax credits do not claim them. I wonder how many of them have simply decided that the short-term benefits are not worth the headaches in the long-term.

I could list more examples of overpayments, but it is more important to discuss what the Government are doing to get to grips with the problems, and whether they have been effective. The most important change that Ministers have made to reduce overpayments has been to raise from £2,500 to £25,000 the threshold for in-year income increases that are ignored when awards are finalised. The Government contend that that change will eventually reduce overpayments by a third. However, a recurring complaint is that there is not enough data about the problems in the system to be able to say definitively what difference such a measure will make. Either way, the move does nothing to address the failure and unfairness at the heart of the system. What is needed is a fundamental rethink of the benefits system and a move towards a fairer system of fixed awards and clearer notices. I am sure that my hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander) will go into that in detail when he sums up on behalf of the Liberal Democrats.

The general problem with the complexity of the system is at the root of many of its woes. Nowhere is that more obvious than in the Department's struggle with error and fraud. Tax credits suffer from the biggest error and fraud rates in Government, but, crucially, there are neither routine estimates of fraud and error nor targets set for reducing them. In 2003-04, between £1.06 billion and £1.28 billion—almost 10 per cent. by value—was incorrectly paid to claimants.

I look forward to hearing the Minister's response to the recommendation of the Public Accounts Committee that targets and estimates should be introduced urgently. This issue highlights the recurring difficulty of establishing the true scale of the problems in the system and how effectively they are being tackled, because we simply do not have access to sufficient information to make those judgments. We desperately need earlier estimates of overall levels of error and fraud to use as benchmarks to assess the effectiveness of action to combat those problems. As was outlined in the Committee's report last week, the e-portal system was deficient from the outset and was entirely unsuited to the inevitable onslaught from organised criminals. The entire system was unable, by its very design, to give proper protection against error and fraud.

Many of my constituents feel that the Government have placed greater priority on trying to chase and claw back money from hard-working families who have been unwittingly overpaid instead of rolling up their sleeves and dealing with the internal problems that have allowed such high levels of fraud and error to occur. The Chancellor is searching around for new ideas for his first 100 days in No. 10, but I suggest that he should concentrate first on sorting out the mess in the tax credit system. The Government seem to be perpetually in denial about the scale of the problem, but the ongoing difficulties can no longer be passed off as teething problems that are common to any new administrative system. They are deep-rooted difficulties at the heart of the system.

The first steps to solving the overall problem are to accept its seriousness and scale and to get to grips with the problems and their causes. The recent parliamentary ombudsman's report, "Tax credits: putting things right", made 12 key recommendations that were widely supported by families and Parliament alike. Many months on, however, I believe that only four of those recommendations have been implemented. If the situation has changed substantially, I would welcome some clarification from the Minister. If the other eight recommendations still have not been accepted, I should like to know why. Why have so many of the ombudsman's recommendations been ignored? Why are 2 million eligible people now deciding that applying for tax credits is not worth the risk? Why are hard-working families being made to pay for mistakes that they have not made? I look forward to hearing the Minister's replies.

2.47 pm

Mr. Brooks Newmark (Braintree) (Con): I am delighted to participate in the debate. This is about the fifth time that I have debated this issue this year, given my role on the Treasury Committee.

In 2002, the Chancellor said:

"Our new Tax Credits are both symbol and substance of this Government's ambition for Britain."

[Mr. Brooks Newmark]

If they are a symbol for anything these days, it is error, fraud and incompetence. The substance, as we have heard from the Public Accounts Committee, is the £5.8 billion that was overpaid to claimants in the first three years of the current tax credits scheme; the £1.9 billion of overpayments that have either been written off or are likely to be written off; and finally, the increase in the income disregard, which was intended to reduce complexity and errors, that is costing £500 million a year. The Paymaster General must be sick and tired of coming before the House to explain the latest sorry tale on tax credits, and she must also be tired of being used as a human shield. I am sorry that she is unwell and is unable to be here, and I wish her a speedy recovery.

At the time of the Treasury Committee's Budget hearing, the Chancellor had not answered a direct oral question on tax credits for 1,050 days. Another 48 days later, he still is not prepared to accept that the buck stops with him. Perhaps, after 1,100 days of avoiding the issue, he will see fit to use his first 100 days in his new office to confront some of the issues that three separate Select Committees have raised with such monotonous repetition.

On the theme of repetition, I have three points to make, and I look forward to hearing the Financial Secretary's response in the Paymaster General's absence. According to Her Majesty's Revenue and Customs—the latest facts that I have go up until 2005—two fifths of the moneys paid out involve overpayments and one fifth of them involve underpayments. So, three fifths of the money that is paid out to claimants is paid wrongly. I shall go into that later, but given an uptake of only 25 per cent., only two fifths of 25 per cent. of the people who should be getting money are receiving the right sum. That is the tragedy.

I should cite a comment made by the hon. Member for Newcastle upon Tyne, Central (Jim Cousins), who serves on the Treasury Committee with me. He gave his verdict on that state of affairs during the Treasury Committee's follow-up session, and I shall repeat it for the record. He said that

"under or overpayments of tax credits"

—I cannot use the emotion that he did—

"is a shocking, devastating damage to the whole welfare reform policy...these administrative deficiencies have a major impact on the Government's welfare reform policies."

In that view, the hon. Gentleman joins other, equally distinguished colleagues on the Labour Benches. The right hon. Member for Sheffield, Brightside (Mr. Blunkett) has said:

"The tax credit system is a shambles—such a shambles that I've had to help out one of my constituents financially, only the second time that I have ever done this, and the first was for a child. I don't know if I will ever get the money back, but what else can you do when the tax credit system is such a total mess?"

That tragedy, and the emotion shown by my colleagues on the Treasury Committee, is driven by the fact that the poorest members of society—some 97 per cent. of people who earn less than £10,000—should be receiving the tax credits. They deserve them, and they should be receiving the right amount. As we heard so eloquently from the hon. Member for Edinburgh, West (John Barrett), this situation puts an enormous amount of stress on these families.

I live in a fairly well-to-do constituency, but 25 per cent. of the people who come to my surgery do so because they have received the wrong amount. These people have received letters that come across, to them at least, as highly aggressive and put even more stress on them, because they are being asked to give back, in some cases, thousands of pounds, and they simply do not know what to do.

The financial problem is compounded by the fact that an enormous amount of money has been written off. When we had our Treasury Committee hearing, the amount was £400 million, but I believe that the Public Accounts Committee recently said that the amount to be written off was a whopping £1.9 billion. Braintree has been waiting for a community hospital for a couple of years, and we have been told that it will cost about £5 million—for the sum we are talking about, we could build 200 community hospitals in Braintree. I believe that the hon. Gentleman used the word "shambles", but that is an understatement of the gross financial mismanagement of tax credits.

My second point concerns the enduring complexity of the system, which has shrugged off all previous attempts at simplification. As I have said, the tax credit system is relied upon by millions of the poorest people, which is why the failures in its administration are such a scandal. Large numbers of people are put off from applying for money to which they are entitled simply because of the complexity of the system. In the poorest communities, where people should be applying for tax credits, word gets around very quickly. The word on tax credits is that they are often more hassle than they are worth. If nothing else, that is a condemnation of a system that the Chancellor, with the best will in the world, wants people to take up.

I have brought a copy of the forms with me, and they illustrate the problem. I know that this is not show and tell, but I do not know whether the Financial Secretary has even seen a copy—he probably does not use the system. I admit that these forms date from 2005, so it is, at least, conceivable, if not probable, that things have got a little better. For the benefit of the *Hansard* reporter, I should say that there is a 12-page main form, with four additional pages to use if, like me, someone has more than two children, and a whopping 56 pages of guidance notes. I have at least two degrees, one of which is a finance degree from Harvard business school, and I find it challenging enough to deal with the complexities of the forms. Of course, the most useful information to claimants does not even come from HMRC—it is the four-page advice guide from Citizens Advice on what to do in the event of an overpayment.

I repeat that tax credits are intended for the poorest and most vulnerable members of our society, who often lack the time and education to deal with them. The sheer volume of criticism that the system has attracted does not seem to have dented the commitment of Ministers to carry on regardless. Even if HMRC can improve fraud and error rates from their current woeful levels, there is little evidence that anything is being done to confront the root cause of that fraud and error, which is the complexity. HMRC is sticking its fingers in the dam and, as the Public Accounts Committee report from last week has shown, it is running out of fingers.

My final point also concerns uptake, but it relates to the more cynical side of uptake—the extent to which it is budgeted for. I tried to get answers straight from the horse's mouth when the Chancellor appeared before the Treasury Committee earlier this year but, to stretch the analogy, it was a bit like pulling teeth. HMRC's report on child tax credit and working tax credit take-up rates, published in March this year, forms the basis for budgeting uptake. For public expenditure purposes, the Treasury assumes that take-up will continue to be in line with current rates.

This was an issue when the Treasury Committee examined the Budget, because we were worried that the Chancellor's abolition of the 10 per cent. starting rate of income tax would result in a leap in the take-up of working tax credit, which had not been budgeted for. The Treasury has in fact budgeted for an uptake of about 25 per cent. Should one create a system in which one assumes that only 25 per cent. of people will apply and take up the tax credits which are their due and which they richly deserve? The answer is no. If everyone who was entitled to working tax credits claimed them, I believe that there would be a hole of more than £1 billion in the public accounts.

Again, I tried pushing the Chancellor on this issue. Those of us who come from a business background would do some sort of financial model—we would do a sensitivity analysis—and we would ask, "What would happen if there were 50, 60 or 80 per cent. take-up?" Those are the aspirations mentioned by the Chancellor. He wants more people to take these things up, but he could not answer my question. I suspect that he and his team had done no financial analysis on a much greater take-up of working tax credits.

The Chancellor would not comment on any potential increase in take-up, because he thought that any figure I gave him above the level of his projection was hypothetical and, therefore—in a leap of logic—impossible. I was delighted when he admitted to a group of schoolchildren recently:

> "I did maths at school and one year at university but I don't think I was...very good at it—and some people would say it shows."

I guess that I am one of them. If there were less wastage, which HMRC now seems to accept as a fact of life, perhaps the system could afford to sustain an uptake of working tax credits of more than 25 per cent.

My final concern about the tax credit system is that after all the mistaken payments, the write-offs, the fraud and the wastage, the Chancellor is counting on people not to use it to capacity. It is tempting to think that the system has been designed to fail, but fail it has, and that is the Chancellor's legacy.

2.59 pm

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): I congratulate my hon. Friend the Member for Edinburgh, West (John Barrett) on securing this debate on this important subject. He has been a doughty campaigner on the issue, as shown by the number of times he has succeeded in winning Adjournment debates on it. I am sure that the way in which he made the case on behalf of his constituents found an echo with all hon. Members here today. We have all dealt with similar cases.

3 pm

Sitting suspended for a Division in the House.

3.15 pm

On resuming—

Danny Alexander: I may as well resume from the very beginning. I was paying tribute to my hon. Friend the Member for Edinburgh, West for his assiduous campaigning over a number of years, which has gained him a strong reputation as someone who takes a close interest in this subject. He is one of a group of MPs from both sides of the House whose assiduous work has put a lot of pressure on the Government to make changes, and they have done so, although I shall argue that the changes need to go much further.

Like both previous speakers, I extend my good wishes to the Paymaster General. I hope that she makes a speedy recovery and I am sure that that sentiment is shared on both sides of the Chamber.

The debate follows the very useful discussion that we had in this Chamber in March, in which many of those present were involved. That debate was in response to the Treasury Committee's recent report on tax credits, which made some pretty pungent criticisms. Indeed, we appear to get a report making strongly worded criticisms of tax credits every month or so, given that we have also had the 22nd report of the Public Accounts Committee since then. That report also makes significant criticisms and comments regarding the operation of the tax credit system, and I shall bring one or two of those to hon. Members' attention today.

It is worth saying at the outset that Liberal Democrat Members see the idea of the tax credit system and of boosting the incomes of low-income families to make work worthwhile as a good one, and it is important to see the issue in that context. Sadly, that good idea has been badly let down by the implementation and the way in which the system is administered.

As we know, not least from recent speeches by the Chancellor of the Exchequer, Ministers, and perhaps Treasury Ministers in particular, seem to be in the mood to admit past mistakes. That is particularly true of the Chancellor, although he seems largely to be admitting mistakes on behalf of other Departments rather than his own. None the less, perhaps the Minister will have a chance today to admit to one or two mistakes in relation to the tax credit system.

I wonder, however, whether we are being over-optimistic in expecting the Chancellor to take responsibility on this issue. I noted with interest a report in *The Mail on Sunday* about a documentary that went out on Channel 4 on Monday or Tuesday of this week, although sadly I was unable to see it. The article quoted Sir Nicholas Montagu, the former head of the Inland Revenue, who told Channel 4 that the Chancellor had apparently disappeared during the tax credits controversy. Sir Nicholas continued:

> "What was disastrous and I don't mince that word was that the system was fundamentally flawed. I did not actually see the Chancellor during the worst of that period".

In his own inimitable way, the hon. Member for Braintree (Mr. Newmark) made the same point when he said that, until recently, the Chancellor had not answered oral questions on tax credits on the Floor of the House for more than 1,000 days.

Mr. Newmark: Is that not symptomatic of the Chancellor's character? He is rather like Macavity: every time there is a problem, he is nowhere to be seen.

Danny Alexander: I am not a psychologist and I would not wish to comment on the Chancellor's character, so I will leave that to others. In this context, I am more interested in commenting on his policies and his attitude to them, which seems to be characterised by taking the credit when things are good and running to hide when they are not so good.

Mr. Philip Dunne (Ludlow) (Con): I apologise for not being able to be here for the opening remarks by the hon. Member for Edinburgh, West (John Barrett) and I congratulate him on securing the debate. One of the conclusions of the report published by the Public Accounts Committee, on which I serve, was that the complexity of the system invented by the Chancellor and the Treasury was such that the Treasury itself could not work out the impact of some of the measures that it had put in place to reform and improve the system. It took months of persistent questioning by my Committee and other Committees to get the Treasury to admit the cost to the Exchequer of increasing the income disregard from £2,500 to £25,000. That measure was designed to get the Chancellor off the hook so that he would not have to deal with the monthly, weekly and daily criticisms that many of our constituents made to us.

I have just a second quick question, if you will indulge me, Dr. McCrea: the reform failed to deal with some of the many difficulties that are inherent in the system, not least of which is what to do when incomes decline and circumstances fluctuate for individuals, and what happens when couples split up. Who is responsible for the overpayment?

Danny Alexander: I certainly think that the points that the hon. Gentleman has made, to which the excellent report of the Public Accounts Committee drew attention—I congratulate him on his work in ferreting out the information—are important.

The point about the flow of information on tax credits is one that I want to return to. The glacial pace at which information is forthcoming is one of the most frustrating aspects of the debate, for those of us who want to scrutinise the system and hold it to account in real time. Too often we appear to be debating on the basis of information about what the system was like two, three or four years ago, when we know from the experience of our constituents today that many of the same problems still exist. It is hard to get to the bottom of the issue and find out the extent of those problems, because the Department seems to be quite unwilling to bring forth even basic management information of the sort that, for example, the Department for Work and Pensions seems perfectly able to produce on benefit administration. The Treasury could learn a lot from that Department. It is not often that I say that anyone could learn a lot from the Department for Work and Pensions, but in this case, on information provision, certain lessons could be learned.

Before the hon. Gentleman intervened I was dwelling on a point about responsibility. Sadly, it seems in the case of tax credits that while Ministers are not willing to take responsibility for their own mistakes the system requires claimants to take responsibility for the mistakes made by officials. That suggests a topsy-turvy world where responsibility is assigned completely wrongly. That point was initially made in the excellent report by the parliamentary ombudsman, to which my hon. Friend the Member for Edinburgh, West referred in his speech. As far as we can ascertain—I have asked about this several times before, and perhaps the Minister will find a way to respond today—it seems that only four of the 12 recommendations that the ombudsman made in her report "Tax credits: putting things right" have been accepted and implemented. If the Minister could give a definitive answer about what has happened on the implementation of the other eight recommendations, that would be of great benefit to the House.

The most important of the ombudsman's recommendations seem not to have been implemented. She recommended, for example, that when an overpayment is alleged, the claimant should be sent a letter, clearly stating how it occurred. The point was made earlier that not only should claimants be told that an overpayment has been made; they should be given details of the calculation that led to the overpayment. The system has serious shortcomings in that regard. The recommended approach would give time for a challenge to be made before recovery of the overpayment began. My hon. Friend pointed out the need for a pause, and Citizens Advice and the Child Poverty Action Group have also argued for a pause before the reclaiming of overpayments. I understand that the Department has been looking into the matter, and I should be grateful for an update on progress, and on whether such a change will be implemented soon.

The ombudsman also made the point that there should be a statutory test for the recovery of overpayments, consistent with the social security benefits test, and with a right of appeal to an independent tribunal. It is utterly unreasonable for Revenue and Customs to assume that claimants should take responsibility for identifying errors made by tax credit office officials. Yet that is the system at the moment. Hon. Members will often have encountered constituency cases, as my hon. Friend mentioned, in which constituents have continually updated the tax credit office on the changes in their circumstances. A constituent of mine, in a recent example, had kept the office up to date with changing circumstances at every stage, but, having failed to spot one error in a blizzard of 13 different award notices sent in a short period, was held responsible for the overpayment. The burden of responsibility and proof is the wrong way round. That was among the most important of the ombudsman's recommendations: that HMRC should reverse the burden of proof, where the error has been caused by HMRC itself. The assumption should be that an overpayment is not recoverable unless it is reasonable to think that the mistake would have been obvious and, clearly, if the mistake was obviously made by the claimant.

The Public Accounts Committee report is the result of the fourth occasion on which the Committee has had to investigate the system. It concludes that the Treasury has still not developed adequate systems or an adequate response to the large-scale chaos that it has

caused. That is in line with the impression of many Liberal Democrat Members, and the impression that hon. Members seemed to have formed in the Westminster Hall debate in March, that the Treasury continues to be in denial about the level of maladministration, passing it off as teething problems. More importantly, it is in denial about the impact that that has on the individuals who are directly affected. It is clear from both the Treasury Committee and the Public Accounts Committee reports, couched as they are in moderate parliamentary language, that members of those Committees share the anger and frustration about the system that many hon. Members feel on behalf of their constituents.

The Public Accounts Committee concluded:

"Tax credits suffer from the highest rates of error and fraud in central government, undermining HMRC's reputation for accuracy, fairness and proper handling of taxpayers' affairs."

That is a pretty damning indictment. The Treasury Committee report made it clear that progress on the problem had been inadequate in the past year, commenting that it was

"not convinced that the Paymaster General and the Department fully realise the extent to which HMRC needs to re-focus its administrative structures for tax credits around the needs of claimants."

The needs of claimants are the real issue. That is what motivates so many Members of the House to become involved in the issue; because as well as causing losses to the Exchequer, overpayments cause real hardships to claimants. The Treasury Committee report highlighted the case research that showed that the incomes of low-income families are especially volatile. Tax credits—especially overpayments and the reclaiming of those—can make matters much worse, causing people to live on a financial rollercoaster.

The reasons for overpayments are often unclear to the claimants, who are often held responsible not just for their own mistakes but for those of officials. My hon. Friend referred to such instances. He also made the point that, sadly, such mistakes—and the last figures that are available, for 2004-05, show about 2 million families being affected by overpayments—undermine confidence in the whole system. His account of having to persuade people to reapply to enter the tax credit system, when they are reluctant owing to their own or their friends' experience, is borne out by the point made by the hon. Member for Braintree about take-up—of working tax credit in particular. That shows that the perfectly fair amount of negative publicity that the system has received, given the incompetent administration that has beset its early years, has affected claimants' attitudes and experience.

Claimants who engage with the system have recently encountered other problems, including when they use the telephone helpline. That is not a criticism of the staff, who I know, through my dealings with the MP hotline, try to be helpful. A beneficial feature is that it is now possible to get hold of recordings of claimants' telephone conversations on the helpline, to try to understand the information that was provided. There are examples of claimants who felt that they were offered reassurances that an overpayment would not be recovered until the following year, and of claimants who were advised to appeal, only to be told much later that in such circumstances an appeal was not possible. Often, therefore, false expectations were raised.

It is clear from listening to phone calls that despite the best efforts of the staff, some do not necessarily understand the operation of the whole system, perhaps because of the way in which they are separated into different management areas of the organisation. However, when making contact via the telephone helpline, the claimant fully expects to deal with someone who fully understands the operation of the whole system.

I am concerned that staff reductions at HMRC will have an impact on the service that tax credit claimants receive. There is already a great deal of centralisation in call centres, but staff reduction in district offices such as the Inverness office will undoubtedly affect claimants' ability to obtain face-to-face service and assistance. Many claimants find it useful, because it is sometimes the only way in which they feel that they can get their point across, given the difficulties that they experience with the telephone helpline. I hope that the Financial Secretary will address that point in his response.

It is also clear that the appeals process has been made increasingly tough. While millions of people still suffer overpayments, the number who have had their overpayments written off has substantially reduced, causing even greater hardship. In 2005, there were 351,000 disputed overpayments, of which 162,000 were written off. In 2006, there were 350,000 disputed overpayments, of which only 14,000 were written off. The rate of written-off overpayments has fallen from one in every two disputes to more like one in every 25, suggesting that the process by which disputed overpayments are assessed and decided on has become increasingly harsh. Taking up cases on behalf of constituents, Members from all parts of the House have experienced that situation.

Recent parliamentary answers show that the number of cases in which the tax credit office and HMRC have taken legal proceedings to recover overpayments has increased dramatically in the past year. Again, I should be grateful for the Financial Secretary's comments on HMRC's increasing willingness to use legal proceedings to pursue families, who are still sometimes on very low incomes, through the courts for the money that they owe.

The provision of information is important in understanding the system and in holding Ministers to account for its operation. In the next week or so, the latest tranche of information on tax credits will be published, probably for 2005-06—18 months to two years ago. The Paymaster General explained the reasons for that situation, but it highlights the difficulty in getting hold of up-to-date information from the Treasury compared, for example, with the Department for Work and Pensions. That point has been made in the recent reports to which I have referred, and the Public Accounts Committee was critical about the lack of up-to-date information on levels of fraud and error.

There is a particular issue about the Social Security Advisory Committee. It has a statutory relationship with the DWP, but the committee does not have a statutory duty to be consulted by the Treasury on the benefits—tax credits and child benefit—that it administers. I should like that duty to be introduced,

[Danny Alexander]

and particularly, the reports to be made public, so that people can understand the advice that that body of experts—the SSAC—offers.

What needs to be done? The ombudsman's recommendations should be implemented in full; the pause has already been mentioned; there need to be greater appeal rights; and the forms must be clearer and simpler. Even after recent efforts, the award notices would still make the Scottish elections' ballot paper look simple. Given those problems, it is hardly surprising that many people find tax credit award notices hard to understand.

In the long term, the Liberal Democrats would like much more stability in the system, and the reconsideration of fixed awards. That would strip away the instability—the financial rollercoaster—that causes hardship for so many hard-working low-income families whom the system was designed to benefit.

Dr. William McCrea (in the Chair): For the information of Members, this debate will conclude at 4.15 pm, because of the suspension for a division. However, I am not seeking to encourage you to extend your contributions just to fill the time up, as we have two further debates.

3.35 pm

Mr. Mark Francois (Rayleigh) (Con): I am mindful of your guidance, Dr. McCrea. My only challenge is that there has been an incredible amount of business in the tax credit system in the past week alone, so I do not want people to miss their opportunity to be represented.

I congratulate the hon. Member for Edinburgh, West (John Barrett) on securing this Adjournment debate and on introducing it so clearly. It is also a pleasure to be in the Chamber opposite the Financial Secretary this afternoon. I should normally debate the issue with the Paymaster General; indeed, I have done so in the Chamber several times. However, we are well aware why she cannot be here this afternoon, and I, like many other hon. Members, hope that she will continue to recover well. I ask the Financial Secretary whether he would be good enough to pass those sentiments on to her when they next speak.

On 15 March, we debated tax credits in the Chamber based on the sixth report of the Select Committee on the Treasury in the 2005-06 Session, entitled, "The Administration of Tax Credits". That report was very critical of the operation of the tax credit system, which was designed specifically by the Chancellor of the Exchequer. The report highlighted areas such as IT system error, the level of overpayments, the recovery of overpayments, fraud, error and organised crime, and even the availability of information about the tax credits regime as a whole.

Tellingly, in terms of the extent of fraud and error within the system, the Treasury Committee concluded:

"We are concerned that it is now over two years since the end of the 2003-04 tax year, and yet HMRC is still to establish final levels of claimant error and fraud in the tax credits regime for that year.

That point was well highlighted in the very good contribution from my hon. Friend the Member for Braintree (Mr. Newmark).

Moving forward to today, we can take as our text the more recent report by the Public Accounts Committee, entitled simply, "Tax Credits", which was published on 9 May, representing the fourth time that the PAC has investigated the new system of tax credits that the Chancellor introduced in 2003. The report was excoriating, pointing out among other things that almost £6 billion has been overpaid to claimants since 2003; that

"tax credits suffer from the highest rates of error and fraud in Government";

and that the Treasury

"failed to design the tax credits scheme to give proper protection against error and fraud."

The PAC's critical analysis provoked considerable comment in the media, including remarks on almost all national news bulletins, on national radio and in the press. Despite the best efforts on that day of the Chief Secretary to the Treasury to limit the damage, I have a sample of just a few comments that followed in the press.

First, *The Daily Telegraph* summarised the situation:

"Gordon Brown's flagship tax credits system has handed out nearly £6 billion of overpayments in the space of just three years, a damning report by MPs reveals today"—

9 May.

It continued:

"The scale of the problem is so large that officials have already been forced to write off more than £500 million of overpayments and are 'unlikely' to recover a further £1.4 billion, the report said. In a withering analysis the MPs stressed that a further £1.28 billion of tax credits was lost in a single year as a result of 'unacceptable' fraud and error."

The *Daily Mail*, in an article entitled "£2 Billion Lost to Fraud and Error in Tax Credits Fiasco", said:

"MPs on the Public Accounts Committee blasted ministers for failing to tackle the 'unacceptable flood' of tax credits overpaid or lost through mistakes and fraud.

The all-party committee found Chancellor Gordon Brown's flagship system was...in meltdown, despite repeated promises that it was being improved."

In the interests of balance across the political spectrum, I can also tell the Chamber that the *Daily Mirror* concluded:

"The report slams Ministers and officials for failing to get a grip and Revenue and Customs for not stopping the 'flood of money wasted'."

The Guardian, in slightly more detail, put the matter like this:

"The Treasury is poised to write off £2 billion—equivalent to 1p on income tax—as uncollectable from Gordon Brown's tax credit scheme, a report by MPs reveals today. The figure is almost four times higher than disclosed a year ago.

The complex scheme, which pays out money to the low paid, has been dogged by fraud and error since it was introduced in 2003. Ministers have already admitted that £5.8 billion has been paid to people who should not have received the money.

In evidence to MPs which is published today, the Treasury admits £1.9 billion cannot be recovered. The report details that money collected has often caused hardship to the low paid who were suddenly landed with big bills. The scheme was also vulnerable to fraud and error, and internet claims had to be abandoned in 2005 after 'sustained' attacks by criminals."

Scotland has very much been in the news recently and we would not want it to miss out, so for good measure, here is how *The Scotsman* put it:

"Billions of pounds are still routinely overpaid to tax credit claimants, years after errors in the system were pointed out to ministers.

The government's response to the tax credits fiasco, which will cost taxpayers unforeseen amounts, is still inadequate".

In case the Financial Secretary thinks that I have over-egged the pudding, I have left out quotations from the *Daily Express*, *The Independent* and *The Sun*.

Danny Alexander: For the sake of completeness, the hon. Gentleman should know that the press in the far north of Scotland covered the report in a similar tone and in similar language. That emphasises how widely felt the problems with tax credits are: they are felt across the length and breadth of the United Kingdom.

Mr. Francois: I am grateful for the hon. Gentleman's intervention. As I am a great believer in the Union, I am relieved to hear that tax credits got the same panning in the north of Scotland as they did in much of the rest of the United Kingdom.

The fundamental problem with the new tax credits system, which the Chancellor has designed, is its inherent complexity, which makes it both difficult to understand by claimants and complex to administer by HMRC. My hon. Friend the Member for Braintree gave the good example of the complexity of the forms and the 56 pages or so of guidance notes, which are available to help claimants to try to fill them in. In short, the currently configured system is not user-friendly—in fact, quite the reverse. As a result, the levels of error are becoming staggering. Of some 5 million families who now claim tax credits, around 2 million are overpaid, while just under 1 million are underpaid. In other words, more than half of all the payments in the entire system are wrong.

Senior HMRC officials recently admitted to Parliament that many claimants do not understand the system because it is so complex. Sarah Walker, the director of credits and benefits at HMRC, said in evidence to the Treasury Committee on Wednesday 14 March 2007,

"we are making it clear to people what we expect them to check around their award and what we do not. We do not expect them to be able to understand the whole calculation because that can be quite difficult".

The problem of immense complexity, to which even HMRC admits, was well summarised by the *Yorkshire Post* on 9 May in the following terms:

"Gordon Brown's masterful use of obfuscation and complexity has born much bitter fruit, and one of the nastiest is his tax credits system.

Since his introduction of the present system in 2003, taxpayers have seen nearly £6 billion of the money they have paid to the Treasury incorrectly handed out.

That loss is galling, but perhaps the worst aspect of this fiasco has been the 'claw-back' which HM Revenue and Customs has engaged in when recovering money from families which had been paid too much. The Commons Public Accounts Committee says that collecting overpayments has caused hardship to many people...Mr Brown's brainchild is so shambolic that it continues to be riddled with problems. He has refused to answer Commons questions on these problems for many years. It is time that the Chancellor faced up to this shambles which is entirely of his own making."

Quite.

All hon. Members who have spoken have raised the problem of overpayments, which appears to be at the heart of the system's difficulties. The Public Accounts Committee pointed out that since 2003 almost £6 billion had been overpaid, £500 million of which had already been written off. In reality, many families had absolutely no idea that they had been overpaid until they suddenly received an official notice from HMRC stating that they had been, but often without telling them how that had been calculated and nevertheless demanding that they pay the money back.

By definition, many of the families claiming tax credits have few if any savings. Overpayments therefore present them with a serious difficulty, not least because in most cases they honestly did not realise that they were in the wrong in the first place, because the system is so complex. We are now in a situation where HMRC officials admit to Parliament that many claimants do not understand the system because it is so complex, yet they are held responsible for not reporting to HMRC that they have been overpaid, by a system that it acknowledges they do not understand. When claimants appeal, they come up against code of practice 26, which says that they must not only prove that HMRC made an error, but pass a reasonableness test, to which I shall return.

All those problems have been well highlighted by Citizens Advice, both locally, to many Members of Parliament, and nationally. John Wheatley, the social policy officer of Citizens Advice, said the following about the weaknesses in the system, in a press release of 11 April 2007:

"Some families have been left seriously out of pocket and confused because they are being asked to pay back tax credits, which they believed they were entitled to. Challenging the recovery of overpayments is not easy and currently thousands of families are being threatened with court action. People often say that they have received contradictory award notices, or been told that the money definitely is theirs; overpayments can even happen when no mistake has been made."

The Financial Secretary to the Treasury (John Healey): The hon. Gentleman is covering well-trodden territory, albeit in his characteristically thorough way, but I am not clear about one point. Would he waive all overpayments?

Mr. Francois: No. The Conservative party would not be in a position to give that commitment, because of the large amount of money involved. What surely must happen is for the administration of the system to be reformed, so that overpayments do not occur on anything like the scale on which they currently occur. Hopefully much of the misery would then be reduced.

Despite the problems that they are up against, more than 750,000 families appealed against a demand to recover an overpayment in 2005-06. However, the latest figures show that, whereas around half of all claimants might previously have had a part or all of the money waived, the rate of successful appeals is now down to below one in 20. The system is now massively weighted

[Mr. Francois]

against those who appeal, because they are up against the strictures of COP 26, for the reasons that I have already illustrated.

John Healey: The hon. Gentleman argues that the system should be reformed, but it is not clear how he would propose to reform it. Would that include ending the flexibility in the system and going to a rigid payments system, as we used to have before tax credits?

Mr. Francois: The Financial Secretary anticipates me. If he will bear with me for another minute or so, I shall give him at least one specific example of how we might reform the system so that it operates more effectively. I have not whetted his appetite unnecessarily; I shall help him in a minute.

Given the problem of overpayments and the appeals system, nearly 90 Labour Members of Parliament have now signed early-day motion 545, which calls for a reform of the tax credits system and, in particular, of the appeals system for dealing with the whole issue of alleged overpayments. The Labour party has a lot on its mind at the moment; we all realise that. Nevertheless, it is an indictment of a system that was supposed to be one of the jewels in the Chancellor's crown that not a single Labour Back Bencher has taken the trouble to come to Westminster Hall this afternoon to defend it—even at a time when one would think that they were keen to curry favour with the Chancellor. That speaks volumes about the problems in the system.

I want to make a specific recommendation to the Minister that might assist the situation and would constitute an element of reform. At the very least, when claimants are assessed as having been overpaid, could they not be sent a detailed calculation at that time that showed exactly how the alleged overpayment had been arrived at? In many cases, claimants get that degree of detail only once they have appealed to the tax credit office against the recovery of the overpayment. If the TCO has that information, why can it not be provided to the claimant with the overpayment demand so that the claimant can reasonably assess the calculation, go through it themselves and take an informed view on whether to appeal against the attempt at recovery?

Mr. Newmark: Will my hon. Friend give way?

Mr. Francois: Yes; I am tight for time, but I will.

Mr. Newmark: I shall take only a few seconds. Perhaps I could make another suggestion, although I appreciate that that is not really the prerogative of Opposition Back Benchers. The Government could also simplify the forms. If they were simpler, there would be fewer errors and the Government would not need to write off almost £2 billion.

Mr. Francois: My hon. Friend makes a good point. Many of those who claim tax credits are on marginal incomes, and they do not necessarily have detailed financial training. Therefore, making the system and guidance as easy as possible to follow would be of great assistance to the more than 5 million families who currently claim.

I should say that HMRC has improved the quality of the awards notices that tell claimants how much they have been awarded. However, it has not provided the same detail and quality when it demands an overpayment. That is a gap in the system, and I have offered the Financial Secretary a specific suggestion.

In summary, the situation looks like this. The Treasury is now well and truly losing the argument on its current tax credits system. It has been criticised by the Public Accounts Committee, the Treasury Committee and the parliamentary ombudsman. Now even significant numbers of Back-Bench Labour MPs are calling for reform. To make it worse, the Comptroller and Auditor General has had to begin to qualify HMRC's own accounts because of the level of fraud and error in the tax credits system. That is galling for taxpayers: their returns can be disputed by HMRC, yet the Government's national auditor has to qualify HMRC's accounts himself because of the failures of tax credits.

In the past week alone, the Chancellor's highly complicated system has also been criticised by the BBC, ITV, Channel 4, *The Times*, *The Daily Telegraph*, *The Guardian*, *The Independent*, *The Sun*, the *Daily Mail*, the *Daily Express*, *The Birmingham Post*, the *Yorkshire Post*, the *Bristol Evening Post*, the press in the north of Scotland—and even the *Evening Standard* in London, which called the current system the "economics of the madhouse". HMRC now admits that many of the claimants do not really understand the tax credits system, yet it still blames them rather than itself when things go wrong. As it operates, the system is the exact opposite of user-friendly, as anyone who has ever tried to contest an overpayment can testify.

The administration of the system needs to be considered again. It simply must be reformed. I hope that the Financial Secretary will agree.

3.54 pm

The Financial Secretary to the Treasury (John Healey): Like the hon. Member for Rayleigh (Mr. Francois), I should like to start by congratulating the hon. Member for Edinburgh, West (John Barrett) on securing this debate. It is almost a year to the day since he initiated his last such debate, which is almost becoming an annual fixture. I am just sorry that for this match I am a substitute for the Paymaster General. I shall endeavour to do the job as adequately as I can. This is my first debate on tax credits; I pay tribute to the hon. Member for Braintree (Mr. Newmark), for whom this is the fifth tax credits debate this year. I shall pass to the Paymaster General the good wishes of those who have spoken this afternoon.

The hon. Member for Edinburgh, West does not just pursue his concerns in set-piece debates such as this; I know because I have checked. Like many MPs, he presses the case of his constituents when there are individual problems. I am glad that the Paymaster General was able to resolve the problem that he mentioned at the start of his remarks. I cannot promise the same result, but I shall certainly look again at the case that he set before the Chamber this afternoon.

That said, the hon. Gentleman made one or two sweeping assertions about the tax credits system that I cannot simply glide over or let rest and with which I

must take issue. The tax credits system is not in disarray, nor is it failing the people whom it was set up to help. Difficulties are caused when some people have obligations to repay the taxpayer for overpayments, when there is a basis for regarding them as due for repayment. We are conscious of the problems that that can create, and we are dealing with them—not least through the set of reforms that the Paymaster General set out in the pre-Budget report 2005.

With all respect to the hon. Gentleman, I felt that he was a bit grudging when he conceded that tax credits may have helped some people. Tax credits today provide support for almost 20 million people, including about 6 million families and 10 million children throughout the United Kingdom. Our figures show that in his own constituency 7,700 families benefit from tax credits. On average, the annual worth of those tax credit payments is more than £2,300 each year.

It is important to keep the issue in perspective. As constituency Members, we all come across individuals who are struggling with the system and have difficulties. Sometimes in such cases, HMRC has clearly made mistakes. However, let us keep things in perspective: 7,700 families benefit from tax credits in the hon. Gentleman's constituency; in that of the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander), 9,700 families benefit; in that of the hon. Member for Rayleigh, 7,100 families benefit; and in that of the hon. Member for Braintree, 10,600 families benefit. The hon. Member for Ludlow (Mr. Dunne) is not in his place but made a contribution earlier, and in his constituency, 7,100 families benefit from tax credits.

It is also important to compare the system with the one that predated it to underline both the significance of tax credit support and the scale of the investment that we, as a Labour Government, are putting in to support lower-income families. The spending each year to support tax credits—to support those lower-income families—is almost eight times greater than it was each year under the family credit system. Take-up, particularly among those with the lowest incomes of less than £10,000 a year, is at about 97 per cent. of those who are entitled. That compares with a 57 per cent. take-up of the old family credit system and only a 62 to 65 per cent. take-up under the first working families tax credits system.

Although rather in passing, it has been recognised today, particularly by the hon. Member for Inverness, Nairn, Badenoch and Strathspey, that tax credits have been central to helping people move into work and to making work, rather than welfare, pay. Tax credits, combined with our economic stability, have played a large part in the fact that 2.5 million more people are working in Britain now than 10 years ago. They have played a central role in reducing the net tax burden to those on low and middle incomes, ensuring that about four in every 10 families pay no net tax.

Danny Alexander: In setting out the benefits of tax credits and the numbers of recipients, I am sure that the Financial Secretary does not seek to trivialise the experience of those people who have suffered overpayments. He mentioned that there are 9,700 recipients in my constituency. Based on a statistical calculation across the country, that would suggest that some 4,000 families in my constituency have suffered overpayments. The fact that many of those families might not appeal or might not go to their MP for assistance does not necessarily mean that the overpayment was correct, but it reflects the fact that when people receive a letter from HMRC they feel that it is bound to be correct and go along with the system when it would sometimes be in their interest to challenge the conclusion, as those of us who have challenged other cases on behalf of our constituents can testify.

John Healey: As I have said, I am not trying to downplay the difficulties with some cases of overpayment and the anxiety that they can cause. I want to ensure that we conduct the debate with a proper sense of perspective that sets the understandable concentration on individual cases and problems in the wider context of the large number of people who are being helped by a system in which the Labour Government are prepared to invest a great deal in order to support more lower income families, to make work pay better and to help to tackle child poverty—the number of children in relative poverty has been reduced by well over 600,000 in the past decade. Those aims are important, and the hon. Gentleman recognised that when he said that tax credits were, in principle, a good idea.

Let me turn to the Public Accounts Committee report, which was mentioned by the hon. Members for Rayleigh and for Edinburgh, West. The PAC provides an important and valuable role in scrutinising Departments so that they provide good value for money and effectively deliver what they set out to deliver. It shares a close interest in doing that with the Treasury, and as Financial Secretary to the Treasury, I am privileged to be a formal member of the Committee, although I do not actively participate. We will respond fully and formally to the PAC report, as usual.

We have not resolved all the problems in the tax credit system, but I want to keep a degree of perspective. The arrangements are improving, and it is important to note that the PAC report is largely based on out-of-date data. Things are improving, and arrangements are being put in place to ensure that they improve for those who claim entitlement under the system. End-year adjustments that lead to an overpayment have already fallen by one fifth and improvements to the accuracy of processing and calculating awards are evident, but once the measures announced in the 2005 pre-Budget report come fully into effect, the level of end-year adjustments is expected to fall by a further third in future years.

HMRC is making some good progress in implementing the reforms laid out by my right hon. Friend the Paymaster General. Income disregard has been increased to £25,000, ensuring that almost all families with increasing incomes will not have their tax credit entitlement reduced in the first year of the increase. The renewal period has been reduced to five months, reducing the length of time for which some customers received payments based on out-of-date information, which has reduced overpayments. This year, the renewal period will be further shortened to four months.

Mr. Francois: I appreciate that this is not the Financial Secretary's regular brief and that he is in the Chamber as a substitute. Nevertheless, will he confirm

[Mr. Francois]

that when the Chief Secretary introduced what was known as the "PBR package", which included at its heart the tenfold increase in the disregard, he followed that up with a written statement in 2006 that admitted that even that would reduce the number of overpayments by only a third? We now know from the National Audit Office and the PAC that the estimated additional cost of that package, and particularly of the increase in the disregard, is £500 million a year.

John Healey: The hon. Gentleman is wrong. The reforms need to be considered together as a package. The cost of the package was disclosed at the time of the pre-Budget report, and it was £50 million a year. The adjustments that would lead to an overpayment were already falling, and they will fall further as a result of the package of reforms that we are putting in place. The big increase in the income disregard plays an important part in the reforms.

I want to report on the progress on the other two reforms. The changes to make reporting certain changes of circumstances compulsory have been implemented.

Mr. Francois *rose—*

John Healey: I have given way to the hon. Gentleman twice and I want to respond to other hon. Members. However, I shall give way one last time.

Mr. Francois: The Financial Secretary said that I was wrong, but I am not. When the summary of the PAC report discussed the increase in the disregard, it said:

"This change will reduce the level of overpayments and increase the overall cost of the scheme by some £500 million each year."

The PAC said that, not me. I am not wrong.

John Healey: Those figures are about the increase in the entitlement. The figures that were reported at the time and that I was talking about were the cost of the overall package of reforms. There is no inconsistency between the two figures.

Finally, the amount by which payments can be reduced in order to recover an in-year overpayment has been restricted significantly for low-income customers. The hon. Gentleman mentioned the debate that he had on this subject with the Paymaster General after the Treasury Committee report was published. She announced that HMRC was about to start a pilot designed to help a group of claimants at one of the most difficult times of their lives, when relationships break down. It has conducted that pilot and is now carefully considering the results. I hope that we will be able to draw conclusions about a potential approach this summer.

Danny Alexander: Will the Financial Secretary give way?

John Healey: If the hon. Gentleman does not mind, I shall turn to some of the points that he raised. If there is time towards the end, perhaps he can come back to me on any other points.

The hon. Gentleman tackled me on a number of points about the ombudsman. First, he was concerned about claimants getting information about how overpayments arose. Since November last year, a full playback has been introduced. It contains a summary of the changes in circumstances that have been reported to HMRC and that have an impact on the award. When claimants receive the finalisation notice, which is sent to the claimant at the end of the tax year to confirm the tax credits to which they were entitled, it will contain information on their award throughout the previous tax year.

The hon. Gentleman was also concerned about the availability of more general information about tax credits. HMRC publishes a huge amount of information on tax credits. The next publication will be on 22 May, and he referred to that. Inevitably, the annual system of tax credits means that some data cannot be produced in real time. For instance, let us consider fraud estimates. In order to produce such estimates, they must be based on an examination of or inquiry into a sample of finalised awards. They take time to work through and to establish, and so information of that nature cannot possibly be produced in real time, as the hon. Gentleman has urged.

The hon. Gentleman took me to task on the ombudsman's recommendations. I do not know whether he has seen the statement that she issued in July last year to accompany her annual report, which said:

"Ms Abraham commented on the positive way in which HM Revenue and Customs...had worked constructively with her office on the issue of tax credits. HMRC responded to her report to Parliament in June 2005 with some substantial changes to the administration of the system and agreed new ways of handling complaints."

I want to touch on the comments made by the hon. Member for Ludlow, even though he is not still in his place, because he is a member of the Public Accounts Committee and I think it right to do so.

Danny Alexander: The Minister indicated that he is keen for information to be provided on tax credits, and I welcome that. Will he ensure that information about the pilot in relation to couples is published, so that those of us on these Benches, and indeed organisations outside the House, can scrutinise and evaluate it along with Treasury officials?

John Healey: In the Treasury and HMRC, we are keen to respond when we can to suggestions or requests for greater information about how the tax credit system is working. We shall certainly aim to do that, and the pilot is clearly of significance to not only HMRC and Treasury Ministers, but a much wider audience.

The hon. Member for Ludlow basically said that the tax credit system is complex. With the important aspect of flexibility in the system inevitably comes a degree of complexity, and in the end the judgment has to be whether the advantages of the flexible system outweigh the disadvantages and difficulties that can be caused by the system becoming more complex to understand. The flexible system of tax credits means that families can get extra support when their needs are greatest. That is particularly important in today's modern labour

market, in which in any one year 3 million people change jobs and at least 200,000 men and women move into new, better jobs and see their family income rise by more than £10,000.

The only way to avoid end-of-year adjustments would be to have a system in which the payments were fixed and based on past information. In 2004-05, 700,000 families had a fall in their income but increased entitlement to tax credits. Under a fixed system they might have had to wait for up to two years before their income was reflected in their tax credit entitlement. If their income were to fall by £5,000, that could mean that they would lose out on about £2,000 of tax credits each year. Similarly, if someone receiving tax credits for a child had a second baby, they would have to wait until the end of the tax year to get any extra money. That would mean that they could lose out on nearly £2,400.

HMRC is keen to deliver better improvements to the system, and it has clarified the reasonable belief test that it uses to determine whether an overpayment is recoverable. The test is based on long-standing practice in the system and sets out that tax credit overpayments will be written off when there has been a mistake by HMRC and it was not reasonable for the claimant to have spotted the error. I wish to dwell on that for a moment, because a couple of hon. Members have asked me about it.

Let me be clear: HMRC does not expect people to check whether their award has been calculated correctly. If the helpline wrongly tells a claimant that their award is correct, even though they have questioned it, HMRC will rightly accept that as passing the reasonable belief test. In short, it expects claimants to check the factual information on their award notices, such as how many children they have and what their income is. It also expects them to check whether the amount going into their bank accounts matches the amount in the award notice. Building on those improvements, a pilot will start in the next few months to provide an independent review of HMRC decisions on whether to recover an overpayment caused by official error. That will give claimants the option of having their cases reviewed by the adjudicator by a fast-track process.

The hon. Member for East Dunbartonshire (Jo Swinson) was concerned about hardship. The measures recently put in place to help that include reduced recovery rates for those on low incomes. For those who no longer receive an award, 12-month instalment plans are available with longer repayment periods where necessary. Where there are difficulties in the system, we are working hard to deal with them.

In debates such as this and as Back Benchers in Committee, hon. Members play a useful part in ensuring that HMRC's attention is concentrated on the problems. However, tax credits have helped to increase the number of people in work, improved the incentives to work, reduced the tax burden for many families and helped to reduce child poverty dramatically in the past decade.

Kettering General Hospital

4.15 pm

Mr. Philip Hollobone (Kettering) (Con): I thank Mr. Speaker for granting permission for the debate to be held. I welcome the Minister and look forward to hearing his response in due course. I am pleased to welcome my hon. Friend the Member for Wellingborough (Mr. Bone), who, with your permission, Dr. McCrea, will also participate in the debate and concentrate on some aspects of the future funding of the hospital.

People in and around Kettering are extremely proud of our local hospital. It was founded in 1897, so this is its 110th year on the same site in Kettering. It would be remiss of me to proceed further without placing on the parliamentary record my thanks and those of all my constituents to the doctors, nurses and ancillary and administrative staff at Kettering general hospital for their wonderful work for local people, which is widely appreciated.

Kettering general hospital does wonderful work, and a report by the Healthcare Commission, its latest in-patient survey, which was released today, shows that 95 per cent. of patients at the hospital have rated the overall care that they received as either excellent, very good or good. Only 4 per cent. rated it as fair, and only 1 per cent. as poor. That is a tremendous record. Having said that, it would be remiss of me not to say that there are people in serious circumstances who have been let down by the hospital. The situation of those patients—I am sure that you have such patients in your constituency, Dr. McCrea—is extremely serious, and it is our job as Members of Parliament to ensure that they get the appropriate redress.

I wish to invite the Minister to visit Kettering general hospital. His colleague the Prime Minister visited in February 2005, but his visit was wholly inappropriate. He visited the hospital not as Prime Minister but as leader of the Labour party and held an election rally on the hospital premises. That was a black day for the hospital. I would welcome the Minister, in his capacity as Health Minister, visiting the hospital to see the wonderful work that goes on there and learn first-hand about the challenges that it faces in the years ahead. I hope that he will give that invitation, which I deliver on behalf of the Kettering General Hospital NHS Trust, full and proper consideration. He would get a warm welcome.

I applied for this debate because Kettering general hospital faces real challenges in the next 10 or 20 years, primarily because of the rapid growth that will take place in the local population up to 2031 as a result of the sustainable communities plan promoted by the Department for Communities and Local Government. In north Northamptonshire an extra 52,000 houses are to be built by 2021—in other words, over the next 14 years. The local population will increase by at least a third, and possibly more, which is one of the fastest rates of population growth anywhere in the country. One does not need to be a rocket scientist to work out that if the local population is to increase by at least a third, the medical needs of the population will also increase by at least at third. That, crudely, means that we will need one third more GPs and a one-third increase in hospital facilities.

[Mr. Philip Hollobone]

Unfortunately, against the background of rapid and significant population growth there are significant capacity shortfalls at Kettering general hospital, and the staff are working flat out to meet the health needs of the local population, not least in the accident and emergency department. The situation has been made worse by the forced merger of the local primary care trusts by the Department of Health last year. That was bad news for Kettering general hospital because the now combined Northamptonshire PCT has a cumulative deficit of £44 million, which is to be shared out across the whole of the county. The problem for Kettering general hospital is that it is an extremely efficient hospital, in the way that such things are measured, and the deficit of the Northamptonshire Heartlands PCT, which was responsible for the north of Northamptonshire, was not anything like the deficit of the Daventry and South Northamptonshire PCT.

In other words, health services for constituents in Kettering, Wellingborough and Corby are being cut back because of financial overspends elsewhere in Northamptonshire, and the effect of that has been that Kettering general hospital has had to cut back on some of its procedures. It had to delay the opening of its wonderful new treatment centre in October last year until this April, wards have been closed, procedures have been cancelled and waits have been extended. All of that was the result of the Department's wrong decision to merge the PCTs in Northamptonshire, against the wishes of the county's Members of Parliament, including myself.

The cuts have not helped the serious infection control situation at Kettering general hospital. Local people are rightly proud of the work that the hospital does, but it is sad indeed that in 2006 it had the worst record in the whole country for clostridium difficile infections. The figures are slightly distorted because the method for collecting them means that community-based infections are included with the hospital's infections. Nevertheless, there were 641 cases in 2006—the country's worst. That rather contrasts with the Prime Minister's remarks when he visited in February 2005. He said that Kettering was a world-class hospital, but since his visit we have seen not only ward closures, further underfunding, the country's worst record for hospital-acquired infections and some of the highest mortality rates in the country but also staffing levels driven to what one member of staff who I spoke to in preparation for this debate described as crisis levels. Those are the problems that the hospital has faced, and I commend all the staff for the way in which they have tried to address challenges that have been made worse by some of the decisions made in Whitehall.

I have spoken with consultants at the hospital, and they are confident that measures are now in place to ensure that the hospital's record of hospital-acquired infections improves. The Department has granted a further £300,000 to help in the fight against clostridium difficile infections. One medical ward is to be fully refurbished, a decontamination room for cleaning hospital equipment is to be set up, hand-washing facilities are to be upgraded and large, high-impact floor signs will be installed to remind all staff, patients and visitors of the need to wash their hands. I hope that the clostridium difficile infection rates at the hospital will improve as those measures work themselves through. Nevertheless, for every one of my constituents who goes into hospital to be treated, only to find themselves staying there longer because they have acquired an extra infection while in hospital, there is a tragic and unacceptable tale.

In preparation for this debate, I was careful to engage with as many representatives of the local health service as I could. I spoke to senior managers at the trust, local GPs, members of the local patient and public involvement forum, consultants and staff. There is very much a shared sense of Kettering general hospital being a valued community facility in which everyone is doing their best against a difficult background. I know that the Health Minister must receive many representations from Members of Parliament across the country for extra resources for their hospital, but as my hon. Friend will demonstrate in a moment, Kettering general hospital faces an almost unique background of consistent and persistent central Government underfunding going back some time. Although attempts have been made to address that, the cumulative underfunding over many years will not be caught up with overnight.

The crisis is made worse by the increase in the local population, and I urge the Minister to ensure that the population statistics that his officials give him match the reality on the ground. If he were to accept the trust's invitation to come and see the hospital for himself, he would see the pressure that accident and emergency is under, especially at weekends, and the pressure that other wards are under as they do their best to treat local patients.

I will give way now to my hon. Friend, but I would like to impress on the Minister the fact that local people are proud of Kettering general hospital. Everyone wants it to succeed. I hope that the Government recognise the challenges that it faces, and that the Department will do its best to ensure that whoever the Member for Kettering is in another 110 years' time, they will be able to look back at this debate and say, "Yes, the Government understood the problems that local people faced in respect of their hospital and responded to the challenges."

4.27 pm

Mr. Peter Bone (Wellingborough) (Con): I congratulate my hon. Friend the Member for Kettering (Mr. Hollobone) on securing this very important debate. The Minister is very able. I often find that when he is wheeled out, it is because the Government are defending the indefensible, so he appears on television and in debates quite often. I appreciate his attending today.

I am here to talk about Kettering general hospital, because it is the hospital for Wellingborough—there is no hospital in my constituency. My constituents have to go to Kettering, which sometimes involves a journey of up to three quarters of an hour. One of the biggest concerns expressed in surveys in Wellingborough and Rushden is the health service and the fact that we do not have our own local hospital. More than 94 per cent. of local people think that there should be a community

hospital in Wellingborough with minor accident and emergency facilities, partly to offset the problems at Kettering general hospital. Kettering would be the major hospital, but a lot of my constituents could go to Wellingborough.

The Minister might say, "That is all well and good, but how are we to fund it?" The problem in our area has been consistent underfunding by central Government. The figures are not mine but the Minister's—they are Government figures. The situation is perhaps best explained by Sir Richard Tilt, who was chairman of the Leicestershire, Northamptonshire and Rutland strategic health authority. In a letter to the Secretary of State for Health on 15 August 2005, he stated:

"We have an impressive track record of achieving national targets and delivering financial balance. The SHA was categorised as 'high performing'...We are however the worst funded SHA relative to the national capitation formula which seeks to enable a fair, equitable distribution across the NHS...Kettering General Hospital for example has a reference cost index of 89. Indeed North Northamptonshire is our most pressurised health community. Northamptonshire Heartlands PCT which covers this population (including Corby with its severe health problems) is 32 million pounds (9.9%) below capitation...I am sure you will not be surprised that we believe we cannot deliver both financial and non-financial targets in 2005/06...It will be a simple and inevitable consequence of a growing gap between our allocated funding and the monies we need (as defined by the national formula) to meet the needs of our population."

That was Sir Richard Tilt in August 2005.

The crux of my argument is that we have a wonderful hospital and terrific staff, but the Government work out what the hospital should get through the PCT and then deliberately and systematically underfund it. I have not heard any Minister defend that and say why it is the case. It is not good enough to say that other areas get more money. That is not an argument to underfund Kettering hospital, and we are not talking about a small amount of money.

In 2003-04, when the Government allocated funding directly to PCTs for the first time, the PCT that covers Kettering hospital received 90 per cent. of the funding that it should have had. The Government said they would give a certain amount, but they gave only 90 per cent. of that figure, which created a shortfall of £22.2 million. In 2004-05, again we received only 90 per cent. of what the Government said that we should have got, which was a shortfall of £24.4 million. Almost unbelievably, in 2005-06 the figure fell to 89 per cent., which increased the shortfall to £29.37 million in that year. The following year the shortfall was £20.16 million, and this year it is predicted to be £15.08 million. If the figures for the past few years are added together, the total underfunding is £111.21 million. That is not the level of underfunding that I have worked out; it is the Government's own figures.

The Government spend a lot of time trying to work out an equitable and fair funding system for across the country, so why are Kettering and north Northampton consistently underfunded? I am not asking for an unfair share of the national health service budget; I am just asking for what the Government have said the area should have. I hope that the Minister will take that point on board.

I know that the Minister understands the problem and that the Government are trying to reduce the funding gap, but when there is £111 million of underfunding and then the Government say there is a deficit, there is something wrong with the Government's accountancy and thinking, and it needs to be corrected.

4.32 pm

The Minister of State, Department of Health (Andy Burnham): I congratulate the hon. Member for Kettering (Mr. Hollobone) on securing the debate and thank the hon. Member for Wellingborough (Mr. Bone) for taking part. I do not doubt the sincerity of their commitment to Kettering General Hospital NHS Trust and to improving the national health service in their constituencies.

I will try to rebalance the debate slightly, because I do not believe that either hon. Member was entirely fair on the Government's record of investment in the hospital trust that we are discussing. On the record, it is important to emphasise the significant investment in capital, buildings and people who work for the trust. In the health service in Northamptonshire, there are 357 more GPs, 725 more consultants, more than 6,856 additional nurses and midwives and more than 3,000 additional health care assistants. That is within the East Midlands strategic health authority area, and it represents a big investment in the work force of the national health service. Such investment is having a big impact on improving patient care.

There has also been unprecedented improvement in the fabric of the health service during the past 10 years, and Northamptonshire and Kettering are no different in that regard. In April this year, a new £16 million treatment centre opened at Kettering general hospital, which will enable the trust to increase the proportion of its operations as short-stay procedures. Indeed, it is instrumental to the trust's plans to deliver the maximum 18-week target for the constituents of the hon. Members for Kettering and for Wellingborough. The treatment centre is the largest single development at the trust in 30 years, and I had hoped that I would hear something about that in the remarks of the hon. Member for Kettering. Other improvements at the trust include a £4.7 million cardiac catheter laboratory, which is being completed on site to improve care for people with heart problems, two new CAT scanners, a new MRI scanner, a new skin care unit, which opened in February 2003, a new ophthalmology unit and an extension to the intensive care unit. In fact, there is a long list of recent improvements to Kettering general hospital.

The hon. Member for Kettering questioned the motives of my right hon. Friend the Prime Minister in visiting the hospital. Given the levels of investment in bricks and mortar, capital, and services that the Government have made since 1997, the Prime Minister was perfectly entitled to visit Kettering general hospital. I challenge both hon. Members to answer a direct question: is Kettering general hospital better provided for today than in 1997?

Mr. Hollobone: Yes it is. However, my point is not party political. The population will grow so fast that, although investment is welcome, far more will be needed. Will the Minister look favourably upon the trust's application for foundation trust status? That decision will be made in the next few months, and it is

[Mr. Hollobone]

critical for the future health of the hospital that the Minister grants that application.

Andy Burnham: I appreciate the hon. Gentleman's honesty in answering the question directly and admitting that the hospital is significantly better today than in 1997. The question on foundation trust application is extremely important and, if I understand him correctly, he strongly supports the application. I welcome that. The hon. Member for Wellingborough is nodding, and I welcome that support, too.

At the start of his speech, the hon. Member for Kettering mentioned patient satisfaction. A lot is said about our national health service and the quality of services. Today, a survey has been published by the Healthcare Commission, which the hon. Gentleman mentioned. It states that 95 per cent. of patients at Kettering general hospital rate their care as good, very good or excellent. That is a tremendous tribute to the staff who serve his constituents, and I was pleased that he began his remarks by recognising the outstanding service that has been provided to local people.

I am also pleased that waiting lists continue to fall at the trust. As of 31 March 2007, there were no patients waiting more than six months for in-patient treatment and no patients waiting more than 13 weeks for their first out-patient appointment. Of course, the trust faces challenges, and I will turn to infection control in a moment, because the hon. Gentleman mentioned that issue. I do not make these introductory remarks to suggest that everything is rosy and that the trust and the local health economy do not face important issues. However, it is important to place on the record the substantial commitment that the Government have shown to improving health services in his constituency.

Both hon. Members mentioned funding, and I know that they have talked about that issue in the House on many occasions and that it is an important concern for them. In our last round of allocations to PCTs, we recognised that areas of the country have historically received less than their fair share of funding. In the last round of allocations, we accepted that such areas should be moved more quickly to receiving their national fair share. In 2003-04, the most under-target PCT was 22 per cent. below target, which, from memory, was Easington primary care trust in the north-east. As a result of our decision to move PCTs more quickly towards target, no PCT will be more than 3.7 per cent. below target at the end of the current financial year. Along with other PCTs that are below target, Northamptonshire PCT has benefited from an increase in allocations over and above the national average.

In 2006-07, the allocation to the PCT increased to £730 million, which is a cash increase of 12.7 per cent., and in 2007-08 it will receive £817 million, which is a further cash increase of 12 per cent. Over those years, that amounts to a cash increase of 26.3 per cent. compared with the national average of 19.5 per cent. I understand the concerns raised properly by Opposition Members today, but I hope that they agree that that represents a significant dent in the problem and significant investment in their local health services. That increase in funding is the joint largest for any PCT in the country.

Mr. Bone: I appreciate what the Minister has said and understand his point. However, will he acknowledge that Northamptonshire PCT remains in the bottom range with the biggest difference between what it should get and what it will get? And will he tell me when that gap will finally be closed?

Andy Burnham: We will look at those issues during the next funding round. In particular, we will look at the pace of change policy in order to see how quickly we can move PCTs from below target to target funding. However, I suggest that the hon. Gentleman directs his questions to the shadow Health Secretary, the hon. Member for South Cambridgeshire (Mr. Lansley). Like mine, his PCT is under its target allocation and has benefited from the changes that the Government made in order better to pick out deprivation when health funding is being allocated. I ask the hon. Gentleman to direct his questions to his Front-Bench colleagues, because their proposals for changing the funding formula, as I understand them, would leave the constituencies of both Opposition Members present worse off. Perhaps they need to pursue that with their Front-Bench colleagues.

On foundation trust status, I welcome the support indicated for the trust's bid. In my view, it is absolutely the right way for the trust to go in order to build on the sense of improvement that, it would seem from my discussions with the trust's management, has got going. I think that, elsewhere, foundation trust status has galvanised momentum and maintained local pride and focus. That is the right way forward, and I hope very much that the support of hon. Members today will be replicated throughout the community and that the trust can make that important step forward.

The hon. Member for Kettering mentioned infection control. It is true that the trust has recognised that it has a particular problem with levels of clostridium difficile. In July last year, it recognised that action was needed to improve matters significantly, and action has been taken—in the first quarter of this year, a significant reduction was made in C. difficile rates compared with the first quarter of 2006. From memory—I do not have the figure to hand—that represents about a 36 per cent. decrease. However, he is right to say that there can be no complacency on that important issue. I was grateful that he acknowledged the money that has been made available by the Department to improve infection control—the £300,000 to which he rightly referred. In my view, that will help the trust further to improve its infection control.

In conclusion, I shall pick up a couple of further issues. The hon. Gentleman made a general point about the need for health services in the Northamptonshire area to keep pace with anticipated population growth. I think that both Opposition Members present made that point, and it was a point very well made. The hon. Member for Kettering will know that in the last PCT allocation round an adjustment was made to the funding formula to recognise the latest figures on projected population growth, and I assure both hon. Members that the same thing will happen this time. There is no debate about it: a significant increase in population is expected in their area, and it is vitally important that the health service keeps track of it.

I would like to point out to the hon. Member for Wellingborough that there were some 528 beds in his trust in 2003-04 and that today the number is 598. So there is evidence that the capacity of the service is increasing, and I believe that the trust is looking at increasing further the level of services provided in the surrounding towns. I hope that that is of some comfort to him.

The hon. Member for Kettering said that everyone is doing their best against a difficult background, but I do not accept that. I think that the background is positive. A lot of investment has gone into the trust, which is responding well and improving services, as patients are telling us. However, we are not complacent. I shall work with him to improve matters further and accept his kind invitation to visit the trust and see the improvements for myself.

Digital Switchover

4.45 pm

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I welcome you to the Chair, Dr. McCrea. I think that this is the first occasion on which I have had the pleasure of serving under your chairmanship.

I am very grateful for the opportunity to raise an issue that is, of course, of general application, but which is of particular concern to people in the northern isles and remote and peripheral communities throughout the country. In the course of today's debate, I hope to raise a number of issues concerning digital switchover that are of particular concern to the northern isles, including the assistance available to vulnerable groups, the degree of coverage that we can expect on the islands after switchover, the type of service that local people will be able to access, and, briefly, digital radio.

From what has been revealed to date, we know that the digital switchover help scheme will provide one set-top box and assistance with installation and operation to individuals aged 75 or over, to those receiving disability living or attendance allowance, and to those registered blind or partially sighted. The help will be free for those who are eligible for pension credit, income support or jobseeker's allowance. Others will have to pay a modest charge.

It is my understanding that the assistance scheme will not be retrospective, which means that people who have planned ahead and who would have been eligible for assistance will be penalised, which seems to provide an incentive for inaction until the period in which assistance becomes available. Surely the Government should be encouraging people to prepare for digital switchover as soon as possible.

As I shall explore in a moment, surely there is an issue about end-loading the way in which people convert to digital television. I am concerned that the period during which people will be able to apply for assistance might be too short. Help will be provided only for the eight months prior to the date of switchover and for one month afterwards, which seems to be a very tight time frame. In a written parliamentary answer to me, the Minister stated that 649,000 Scottish households would be entitled to assistance. If all those households applied for help, a small army would be needed to ensure that assistance is provided in the nine months in which it is available.

As things stand, I do not see such an army in place. Indeed, in a written answer to my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore), the Government indicated that as of 30 September last year, just 42 people had completed the training necessary to become a registered digital installer. An additional 15 people were enrolled in training in the Border region, four in Grampian and none in the Scottish TV region. Such a small number of people simply will not cope, if they are required to help more than 500,000 Scottish households.

Mark Williams (Ceredigion) (LD): In a spirit of Celtic solidarity, I invite my hon. Friend to reflect on the position in Wales, where 440,000 households are entitled to the assistance scheme, but where, as of the

[Mark Williams]

same date, we had only 32 trainees on the registered digital installer scheme. We have the same concerns: we are working to a very tight time scale, and the end result will be, sadly, that many people will miss out on the assistance available to them.

Mr. Carmichael: I am grateful to my hon. Friend for his intervention. His analysis of the situation is much the same as my own—it is acute. The only issue that I would take, of course, is that my constituents are not Celtic, but Nordic. The Celts start somewhere south of the Pentland firth. However, with that small proviso, I take issue with very little in that intervention.

I would be grateful if the Minister could indicate how many people across Scotland have completed the training and how many installers are currently being trained. Is he confident that enough people will be in place to help those who apply for assistance with digital switchover?

As well as assistance for vulnerable groups it is important that all local people understand the digital switchover process. Figures provided to me by Digital UK suggest that in the STV north region, just 56 per cent. of people are aware of what they need to do to switch compared with a national figure of 64 per cent. How does the Minister intend to ensure that those figures rise dramatically in the months ahead? Has he considered the particular challenges of raising awareness of digital switchover in remote and rural communities?

On the question of coverage, in 1999 the Government set a target of 99.5 per cent. of homes being able to receive digital terrestrial reception. In June 2005, however, Ofcom announced that 98.5 per cent. of households should be covered by the digital network. For most people, those figures would be comforting, but if people live in a community such as Orkney or Shetland, their hearts sink when they hear them, because they know that they will be in the 0.5 or 1.5 per cent. of the country that does not receive the full service. In the previous debate that I initiated on the issue, we questioned the Minister on the applicability of regional targets. I would be interested if, when responding today, he could say whether he still insists on national targets or whether he will seek to achieve the 98.5 per cent. target within each region.

The figure of 98.5 per cent. is equivalent to the proportion of people who currently receive analogue reception. However, once switchover occurs, not all those who currently receive analogue reception will be able to receive digital terrestrial television. Viewers in rural areas who receive weak television signals are the most likely to be affected, because weak analogue television signals can often be picked up by aerials and converted to reduced-quality television pictures, but digital signals are either received or they are not. The flipside is that many people who currently need to use a satellite to access television stations might find that they can access digital using a normal aerial once switchover happens.

I was interested to read in the briefing material provided to me for the debate by Digital UK that 98.5 per cent. of people will be able to get a digital signal, but that a further 1.2 per cent. of households will get what it terms a "mostly reliable service". That was news to me—I had not come across the term before—and it causes me concern. I wonder on whose judgment the service will be deemed "mostly reliable". I would be grateful if the Minister in his reply could expand on exactly how reliable a service has to be to be "mostly reliable".

The problem for many people in Orkney and Shetland is that they simply do not know what reception they will be able to receive after switchover. That means that people do not know whether it makes sense to purchase set-top boxes. I understand that Ofcom has looked into the matter, but its research has not been made public. Will the Minister ensure that as much information as possible is made available, so that people can make informed decisions?

Of course, it is important to ensure that the people who will not be able to receive a digital terrestrial signal have affordable alternatives. I welcome the fact that the BBC Trust has brought forward Freesat, but can the Minister tell us what assistance will be available to households that have to purchase Freesat in order to receive a television signal once switchover happens? Will the digital switchover help scheme, for example, include the cost of installing satellite equipment where there is a poor digital terrestrial signal? Can he also guarantee that the households that have to rely on satellites to access television stations will receive the same level of service as other viewers?

It is essential that people who live in rural and remote areas can access the same level of service as people who live in other parts of the country. I am particularly concerned, therefore, about the situation with regard to relay stations. In rural areas, many people rely on relay stations to receive a television signal. However, only the public service broadcasters—the BBC, ITV, Channel 4, and Five—are obliged to broadcast on relay stations. Surely other commercial operators should also broadcast on relay stations. If that is not sorted out, it will mean that, after digital switchover, many people who live in rural areas will receive a worse service than those who live in towns and cities.

I am eager to allow sufficient time for the Minister to give as full a reply as possible and to take any interventions that he can from hon. Members who are present, but before I conclude, I would like to ask a few questions about the future of digital radio. The Minister will be aware that more than 85 per cent. of the population can currently use DAB—digital audio broadcasting—radios and the BBC is committed to increasing that to 90 per cent. However, although the BBC has what it terms "outline plans" for transmitting stations to serve Orkney and Shetland, it has not shared with people in the isles what those plans involve. In March this year, I was informed that, as the BBC put it:

"many issues need to be considered including funding"

before the plans are realised. It is the lack of openness and perhaps the reliance on the funding issue that cause us some concern.

I receive a steady stream of complaints from constituents who cannot use DAB radios, and it is frustrating to have to tell them that we have no idea when that situation will change. It is made worse by the

fact that many retailers now stock only digital radios. One notices that the larger, nationwide retail operations in Orkney—we are fortunate that we do not have too many, yet—often introduce DAB radios, which they offer tremendous deals on and which I am sure must generate more work for their customer complaints departments and more returns than anything else.

One e-mail on the issue was sent to me by a constituent on Christmas day. I never particularly like the business of hon. Members naming constituents in parliamentary debates, so I will not name the constituent, but he is known to a number of people in this place—he was, until not long ago, Scotland's Deputy First Minister, and he ought to know better than to send his Member of Parliament an e-mail on Christmas day. He had received a digital radio from his wife for Christmas. It would be a belated Christmas present for him if the Minister could commit to ensuring that everyone can use digital radios in the future. Until that is the case, many of my constituents will continue to complain, with some justification, that it is unfair that they have to pay the licence fee in full, but can receive only in part the services provided by the BBC.

4.57 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Shaun Woodward): I, too, welcome you to the Chair, Dr. McCrea. I congratulate the hon. Member for Orkney and Shetland (Mr. Carmichael) on securing this important debate on digital switchover.

It might be helpful to remind hon. Members that according to Ofcom, by the turn of the year three in four UK households received digital television services on their primary television. The Digital UK and Ofcom quarterly tracker shows that awareness of switchover nationally is 82 per cent. and it is even higher in the areas that will switch at the beginning. The figure for Border, the first region to switch, is 96 per cent. The figure for the Grampian/Scottish TV region, which switches in 2010, is 82 per cent.

Far be it from me to come between the hon. Members for Orkney and Shetland and for Ceredigion (Mark Williams) in their Nordic-Celtic alliance, but I will offer a word of advice, particularly to the Celtic dimension of that alliance. I would be presumptuous to assume that what we have seen is in line with Liberal Democrat campaigning, but it is important to have up-to-date figures. The hon. Member for Ceredigion issued a press release today, a move that I absolutely understand, entitled "Digital Help Scheme must reach all in need". The answer is that it is doing so.

It is terribly important that the hon. Gentleman checks his facts. In his press release, he says:

> "Despite the awareness campaign, Ofcom revealed that only 54 per cent. of people in Wales knew when digital switchover will happen, and what to do when it does."

I refer him to the published figures from Ofcom for the first quarter of this year, which show awareness in Wales at 86 per cent. He may be out of touch with a significant proportion of the public, but I want to reassure him on that front that awareness in Wales is now tracked at 86 per cent. and in the STV/Grampian region it runs at 82 per cent. That provides an opportunity for him to revise his press release. He will probably want to leave this Adjournment debate to go and do so at the earliest opportunity.

Mark Williams: I thank the Minister for those updated figures, and I am heartened by them. I stand corrected as to their precise nature and give full praise to Digital UK for getting the message through. I think that the Minister will acknowledge, however, that there is some way to go. That is the point.

Mr. Woodward: There is some way to go, but there is a significant difference between suggesting that the majority of people in Wales do not know that digital switchover is happening, and recognising that there is only 14 per cent. of the population in Wales left to go.

We do not for a moment underestimate the task. However, I reiterate to the hon. Gentleman that it is important not to scare people. We should be reassuring people, but the tone of his press release was more scaremongering than reassuring. We should pay tribute to the work of the agencies that we have put in place to carry out this huge project, which is bigger than decimalisation was. There have been huge successes, and it is incumbent on us to ensure that our figures are up to date when we communicate them to our constituents.

Mark Williams: I repeat that I stand corrected on the precise figures, and I am sure that the Minister is going to address the point that I made in my intervention. It is not scaremongering to suggest that the time frame in which people can take advantage of the scheme is too short, and that there are serious concerns about the training of professionals to deliver the scheme that the Government have put in place. Those are legitimate concerns to raise, and they have been expressed by many people in Wales, Scotland and elsewhere.

Mr. Woodward: To avoid the semantic debate over scaremongering and being reassuring, let me remind the hon. Gentleman that we are not starting from scratch. As I said in my opening remarks, three in four UK households, including in many parts of Wales and Scotland, already receive digital television services on their primary television set. He must recognise that a great deal has already been done. We do not underestimate the task that lies ahead, but I am confident that we are on track.

It is important that the hon. Gentleman should raise awareness among his constituents, but it should be based on current, rather than grossly inaccurate, information. The figures that he gave in today's press release were not marginally inaccurate; they were wildly different from Digital UK's official figures. It is important that he should use accurate figures.

I move to the substance of the debate and the points made by the hon. Member for Orkney and Shetland. He asked why the help scheme is not retrospective. Let me clarify this issue again for the benefit of the House. The scheme is designed to help those who are most likely to need help in making the switch to digital. We recognise that a number of people who are eligible for the scheme will nevertheless choose, and be able, to go

[Mr. Woodward]

digital without assistance. By definition, the many people who have already gone digital do not need that help.

Evidence shows that people who can go digital are already doing so. Some 56 per cent. of people aged 75 and over have already converted their primary television set, and 78 per cent. of people under 75 who receive a disability living allowance or an attendance allowance have made that conversion. We certainly encourage people to make the switch earlier rather than later so that they can enjoy all the benefits of digital television. There is no evidence that the scheme is acting as a break on take-up or introducing a level of retrospection that will make it more expensive and complicated to run for no obvious benefit.

The hon. Gentleman asked whether the window for applications to the help scheme is too short. It is not. Rather than wait for applicants to ask the scheme for help, it will contact those who are eligible. The first contact will be made eight months before switchover in the region. If the applicant does not respond, he or she will receive a reminder later in the process—on top of TV and other advertising. That should be a more than adequate period for a person to participate in the scheme. I remind hon. Members that awareness of switchover amongst people aged 75 and over is running very high, at about 81 per cent. There is more work to do, but we are starting from a good place.

The hon. Gentleman asked whether if everyone who is eligible in Scotland were to apply, there would be a shortage of people to provide the help. There might be some misunderstanding on this point. First, not all of those who are eligible will apply, because many of them already have digital television. None the less, we will assume that there will be quite high levels of take-up—two-thirds of those who are eligible in the UK.

Secondly, not all of those who are eligible will need to be helped by a registered digital installer. RDIs are trained aerial installers, but hon. Members must realise that only 10 per cent. of those who are eligible will need a fitter to come and do the job. Again, it is important to get the figures into context, because there is a genuine problem of alarming people with concerns that there are not enough registered fitters around. In fact, even if everyone applied, only 10 per cent. of those who would need help would need a registered installer.

We are making progress on having qualified RDIs in Scotland. A scheme to provide distance learning and mobile assessment facilities is in preparation, which will help areas with low population densities. There are already 39 installers registered to undertake RDI training in the Scottish/Grampian and Border Television regions. Although RDIs will be trained and come on stream in one part of the country, they will go to other parts of the country to work, because people will want to use their expertise. The Scottish figures should not be viewed in isolation from the figures for bordering areas.

Mr. Carmichael: The Minister is giving an exceptionally helpful exposition of the current position. In my constituency, there are particular geographical issues. It is quite foreseeable that installation will be a fairly smooth process on mainland Orkney, but there are 32 more islands in my constituency, some of which are very small and some of which get only one ferry service a week, although they will have a daily air service. Those circumstances present particular challenges. Will the Minister ensure that when the nuts and bolts of the scheme are being devised, it will have sufficient flexibility built in to ensure that those communities can be catered for?

Mr. Woodward: The hon. Gentleman makes an important point, and I wish that he had extended to me an invitation to come and tour his constituency, as some of his hon. Friends did for their constituencies. I suspect that any such tour would be almost Victorian in length, but extremely enjoyable none the less. However, to address his serious point, which is well taken, of course we are taking into account constituencies' particular conditions as we prepare for digital switchover region by region. I will also take into account his comments today.

The hon. Gentleman asked what percentage of people in the north of Scotland are sufficiently aware of what they need to do to make the switchover. Context is, again, important, not least because the figures show that more than half of the households in the region have already converted their sets. Nevertheless, I reassure him that communications in the region will be stepped up in the run-up to switchover.

The effect of such an approach on awareness in the Border Television area illustrates the success there. Some 52 per cent. of households in the STV/Grampian area have converted all their television sets, and 75 per cent. of people in the Border area understand what to do for switchover. The purpose of the survey is to continue to monitor trends. What matters is that the trends improve. In comparison with other countries that have been handling digital switchover, the UK is at an advanced stage. I am not complacent, but I remain confident of our preparations.

The hon. Gentleman asked about awareness being increased in remote and rural communities such as his own. The survey shows that at the beginning of this year, 88 per cent. of people in rural areas were aware of switchover—interestingly, that is several points higher than the figure of 81 per cent. for those in urban communities. I am not sure what one should extract from that, except that it probably demonstrates that his constituents are wise, regardless of how they vote in elections, and that he is fortunate to represent such highly aware people.

I believe that the hon. Gentleman indicated that once switchover occurs, not all those who receive analogue reception will receive digital terrestrial television. Unfortunately, his figures date from June 2005. It might be helpful for him to know that in December 2006, Ofcom updated its assessment of the expected level of digital coverage following digital switchover. Its current view is that

"all of the communities currently capable of receiving analogue terrestrial will be able to receive digital terrestrial after switchover"

and that

"the coverage of digital terrestrial will be at least as good as analogue terrestrial".

The hon. Gentleman asked whether viewers in rural areas who receive weak television signals are likely to be those most affected. As I have said, Ofcom's view is that the coverage of digital terrestrial will be at least as good as analogue terrestrial. This is based on a computer simulation, so there may be a margin of error and there may be marginal changes in reliability, for example, under certain weather conditions. In so far as we can prepare, we believe that we have that matter adequately covered, but again we have no complacency.

The hon. Gentleman asked how people will know whether it makes sense to purchase set-top boxes. People can use the Digital UK postcode check to see whether they have to wait for switchover to receive the signal.

5.11 pm

Sitting suspended for a Division in the House.

5.20 pm

On resuming—

Mr. Woodward: I give way.

Mr. Jamie Reed (Copeland) (Lab): Could the Minister illustrate some of the lessons that can be learned from the flagship pilot project in Whitehaven in Copeland, particularly how local authorities and the voluntary sector can help with the implementation of the switchover process?

Mr. Woodward: My hon. Friend makes an important point about lessons to be learned. I congratulate Digital UK on its work in his constituency. That work would not have been done without the partnerships that we envisaged would have to take place, not only in his constituency, which is leading with switchover, but in all constituencies.

I pay tribute to my hon. Friend whose role in bringing together the voluntary sector, particularly that of Age Concern, has been exemplary for all of us. He has worked extremely hard with the local authority and with local charities, but particularly Age Concern because it represents and has knowledge of a particular sector that will be affected. If hon. Members work with their local organisations, such as Age Concern, they can have a huge impact on ensuring that the switchover happens smoothly and effectively. The lesson that we shall draw, particularly from Whitehaven, is to look at the way in which my hon. Friend has worked there to lead his constituents and ensure that they will all benefit from being the first to roll out switchover later this year.

The hon. Member for Orkney and Shetland asked about the assistance that will be made available to those who must purchase Freesat to receive digital. The help scheme will provide vulnerable households that qualify and are outside the DTT coverage area with the option of satellite at no additional charge. He asked whether I could guarantee that those households relying on satellite will receive the same level of service as other households. Digital UK will ensure that all households can enjoy the same level of service.

The hon. Gentleman asked a specific question about relays carrying fewer channels than the main transmitters. The short answer is no. Switchover will bring around 18 channels, including Five, to those areas that have only four analogue services at present, so they will not carry fewer channels than the main transmitters.

When switchover takes place in Orkney and Shetland in the first half of 2010, the power of the digital terrestrial signals will be significantly increased, and all the relays will broadcast digital signals so that all households that can receive analogue at present should receive reliable digital terrestrial reception.

The final issue that the hon. Gentleman raised was about extending digital radio to Orkney and Shetland. That is a matter for the BBC, but I understand his point in a personal capacity, and I am sure that eventually we will, as it says on the Mars bar, be able to entirely satisfy him.

I hope that I have dealt with the issues that the hon. Gentleman raised, but if other hon. Members have issues to raise, I shall be more than happy to correspond with them.

Question put and agreed to.

Adjourned accordingly at twenty-three minutes to Six o'clock.

Westminster Hall

Thursday 17 May 2007

[JANET ANDERSON *in the Chair*]

Government Employment Strategy

[Relevant documents: Third Report from the Work and Pensions Committee, Session 2006-07, HC 63 and the Government's response thereto, First Special Report from the Committee, Session 2005-07, HC 492.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Michael Foster.]*

2.30 pm

Mr. Terry Rooney (Bradford, North) (Lab): I welcome this opportunity to debate our report on the Government's employment strategy and the Government response to it. I start by thanking all those who submitted written evidence to the Committee, the witnesses who gave oral evidence, our specialist advisers, and my hon. Friends and colleagues on the Committee. In particular, I should like to thank the staff and users of Rosemount lifelong learning centre in Glasgow, which is in the Speaker's constituency. We had a tremendous experience when we visited the centre. In addition, the Committee visited New Zealand in the course of its inquiry.

The scope of our inquiry was to look at the Government's target of an 80 per cent. employment rate. We focused in particular on ethnic minorities, the over-50s and lone parents. Needless to say, I will not cover the entire report or the responses, not least because I want my hon. Friends and colleagues to get in.

Sadly, I start by saying that all members of the Committee were disappointed by the Government response. That is in stark contrast to the Government response to our report on the Child Support Agency, which they published yesterday and which is a splendid document. An awful lot of the issues that we flagged up were downplayed in the Government's response, so it was particularly discouraging when they were subsequently flagged up in the Freud report and positively welcomed by Ministers. In fact, I think that David Freud is guilty of plagiarism, because there were no original ideas in his report that were not in ours, but there we are.

The city strategies initiative was launched by the Government last autumn. We know that if we can solve the problem of the employment rate in the UK's major cities, we would easily meet the 80 per cent. target. Great store was set by the new localism and getting all the agencies together to act in concert on the massive pockets of deprivation. However, the submissions that have come in from cities have, frankly, been disappointing. The initiatives are not innovative and are not really focused on addressing the challenges. Although the city strategies seem a good way forward, further work needs to be done to educate those local partners on how they can make a difference in their communities.

A particular concern was the employment rate among ethnic minorities. We need to be careful about that, because the employment rate among people of Indian or Chinese descent and in many other ethnic minorities is way up there, level with that of the indigenous population. However, the rate in the Pakistani and Bangladeshi populations is quite low, and extremely low among women in those communities. There was therefore concern about ending the ethnic minority outreach grant, which was merged with the deprived areas fund. There is no real evidence either way as to whether the transfer has been successful. However, we were concerned that a specific pot of money to address those low employment rates had been submerged into a general fund. To return to the city strategies, the large ethnic minority populations are in our big cities. If the city strategies are weak, our response to the needs of ethnic minority communities will also be weak. That is a real concern for us.

We made great play in our report of the fact that one of the biggest contributors to a lower employment rate is the lack of skills and low skills. We welcomed the report by Lord Leitch, which was published during the course of our inquiry and which sent some challenging messages to the Government. The Government's response was again a bit weak and slightly evasive, although perhaps because the Department for Work and Pensions is not totally in control of the situation. In particular, reference was made to the "Train to Gain" programme for those in employment. "Train to Gain" is fine, but it is for the under-25s. It does nothing for those who are over 50, which is a particular problem, nothing for most women or most lone parents, and very little for ethnic minorities. The message is mixed.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): When we discussed the Leitch report, we did so from the point of view of those out of work. Does my hon. Friend share my concern that we did not receive satisfactory answers to our questions about how people who were out of work would engage with the skills agenda in Leitch and how that would impact on their benefit entitlement?

Mr. Rooney: There are two issues there. Leitch focused on upskilling people who are in work. To that extent, there is not much in that agenda for those who are out of work. However, there are also impediments in the benefits system to those who want to do out-of-work training.

As it happens, just last week we visited a Prince's Trust project that runs a programme called Team, which is recognised nationally by the DWP as a work-related training programme. Notwithstanding that, nine different benefits centres in London were making the lives of participants on that programme a misery, and in some places they told participants that they had to leave the programme and go on the new deal. Part of Team's 13-week programme is a one-week residential. However, if participants did not sign on during that week, their benefits were stopped, even though Jobcentre Plus knows that that one-week residential is part of the course.

That lack of consistent interpretation of the rules among different offices is worrying. I do not suggest for a moment that we should finance people in education through the benefits system, and I do not think that the Committee does, either. However, where people undertake training or learning that will lead to a qualification for a

[Mr. Rooney]

job, that needs to be reflected in their benefit status. A lot of the rules are very unclear about how that is supposed to happen.

The engagement of employers is also a serious issue. The National Employment Panel does a fantastic job, and I think that Cay Stratton is brilliant. However, I suspect that as an organisation its position now is, "Well, you would say that, wouldn't you?" I wonder whether we need to breathe new life into the process, because there is now a lot of evidence that employers are getting a bit bored by the issue. At the end of the day, however, the employers are, after all, the ones with the jobs—not the Department, Jobcentre Plus or the Select Committee. We need to re-energise the engagement with employers, in respect of both what level of skills they want people joining their companies to have and what ongoing support is needed once they get into work.

John Penrose (Weston-super-Mare) (Con): The hon. Gentleman is putting the Committee's case eloquently. Does he agree that one of our other concerns about Leitch was that some of the traditional groups helped by the skills agenda—particularly those in middle or older age returning to work either because they have been caring or fulfilling family responsibilities or because they have been made redundant for a period—are not necessarily well catered for? They tend to have skills that are already above level 2—Leitch made the point that level 3 skills are equally important. Because such people are not in employment and do not have an employer to fall back on, the Government seem to saying, in paragraph 39 of their reply, that they will not help either, and that the cost will fall on the individuals themselves. That means that middle-aged people who are currently jobless and in need of a little reskilling are, effectively, being left in the lurch.

Mr. Rooney: I do not know whether I would go as far as to say that such people have been left in the lurch, but as a group they are not catered for. There is a lot of talk in Leitch and the Government's response about co-payment, as is so often the case across Government at the moment. Co-payment is fine in employment, but for a person not in employment, it becomes a non-starter. Another deficiency is that Leitch does not recognise that the starting point for people who have been out of the labour market for 10 or 15 years, as lots of lone parents have, should be the soft skills—building their confidence so that they can move back into work. Then we can move on to the academic or vocational qualifications. There is no real recognition of that in Leitch. It has always been difficult to quantify in contracting, but moving somebody a lot nearer to the labour market is every bit as valuable as getting somebody a couple of O-levels or A-levels, because it improves that person's employability and willingness and ability to work.

In our report on the pathways to work pilots, we made the recommendation, which we repeat in the report, that the Department should retain some of the savings gained from the reductions in benefit payments that result from people moving into work. This time, the Government response makes only a passing reference to that, yet the response to the same suggestion in Freud was extremely positive. The Freud report said that that is the way ahead and where contracting should go, and that the savings made from reductions in benefit payments should be recycled into getting more people into work and added rewards for contractors and providers.

The Committee made a related recommendation. Currently, if somebody is in work for 13 weeks, their job meets the Government definition of sustainable employment. We said that the measure should be at least 26 weeks, and Freud says that it should be up to three years. In their response, the Government retreat into saying that it should be 13 weeks, because the evidence is that by the time somebody has been in work for 13 weeks, most of the barriers have been removed. I am sorry, but that is just not true. If single parents who start work could stay in it for 26 weeks, we would meet the 70 per cent. employment target for lone parents tomorrow.

Natascha Engel (North-East Derbyshire) (Lab): It was even more interesting to see the Government response to that point. They said that the issue was not even about defining what sustainability in work was. All they said was that all the evidence was that the longer somebody stayed in work, the less chance there would be of their dropping out of the labour market again, and that that was the aim of the Government strategy. The Government never even sought to define "sustainability", so it was not even clear whether they thought 13 weeks' employment meant sustainable employment.

Mr. Rooney: My hon. Friend is absolutely right, as is evidenced by the contradiction between the Government response to this report and what happens in employment zones, where there are enhanced payments as long as the person stays in work. If that is right for employment zones, it should be right across the system. Bearing in mind that under the labour laws in this country, a person can be dismissed at any time in the first 12 months of employment without any reason having to be given, defining sustainability with reference to 13 weeks has to be a simple non-starter.

I move on to flexibility. At the moment, the training programmes depend on the benefit that the people are on. In this report and others, the Select Committee has argued that although the new deal has to a great extent been an outstanding success, it is now a 10-year-old product and it is time that it was refreshed and renewed. The Department has run two pilots: building on new deal—BoND—and "Ambition". Both show that moving to a training programme based on the individual's needs rather than the benefit that they are on is the way ahead. BoND has been abandoned because it was assessed as too expensive, but "Ambition" is being further piloted and moved forward. There is also the new deal plus for lone parents, which is a much more enhanced product. Our recommendations that we should move towards such initiatives have been downplayed in the Government response, yet Freud says that once somebody has been unemployed for 12 months, they need an individual tailored programme. The Department, the Government and Ministers welcomed Freud as the way forward, yet do not welcome the same things when we say them in our report. As I expect hon. Members have gathered, I am getting a bit paranoid about that.

The simple fact is that the labour market is different from how it was 10 years ago. The type of person in the inactive benefit system is different from the type of 10 years ago, and we need a new approach. I understand that the Government are imminently to make an announcement about flexibility in the new deal. I am looking at the Minister, but his expression is a little blank. If such an announcement is about to be made, why are the Government not a bit more positive in their response to the Select Committee's excellent report?

I move on to the issue of lone parents, about whom we made a number of recommendations and who are probably the biggest success story of the Government's welfare to work programme. The employment rate among lone parents has gone from about 43 per cent. to 56 per cent. However, in London it has hardly shifted; it has increased by only about 0.5 per cent. The rest of the country is doing pretty well in getting lone parents into work, but that is not happening in London. That is due to two things: the cost of child care and the cost of housing. I have been checking with people in the child care system in London and it seems that the average cost of full-time child care is between £250 and £300 a week. Even at £250, and even with the full child care tax credit, a person is still left paying £100 a week if they have one child or £260 a week if they have two. That comes from their net income; a lone parent needs a hell of a job to be able to pay those premiums and have enough money left. There is a real issue about the level of child care tax credit in London. Incidentally, the level of take-up is another important issue, on which we made one of the recommendations that got no response whatever.

As I said, the second main issue is housing costs in London. We found that for many different types of claimant, the point of change issue decides whether somebody moves into work. What is the situation at the point of change? The average local authority rent in London is £120 a week; it is about £250 a week in the private sector. A lone parent may have a very modest income on benefits, but at least it is secure; they know that it will turn up every week. If they rent, their council tax will be paid and the roof over their head will be protected. However, we ask such lone parents to move into an uncertain world in which, although their weekly income as such—with the minimum wage and the working tax credit—will increase significantly, their housing benefit claim will end and they will have to make a fresh claim as someone who is not on income support but working.

In London in particular, housing benefit administration is appalling; the length of time that it takes to process a new claim can be anything up to six months. A single parent moving into work would have to pay their own rent for up to six months while their housing benefit organisation sorted things out, on top of having to pay the child care costs—it is no wonder that they say, "No thank you. I shall stay on my modest income; at least I know that it is there every week." There is a real issue there.

The Committee raised another issue. At the moment, a person can get housing benefit and council tax benefit paid for the first four weeks following a move into work. We raised the question whether personal advisers could have further flexibility in rolling out other benefits. The answer was a flat no, and the Government have no intention of considering that.

In this day and age the vast majority of jobs are paid monthly, so, for example, a single parent of two children is asked to give up her benefit and spend four weeks with no income. The children of someone on income support get free school meals, but if the parent receives anything else they will not and the parent will have to find £15 to £20 a week to pay for those two children. Previously, such children might have been protected from school travel costs or child care costs. We need a more radical answer to the expense picture, in London in particular, so that people can cross the rubicon created by the security that benefits offer, even though the income is low, into the world of work. Once they are established in work, it might well all work out, but while they are waiting for all the other organisations, some of which are administratively useless, to do their bit, who would take that chance? Who would put their children at risk? Who would risk being evicted? It is not good enough.

We saw in New Zealand that the personal advisers have absolute flexibility. I found it a bit dangerous, in fact, because it seemed that they could spend any amount of money as long as someone accepted a job. We cannot go that far, but we need more flexibility for personal advisers, so they can help people to bridge the gap and get over the massive barrier to work. If I were a lone parent, I would think five, six or seven times before I crossed that barrier. More help needs to be given.

Freud's analysis is that if we do not make such interventions, we will continue to pay benefit for many years hence. For a lone parent, that will typically be about eight years. If they have two children, we are looking at £5,000 to £6,000 a year in benefit, which means £40,000 to £50,000 will have to be paid out unless those interventions are made. If it costs £5,000 to get someone into work, surely that is worth while.

Andrew Selous (South-West Bedfordshire) (Con): I am particularly interested in the hon. Gentleman's story about the flexibility that personal advisers have in New Zealand. Did that extend over a budget that they could spend on behalf of the jobseeker with whom they were dealing?

Mr. Rooney: We need to say two things about New Zealand. First, they have what is called a "work first" approach. If someone loses their job and approaches the New Zealand equivalent of the Employment Service, the system is geared towards getting them another job. In the United Kingdom, the system is geared towards establishing benefits. An awful lot of effort, technology and staff time is spent on getting the benefit established, and then people start to look for work opportunities. We need to consider how things are structured.

Secondly, I am not sure what the hon. Gentleman meant about "over a budget". Each adviser does not have a personal budget. It is uncapped. I suppose there will be a limit at which they would have to refer the matter upwards—we were not told that—but essentially, they have the freedom to spend whatever is necessary to remove the barrier that stops an individual moving into work. That might involve paying the mortgage or the rent for two months, or buying them a new suit. They even told us of cases where they had

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bought people cars, because the job was 70 or 80 miles away and there was no transport. They were not buying Bentley convertibles—they were TR7s—but the point is that we need that flexibility to remove the barrier that stops an individual from getting into work.

There would be a price cap. Obviously, we could not allow advisers to spend £25,000, because they would send people on holiday to make them feel better about themselves. However, we need that flexibility somewhere and the accounting process needs to be, "If we don't do this, we will spend this amount on benefits this year, the year after and the year after." The generational deprivation would otherwise be continued, and, although I hate to mention the Government's child poverty target, we will not reach it if we do not get more people into work.

The employment programmes at the moment are largely geared towards people who come on to benefits. For a new claimant, things move pretty well, but a "stock"—it is an awful phrase—of some 4.5 million are on inactive benefits. There is nothing substantial available to them to help them to get into work. Pathways to work and the employment and support allowance, which picks up on the pathways to work pilots and offers training, medical treatment and so on, help new claimants to get into work. That is fantastic, and it is right and proper, but there is nothing for the 4.5 million long-term claimants. To go back to Freud, he said that no impact will be made on those individuals unless we change the way in which government is organised and financed.

It is hard to give an average, but we could say that it costs about £3,500 to get someone into work. For those 4.5 million people, the cost would be in the region of £15 billion. The Government do not have that. If anyone stands up today and says, "Our party will do it," they will be misleading the House. It will not happen. Freud suggested transferring the risk to the private and voluntary sector—mainly the private sector—over a set period of three years. That period is too long, however, and it should be two years. If the provider gets those people into work within that period, it should retain the benefit savings less the cost of putting the person into work. That might not be the perfect solution, but it is the way forward, and it reflects entirely our recommendation on recycling benefits savings while retaining some of that in the Department.

I want to close with two issues that relate to single parents. First, last October an incentive to lone parents to engage in work-related activity was announced. It was the work-related activity premium, which had already been piloted in some areas and would be extended from 1 April. On 29 March, it was announced that the premium would be abolished, which sent out a dreadful message. Lots of organisations up and down the country advised their clients that the premium was coming and geared them up to potential work-related training and activity, and that was snatched away at the last moment.

My second point is to do with the increasing use of work-focused interviews. I do not have a problem with the principle that people engage in work-focused interviews to assess where they are on the return-to-work scale, where they need help and everything else. However, it is worrying—frightening, in fact—that there have been 40,000 sanctions against lone parents. Something is not working if that many lone parents do not engage with the system in the full knowledge that their benefits could be sanctioned.

The Minister helpfully replied to a question of mine the other day and set out the process, and it is almost impossible to get sanctioned because of the number of attempts that are made to get the person to take part in the interview. Notwithstanding that, there were 40,000 sanctions last year. Someone needs to consider that, because the system is obviously not working and nobody is benefiting. The individuals are losing benefit, and the Department is not getting people into work. Something is going wrong somewhere, perhaps in the training programme or the personal adviser programme. We need a close analysis of why 40,000 people have chosen to take a benefit hit rather than attend an interview. An interview is all that it is. It is not an instruction to go to work, it is theoretically a helping part of the process of moving people back into the work arena. That is a serious cause for concern.

2.59 pm

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): I wholeheartedly endorse everything that the Chairman of the Select Committee, my hon. Friend the Member for Bradford, North (Mr. Rooney), said. We engaged in the report because the subject is at the centre of the Government's welfare to work programme and because getting employment strategies right is vital for so many people.

We started off by acknowledging that the Government have got a lot right—I reassure my hon. Friend the Minister that we know that. The 2.5 million extra people in work and the amount of job creation in the past 10 years are signs of a successful economy and that the Government's employment strategies have been working. Over the years, the introduction of various new deal programmes has been successful in targeting particular groups.

To achieve the 80 per cent. target that the Government are now talking about, we need to consider what has been working best, what is no longer appropriate in the labour market and how we can particularly help the groups that are the most disadvantaged in going back to work. That is why we examined certain groups in particular in our inquiry, and my hon. Friend the Member for Bradford, North outlined those groups. I wish to cover two or three of the issues that we raised.

I mention again to the Minister the issue of definitions and what we mean by the 80 per cent. target. Our report starts with an analysis of the extreme ends of the spectrum—the 16 to 18-year-olds and the 65-plus-year-olds. The Government are actually more sympathetic to us when we talk about the 65-plus-year-olds, because there are an increasing number of them in the labour market. To exclude them from the 16 to 65-year-old group that forms the target for the statistics will become increasingly bizarre, particularly as the Government are actively encouraging people to continue working beyond 65

through changes to pension legislation. We need to examine the basis of the statistics.

At the other end of the spectrum, the 16 to 18-year-olds, we currently have an analysis through the Department for Education and Skills of the NEET—not in education, employment or training—group. However, we are also getting messages from the DFES that the Government are considering encouraging the overwhelming majority of young people to be in education or training until they are 18. It therefore seems illogical to count the ones who are in education and training as unemployed for the purpose of the statistics.

I accept the Government's response to our report. In it we say that they should leave the situation as it is but monitor it. If they come up with definitive proposals to require young people to remain in education until they are 18, it will be a nonsense to include them in unemployment statistics. Equally, if the Government are encouraging over-65s to remain in employment, it is bizarre not to include them.

For the time being I accept the Government's response that they will monitor the situation, but it is important that they examine what will happen in the future. Their response that the suggestions would make international comparisons difficult will not be sustainable in the long term. Other countries are doing exactly what we are doing—encouraging older people to remain in work and younger people to remain in education.

John Penrose: Will the hon. Lady give way?

Mrs. Humble: I give way to my Select Committee colleague.

John Penrose: I thank my Select Committee colleague. On a point arising from what she said, in the existing statistics the Government are trying to have their cake and eat it. They are including people over 65 who are in work in one part of the calculation but excluding them from the other. They are including them in the numerator of the fraction and excluding them from the denominator, thereby pushing up the percentage. It is clearly relatively meaningless if one does not compare like with like. The Government need to make clear why they think that is okay.

On international comparisons, fine, we may need some statistics, but that should not be driving what is right for British policy making. Let us have a target, definition and statistic that are correct. Then, if necessary, we can publish the subsidiary figures that allow international comparisons on a like-for-like basis.

Mrs. Humble: That intervention has highlighted to the Minister the sort of detail that the Select Committee went into. We not only questioned witnesses on numerators and denominators—I had to think back for a minute to my schoolgirl maths to try to remember what they were—but compared ratio with rate. I will not question the Minister on that.

We all know that statistics can be misleading. As the hon. Member for Weston-super-Mare (John Penrose) said, they should be tools to help to develop policy, so I want to start from the basis of an analysis of whether the parameters in which the statistics are determined are correct. More importantly I wish to reinforce what I think is the key message of our report, to which my hon. Friend the Member for Bradford, North referred, which is what we mean by employment. We let the statisticians and the Government off too easily by saying that because somebody has been in employment for 13 weeks the job is done. It is not. A lot of people start work and leave it a lot more quickly than that, and a lot leave just after the 13 weeks. Surely the success of an employment strategy is whether people are still in work after six months or a year. We have recommended 26 weeks.

Greg Mulholland (Leeds, North-West) (LD): *rose—*

Mrs. Humble: I give way to the hon. Gentleman, another colleague.

Greg Mulholland: I agree absolutely with the hon. Lady, my Select Committee colleague, on the fundamentally important points that she is making. Does she agree that we would like to hear from the Minister the Government's thinking on our recommendation that the sustainable employment measure should be 26 weeks, which I know they are currently considering? I also ask the hon. Lady, and thereby the Minister, whether we can examine not only ways to measure people going into employment in the first place but a more meaningful measure including such matters as the level of pay at which they start a job, their job sustainability, the length of time they are in it and their job prospects. That would meaningfully get people into the culture of work as well as into work itself.

Mrs. Humble: The hon. Gentleman anticipates a point that I shall come to. As part of an employment strategy, in determining what we mean by sustainable we must also consider what makes a job sustainable. We need to examine what barriers there are that cause people to leave work. For many people going into the labour market, certainly for lone parents, sustainability depends on such issues as appropriate, easily accessible and affordable child care. My hon. Friend the Member for Bradford, North pointed out that there are real difficulties here in London with the affordability and availability of child care. There are problems for parents of disabled children wherever in the country they live. The employment level of parents with disabled children is 16 per cent., which is abysmally low. That is not to say that all those parents want to stay at home with their children; they often want to go out to work, whether in a part-time or a full-time job.

We need to examine all the issues that make a job sustainable, which could include child care or the prompt payment of in-work benefits. My hon. Friend the Minister is not entirely accountable for that, because in-work benefits are paid through the tax credits system. There must be close working relationships with Her Majesty's Revenue and Customs to ensure that the transition from out-of-work benefits to in-work support is handled properly and that there are prompt assessments. As we heard earlier, there are issues about housing benefit. Some people do not realise that they might still be entitled to it when they are in work, depending on the level of their wages. Those people need to be made aware of that.

The issue of sustainability leads me on to the test that can be carried out to establish what people's income will be in employment as opposed to on benefit. As the Chairman outlined, many people on

[Mrs. Humble]

benefit are fearful that they will lose the security of their, albeit very low, income when they go into the world of work. They are not entirely sure whether all the entitlements that they receive in work will match those that they receive out of work. For the overwhelming majority of people, being in work pays, but it does not pay for certain groups, and some lone parents with high child care and travel costs might well be no better off or only slightly better off in work. If we are to ensure that work is sustainable, we need a strategy to address all those barriers.

Natascha Engel: Does my hon. Friend recall our visit to Jobcentre Plus in Newham, where we met three or four women claimants, most of whom were single parents? When we asked about the better-off calculation, which assesses whether people would be better off in work or out of work, the advisers told us that it was not automatically done for lone parents on benefit unless they specifically asked for it, which seemed absolutely ridiculous to every Member on the visit.

Mrs. Humble: My hon. Friend makes an excellent point. If the Government are really serious about adopting a "work first" approach, it must apply from the initial interview—from someone's initial contact with the Department for Work and Pensions. We heard examples such as that of a mother who had been widowed and who had young children at home, and it could of course be hurtful to talk to such people about better-off calculations when they have recently been bereaved. There will of course be exceptions, but individuals should be offered the calculations as soon as possible, because many people do not know their entitlement to in-work support or employment law support. Many people—particularly young women—are unaware of the excellent legislative changes that the Government have introduced on the work-life balance to give them all sorts of entitlements, such as time off when their children are ill, statutory holidays and new arrangements for maternity pay.

The Government have a responsibility to advise people about such issues to ensure that they go into work, that that work is sustainable and, to pick up an earlier point, that there is the possibility of advancement. One problem that has been raised with me as a constituency MP is that when people are in fairly low-paid jobs and have little hope of advancement, the jobcentre does not give them advice because they are already in employment and are expected to look in the newspapers and find things for themselves. However, many people in the lowest paid jobs lack skills, might not have educational attainments and, quite honestly, often do not know where to look for opportunities to re-skill so that they can get into jobs that offer them a lot more. Long-term sustainability means having promotion prospects and being able to move from basic, entry-level jobs to more interesting, better-paid jobs. I therefore urge the Minister to look again at our recommendations on the issue.

As part of that, I want to repeat a recommendation that was made in earlier reports about the pilots to build on the new deal. In a report some time ago, our predecessor Committee pointed out that the original new deals worked well and put something new in place to support lone parents, people with disabilities, over-50s and the like, but many people might be over 50, a lone parent and disabled. The Committee recommended then, and recommends now, that personal advisers should not categorise individuals as belonging to one little group. People should be seen not just as lone parents, for example, and advisers should consider whether there are age, gender or disability issues.

We were pleased when the Government set up the building on new deal pilots, but they did not go anywhere. In the present report, we ask what has happened to BoND. Can we have a rebirth please, if not of BoND, then of something very similar—*[Interruption.]* The Minister now has a whole series of recommendations on the matter, but I will refrain from making any. I simply say that we must not label people when they walk in through the door, but see them as individuals who need support for their particular needs. That in turn means that we need appropriately trained staff with the range of knowledge and experience necessary to deal with individuals in the round and the flexibility to do so. However, the Government have not only not given personal advisers more financial flexibility, but have reduced the financial flexibility that they currently have. The limited amount of money that advisers had to buy people a new suit to help them get into work, for example, has been reduced. However, we are constantly told in our inquiries that that small amount of money can make the difference between somebody going back into work or not going back into work. Will my hon. Friend the Minister look into that?

That leads me on to two final points, one of which leads into the other. There are too many pilots. We keep reading of pilots, and they usually work. They do a good job, and somebody in a particular area will benefit, but nobody in other areas does. I am sorry, but I really am going to have to get a dictionary out when I leave to look up what starting a pilot actually means. To me, it means that if things work, we then look at extending them throughout the country. One such pilot, which was mentioned earlier, was the new deal plus for lone parents. We have been told that it is working well where it is in place and offering lone parents just that little extra. Similarly, the Committee's report calls for the work-related activity premium to be extended to parents of secondary school-age children, because it has worked well where it has been implemented.

There is a lot more that I could say about our report, but I will not, because colleagues want to get in. The Government have done so much good on this issue, but it is now time to build on that, to build on the pilots and to reconfigure services. In the Committee, my hon. Friend the Minister has a group of Members from all political parties who work hard and produce excellent reports with excellent suggestions. Will he please listen to us as much as he does to some of the external organisations and individuals that he commissions to produce very similar reports?

3.20 pm

John Penrose (Weston-super-Mare) (Con): I want to endorse and to follow up on many of the excellent points already made by my Select Committee colleagues: the Chairman, the hon. Member for Bradford, North (Mr. Rooney), and the hon. Member for Blackpool, North and Fleetwood (Mrs. Humble). In particular, it is

important that we should not forget the points made about the Leitch report and its endorsement of the skills agenda, particularly for those over 25 and out of work. We have already heard how co-payment is not a viable opportunity or option for those people. I also endorse my colleagues' comments about the Freud report and its suggestion about reinvesting benefit savings in bringing more people into work. Those look like excellent suggestions and I await with great interest the Minister's response and in due course the Government's more detailed response to Freud.

Before I go any further with my comments, I should apologise to the Minister and to my hon. Friend the Member for South-West Bedfordshire (Andrew Selous), because I must leave before they sum up. I hope that they will forgive me for that.

I want to expand a little on the point about flexibility for local advisers. We heard time after time, in many items of evidence, that that is vital. However it is, I think, contrary to many of the instincts of a large bureaucracy that goes for central control. It requires a degree of courage to allow the professionalism and excellent training of many of the advisers to be used to its fullest effect. Yes, some sort of control can be exercised by imposing a budget, so that flexibility does not run out of control, but it seems to be one of the most effective ways of allowing individual jobseekers to be treated as individuals, and their personal and specific circumstances to be taken properly into account.

Therefore, it is particularly disappointing that the Government's response, at paragraph 65 on page 14, to our recommendation that personal advisers be given greater discretion over further benefit extensions, is:

"The duration of these payments is four weeks, to help the claimant until their first in-work payday. The Department considers that benefit extensions beyond this timescale have no policy justification."

That is peculiar, to put it politely, because in paragraph 34 of the same response the Government say, in discussing whether it makes sense to extend the definition of sustainable employment to 26 weeks or beyond:

"The purpose of monitoring sustainment over a shorter period is twofold: statistics show that the risk of becoming workless decreases over time, outcomes in the short to medium term are a good indicator".

Thus the Government are accepting that the longer someone is in work, if they can be got over that initial difficult period at the start of work, the better; there is a massively improved likelihood of staying in work. Surely that provides them with precisely the policy justification, which they said in their response in paragraph 65 did not exist, for giving advisers more flexibility to get people over the initial introductory hump, settle them in and ensure that they remain in work for the crucial first weeks and months, by whatever means their circumstances make necessary. I hope that the Minister will give a proper response to that.

I was disappointed with the Government's response to the various points that were made about discrimination. Discrimination is extremely difficult to quantify. The assumption that tends to be made is that it is the remaining explanation for any differentials in employment rates for different groups, after all the other explanations have been used. However, it is difficult to understand precisely how much discrimination affects different groups. Nevertheless, the evidence that we received included a wealth of anecdotal certainty among many different groups that discrimination is real and affects many different jobseekers severely. Whether someone is elderly, from an ethnic minority, or in some other category, discrimination in one form or another is potentially a serious barrier to work for some people.

It is important to understand that discrimination is not exercised only by employers, although I am afraid to say that it does occur with some employers. It may have other sources. Members of a person's family or community might frown upon their going into work, so that they must overcome a societal barrier. I am very concerned that the Government's response on this, whenever we have asked Ministers about it in evidence sessions—and, indeed, in the response to the Committee's report—seems to be to postpone it, and to say that a report is coming up. Real hard suggestions are absent and that is deeply worrying at this stage. I hope for some concrete suggestions, because it is a difficult area to understand but it is vital to do so if we are to take on this task properly.

I am conscious that other hon. Members want to contribute, so I shall limit myself to one more point. To return to what the hon. Member for Blackpool, North and Fleetwood said about the Government's targets and whether 80 per cent. is right, she will, I am sure, be pleased to hear that I do not plan to go into any more detail about numerators and denominators, but it is important, from a conceptual point of view, to understand who we expect will get into work, and who we expect will not. The Government have said that they want 80 per cent. of some fictional number—the number of people in work divided by the number of people below retirement age, which is a strange figure anyway—to be in work. That implies that they have a view that the other 20 per cent. are not supposed to be in work. We need, as a country, to be clear about who is in that 20 per cent., and why that is the figure. What is the justification? Where is the evidence to support it?

The Government's response on that point looks pretty woolly. Paragraph 8 of their response to our recommendation states:

"The Department's view is that producing a list of groups not expected to work would be likely to limit the aspirations of those who could potentially re-enter the labour market with the right support."

I completely accept that if the message were wrongly conveyed, that interpretation might be taken, and that is not the Committee's intention or, I am sure, the Government's. However, it must be possible, particularly given the Government's vast resources of spin doctors and so on, to get the message across in a way that does not have that impact.

I remind the Government of their own comment in paragraph 10:

"There will be many disabled people and carers, for example, for whom employment is not a viable option."

They say that they do not want to identify such people, because it might limit their aspirations; then, two paragraphs down the very same page, they have done it. It is clearly possible, provided that it is approached sensitively and with a degree of understanding, to explain that people may not be expected to re-enter the

[John Penrose]

labour market, because it is difficult for them and it may be unreasonable to put them under that pressure, but that the Government want to give them the opportunity. The Government did that extremely carefully in their recent proposals to reform the incapacity benefit system. The support group has exactly such a definition behind it; its members are not expected to be in work, and will not be put under pressure to enter work, but if they want to get into work and volunteer for the process, they will be welcomed, supported and encouraged. Not only that group of people, but others should be given clarity about whether they are expected to be in work.

What will be the approach to people who are retired? We know that people over 65 will probably be encouraged into work in future, but are they expected to be in work? If not, let that be made clear: let us say that they are part of the 20 per cent. of society who are not expected to be in work, and that if the Government want an excuse for not attaining more than 80 per cent., with respect to their target figure, that is a reasonable one. We should not beat up Ministers for failing to get retired people into work when they do not want to be in work. I am trying to help the Government out by suggesting that as a potential answer to future criticism. Equally, as has been mentioned, we should consider people in full-time education. It may be unreasonable to expect them to be in full-time work.

I encourage the Government to be bold and clear about this issue. Who do we expect to be in work, and who do we not expect, but encourage, to be in work? Once those groups are defined, it will not be difficult to quantify them with at least reasonable accuracy, so that we know whether 80 per cent. is the right figure to aim for. If we have quantified groups of people who are not expected to be in work and they turn out to be 30 per cent. of the population, rather than 20 per cent., an 80 per cent target is ridiculous and we should reduce it to 70 per cent. Similarly, if those people are actually only 10 per cent. of the population we should raise the target, because 80 per cent. is too easy. It is important that the Government are not precisely wrong on the figure in saying that it is difficult to measure. It is important, however, that they are willing to be approximately right and say that they can define the groups and, within reason, distil from various statistics how many people there are in those classes, so that we know whether they are aiming at the right target.

That is an important point. If we do not have accurate statistics and targets, the Government will, by definition, be pointing their policy towards achieving an invalid or incorrectly grounded policy objective. It is therefore fundamental to the way in which the Government approach things that their targets are worth while—they are fond of targets—and provide a sensible direction for policy. This one in particular needs substantially more work.

3.30 pm

Natascha Engel (North-East Derbyshire) (Lab): I am absolutely delighted that the Select Committee has secured this debate. This is one of the many reports we have done to which the whole Committee was very committed.

On the one hand, the Government have been most successful in identifying an incredibly ambitious aspiration of 80 per cent. of people in employment. They also identified work as the best route out of poverty—I believe that everyone on the Committee agreed with that—and therefore also as the single best way of ensuring that their other ambitious targets to end child poverty are also met. The Committee applauded what the Government are doing in respect of the 80 per cent. target, and therefore was excited about examining the detail behind the strategy. We focused on the strategy, and that is where we were most critical. I should like to focus on it a little now.

The strategy falls into many different parts. Further to the point made by my hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble) about pilots, there have been some immensely successful pilots, and immensely successful examples of getting people back into work. One of the pilot areas for pathways to work in my area of Derbyshire, which we visited quite a while ago, informed much of the Committee's debate and much of what went into the report.

We saw that the more individualised and tailored the support, the more people had success in making the leap from out of work into work. The more tailored the support—and, by the same token, the more expensive the support—the more successful the strategy was, not just in placing people in work but in keeping them in work for any length of time.

That goes to the heart of the problem that we as a Committee had with the strategy. It has been mentioned already, but is worth mentioning again, that the system and the Department for Work and Pensions at present look at the whole system—the whole strategy—of getting people back into work in terms of the benefits that they claim. They do not consider the individual or the barriers that they face in going into work. That has a huge implication for anybody who claims anything other than one simple benefit. For anybody who has multiple disadvantages—many different types of disadvantage—there is an issue about which benefit is the basis for getting them into work. We need not only a system change but a culture change, but that will not happen just by tweaking the present system. Other Members have spoken about the changes that they would like, but I go back to the point that the more tailored and individualised the support, the more successful it will be.

The report deals with one of the big problems with strategies to get people back into work, which is that at present everything is delivered through Jobcentre Plus. Jobcentre Plus does an excellent job at many things in many parts of the country, but the focus is almost exclusively on job entry. Although there are bits about keeping people in work for a certain time—and we can discuss until the cows come home what that period should be—what Jobcentre Plus really focuses on is job entry. The proportion of people who come back to claim benefits, and who go back through the doors of Jobcentre Plus, is 70 per cent. That is a staggering figure. It tells us that there is something seriously wrong with the kind of work that Jobcentre Plus is doing. There is a revolving door, a churn—whatever one wants to call it. People go to Jobcentre Plus and are

placed in work, but they fall out of the labour market far too quickly and come back through the doors of Jobcentre Plus again.

There are plenty of statistics about keeping that 70 per cent. out of Jobcentre Plus, keeping them in the workplace and meeting our 80 per cent. target. All sorts of different statistics are bandied about, but they indicate that the system is not really succeeding at keeping people in work.

The report also points to what the Committee identified as a sort of a tick-box mentality in either the DWP or Jobcentre Plus. Once somebody has gone for 13 weeks, or however long it is, the box is ticked and their case notes go into the files. The person does not really matter until they come back through the door, when their case notes become live again. Not only is that enormously inefficient and expensive, but it is not very good for the individual who bobs in and out of the labour market and is just running to keep up. The Committee focused on that.

That brings me to the point about work first, work first plus and Lisa Harker's report. Freud and Leitch were enormously interesting to read and enormously informative, but Lisa Harker's report on child poverty targets is one of the best reports that I have ever read. She proposes the idea of work first plus. Under the New Zealand model, when somebody comes through the doors of Jobcentre Plus, the focus would be on work—not benefits—but not only on work. The focus would be on good work. Not only are people being churned through the doors of Jobcentre Plus, but we also have many people who are in poverty at work, and that is very alarming. I go back to the points made about lone parents and lone parent benefit, and how we must create a system whereby it is worthwhile for somebody to go back to work. Work is about a lot more than just earning money to survive. It is about creating social networks, and progression and personal development.

That brings me to retention and progression. An alarming aspect of Leitch was the description of our economy as having many low-skilled or unskilled jobs and many high-skilled, high-technology jobs but really nothing in the middle. It is difficult, given the state of our economy, to progress from a low-skilled, low-paid, often menial job through the labour market into a higher-skilled, higher-paid job. We must look at that situation in a sophisticated manner and develop policies to deal with it. Much is said about in-work skills and "Train to Gain", but we must also consider how our economy is structured. That would go a long way towards ensuring that we keep in touch with people once they are in the labour market, rather than just letting them bob in and out without gaining any skills or any really useful experience other than how to sign on again.

The Government's response to our excellent report on their employment strategy referred frequently to the Freud report. I am aware that the Government have not yet responded to it. I would like to make a bid in respect of the response. The Treasury will produce a response to Leitch, and the DWP will respond to Freud. Would it be possible to produce a hybrid response to both reports that addresses skills and welfare at the same time? That is essential if we are to deal with the skills development agenda but also keep people in work and reach the 80 per cent. employment target.

The Freud report talks a lot about the radical proposal of regional prime contractor-led monopolies and consortiums bringing in local private and voluntary sector organisations to deliver welfare in each of the regions. The Committee produced its report when the Freud report was happening in the background. All members of the Committee welcomed some of Freud's proposals and thought that they were new and interesting. We will certainly look at them in far greater detail, but we had slight concerns about the effect that such a large regional consortium would have on the local provision that is currently good. Some local provision is not good, but some is absolutely excellent. There were also concerns about the ultimate effect that proposals would have on Jobcentre Plus, which has a good district-based network of not just personal advisers but jobcentre managers, who are part of networks and liaise with local authorities and private employers. There is a danger that making consortiums far too big would undermine the good work that is happening and if it is done in the wrong way, the Government's 80 per cent. employment target could also be undermined.

The proposal for city strategies was in the Welfare Reform Act 2007 and was discussed in our report and the Government response. The Committee visited Glasgow and I have recently found out about the Manchester city strategy. City strategies work best where there are close personal working relationships, not just with Jobcentre Plus, but with local authorities and different local providers. The key to the success of city strategies has been the pooling of resources and budgets. It is fundamental to the success of city strategies that those operating them are in control of the resources and budget. City strategies that have not yet been so successful have not been running for long and we should give them more time because it is a no-brainer to say that city strategies must work. Pooling resources and bringing together people with an interest in the strategies has to be a good thing.

As my hon. Friend the Member for Blackpool, North and Fleetwood mentioned, Jobcentre Plus and city strategy partners are losing flexibility because the Government have recently centralised the procurement budget. That undermines the help and support that can be brought in at a district and city strategy level in order to better and more easily reflect local labour market needs and the needs of local claimants. Nationally pooled and spent budgets means that the local labour market angle is totally lost, which we warn against in the report.

Finally, the Government response states that there will be

"a small number of consultation events in May 2007"

on the Freud report. I am not aware of any consultation events although I have been looking out for them. I would like to know where they will be, when they will be and who can take part in them. The issues raised by Freud are dramatic—such as moving welfare delivery from Jobcentre Plus to the private sector for people who are out of work. That is a dramatic shift and I understand that the DWP will be piloting Freud's recommendation before it is introduced. As it is such a

[Natascha Engel]

dramatic shift from the way that welfare is currently delivered, consultations should not take place not just in May, but for a much longer time. We need the opportunity to scrutinise that proposal much more carefully to ensure that the good things are not wiped out.

I do not wish to be too negative and will end on a positive note. The whole Committee agrees that the 80 per cent. target is wonderful; it was just the way to reach it that we had slight concerns about.

3.44 pm

Danny Alexander (Inverness, Nairn, Badenoch and Strathspey) (LD): It is a pleasure to be here. I feel a bit like an intruder because so far all the speakers have been members of the Committee—it is only the Front-Bench spokespeople who are not. Having listened to the quality of the contributions from all parties and all members of the Committee, it is clear that the Committee is well on top of its brief and knows what it is talking about. That comes through in its excellent report, which offers a strong critique of the Government's employment strategy, albeit phrased in the careful, constructive, none the less critical language that we have heard from all members of the Committee. In particular, the Chairman, the hon. Member for Bradford, North (Mr. Rooney)—who I am sorry has left the Chamber so will not hear me say this—gave an excellent introduction to the debate and clearly set out the wide range of issues that need to be considered in relation to the Government's employment strategy.

The last sentence of the contribution of the hon. Member for North-East Derbyshire (Natascha Engel) summed the matter up: it is not the 80 per cent. target about which we are worried, it is how we will achieve it. That is the question. All parties think that it is right to have the objective of getting more people into employment, particularly from the disadvantaged groups that are mentioned in the report. That is the right objective and a considerable amount of good work is taking place.

The Committee said in the report, and I believe strongly, that the overall employment strategy and target for significantly raising the employment levels of people with disabilities and on incapacity benefits must be a big part of successfully delivering on that objective. That is not a matter considered extensively in the report because it was the subject of a previous report by the Committee. None the less, it is important to place on record that if the numbers of people in employment in this country are to be significantly increased, it is important to get people off incapacity benefit or its successor—the employment and support allowance. The Minister and I spent many a happy hour in the Committee that considered the Welfare Reform Bill considering that matter in detail and I was delighted that many of the amendments introduced by the Liberal Democrats in Committee were accepted by the Government when the legislation reached the other place. That is a welcome sign of the Government's willingness to listen.

However, as the Chairman said in his excellent introduction, the Government response is thoroughly inadequate, and does not address many of the points that were made. It is uncharacteristic for the Minister to be inadequate; normally when we discuss these matters—not least at the recent international gathering on welfare reform—he is robust and clear in his opinions. That does not come through effectively in the Government's response.

3.48 pm

Sitting suspended for a Division in the House.

4.3 pm

On resuming—

Danny Alexander: I think that I had finished the point that I was making, but I am sure that, if I repeat myself, hon. Members will bear with me. The Select Committee's excellent report dwelt in detail on a number of the important issues that need to be dealt with for the Government to meet their targets relating to raising the employment rate. I am referring in particular to issues relating to older people—the over-50s—ethnic minorities, the cities strategy, to which I want to return in detail, and multiple disadvantage, which is, if I may say so, the fundamental burden of the report. That has come out in a number of the speeches that have been made. I do not intend to go into detail on all those matters, because many of the points that I intended to make have been made by members of the Committee. I think that I have made the point, but it is worth repeating that, in looking in total at the way in which the Government—

4.4 pm

Sitting suspended for a Division in the House.

4.13 pm

On resuming—

Danny Alexander: A critical part of the Government's strategy to meet the target to increase the number of people in employment must be to tackle the low rates of employment among people who are disabled or who have long-term sicknesses, as well as focusing on the groups that are rightly dwelt upon in the Select Committee's report. I know, from our discussions in other debates and Committees, that the Minister is well aware of that.

In his opening speech, the Chairman of the Select Committee voiced his concerns about the poor quality of the Government's response to the report and their inadequacy in addressing many of its important points. It seems that Ministers are in the mood for apologising at the moment—the Chancellor has certainly been in the habit of apologising for other Departments' mistakes recently. I know that the Minister has great aspirations: perhaps he could take a leaf out of the Chancellor's book and apologise to the Committee for the Government's poor response, but that might not be his style. I do not know; we shall see.

Natascha Engel: I do not think that the Committee really wanted an apology from the Minister or the Department. We simply wanted the Department to

address some of the important points that we made in order to ensure that we better reach the 80 per cent. employment target.

Danny Alexander: I am grateful for that intervention. Perhaps the Minister will, instead, acknowledge the inadequacy of the Government's initial response to the report. That would be a good way in which to address some of the points that the hon. Lady rightly made, which I shall now address.

We must consider the report in the context of overall performance on employment. I am sure that the Minister will dwell upon the rises in the number of people in employment under the Labour Government, but despite that increase, the UK employment rate is no higher than it was at the peak of the last economic cycle. Indeed, according to figures that were released yesterday, it is slightly lower. That throws into stark relief the scale of the challenge.

The composition of the employed population has changed slightly. There has been a fall in the male employment rate, which has been balanced by a significant rise in the female employment rate. That goes to some of the social exclusion issues that have been raised. A significant part of the population is workless and there are workless households. Some of those issues were addressed by the Committee in the context of multiple disadvantages. Raising those people's employment aspirations and employment rates will be an important part of meeting the target.

While the employment rate of groups such as the disabled and lone parents has risen steadily in the past 10 years, albeit from a low base, the employment rate of people with the lowest qualifications has fallen from 58 to 49.4 per cent. since 1992. Those figures highlight the points that have been made about the synergy between the Freud report and the Leitch review and the importance of the skills agenda in pushing the employment strategy through. According to yesterday's figures, the employment rate in the UK is 74.4 per cent., so we are still some way from meeting the 80 per cent. target.

Other points have been raised that are worth reflecting on. Both the Chairman and the hon. Member for Blackpool, North and Fleetwood (Mrs. Humble) talked about the importance of engaging with employers. That point has been made throughout our debates on welfare reform. I have said several times that the Government's policy on employment seems to be largely supply-oriented, the view being that if they put in place policies to get people ready for work, employers out there will simply absorb those people into long-term, sustainable employment.

For people in some of the groups that we are discussing, particularly the multiple-disadvantaged for whom disability is part of that, there is still a significant amount of work to do to change attitudes. We need to work with employers and to have a long-term relationship with them to ensure that they are willing, ready and able to employ people after work has been done to prepare those people to enter the labour market. The Government have not really applied themselves to doing that. The Secretary of State's recent announcement about the partnership programme with large employers such as Tesco is a welcome step in the right direction, but it is practically the first thing that the Government have said about engaging with employers that has any substance. I welcome that step, but we need to see much more progress in that area.

The report rightly dwells on labour market disadvantage and identifies several different elements of disadvantage in the labour market. That concept is much more useful than the approach that the Government sometimes take, particularly in relation to disability. During our debates on the Bill that became the Welfare Reform Act 2007, I suggested that we should identify labour market disadvantages rather than identify barriers using medical terminology. That is a better way of thinking about the position that many people in society are in—suffering from multiple labour market disadvantages—and recognises the social context rather than placing the barriers firmly with the individual, which has too often been the Government's approach.

The Committee's report was published before Freud's, but the news of his publication was already in the public domain. In a sense, the Committee's comments on the Freud report are limited, but there are clear synergies between what David Freud said in his report and the points that the Committee has made.

The Government have talked about piloting. The hon. Member for Blackpool, North and Fleetwood made the sensible point that we have a lot of pilots, but not many aeroplanes. Pilots come and go, but the idea of programmes taking off across the country sometimes falls by the wayside, in some cases despite considerable success having being identified in pilots. Her point is an important one: when pilots are successful, the learning, knowledge and ideas from them need to be applied.

The need to have full consultation has been mentioned. We do not know anything about the events in May. The Minister indicated that this might be one of them, but our only clue about that is that it is May. Full consultation and discussion about the ideas in David Freud's report need to take place, and we look forward to the Government's response.

The hon. Member for North-East Derbyshire asked why the Department for Work and Pensions and the Treasury do not get together, in an astonishing feat of joined-up government, to publish a single, combined response to the Freud report and the Leitch review. That is a good suggestion, but I suspect that her faith in joined-up government may be considerably greater than mine. If the two Departments could find a way to get together on that, it would signal that the skills agenda and the Freud review's agenda of bringing labour market services to those who need them in a more targeted and personalised way over the long-term had been taken forward.

There are concerns in relation to the Freud review, although they are not about the review itself. I welcome its content and believe that, in some areas, which I shall come on to, the Government could go further in the direction that he signalled, rather than hold back. The Minister is not one to hold back, and I hope that he will not do so in this area.

We should examine the role of the voluntary and private sectors in delivering welfare to work services.

[Danny Alexander]

The long-term funding model suggested in the Freud review takes account of the fact that the money that will be paid in benefits to people should they remain on benefits for a long period is, in a sense, a payment for failure. If that money can be used to help to stimulate greater, targeted activity in the private and voluntary sectors to help people back into work, that must be a good thing; it would be a good funding model. It would better reflect the idea that we should spend to save in this area and seek long-term investment that delivers long-term benefits. The Treasury has perhaps not historically been comfortable with such a funding model, but I hope that the Minister will push it forward.

I wonder whether the Minister, when examining the Freud review, will be inclined to rethink some of the proposals that have been put forward in the cities strategy. A discussion of the strategy was an important part of the Committee's report. In some areas, the Freud review contradicts, or is, at least, in a slightly different current of opinion to, the ideas contained in that strategy. The Freud review seems very much to be about bigger contracts and contracting out—concerns have been expressed about the way in which contracting is being centralised—whereas the cities strategy is about devolving to city level.

I have another concern. Although the emphasis in the Freud review is rightly about engaging with and utilising the innovation, skills, experience and benefits of the voluntary and private sectors, in the implementation of the cities strategy, engagement with—this is certainly the view that I have heard from providers—private and voluntary sector contractors seems very much to be an afterthought by the cities strategy consortiums that have so far been set up.

The boards and the consortiums in the city strategies are perhaps naturally public sector led, but, in many cases, they exclusively involve the public sector, bringing together Departments, local authorities, quangos and other public bodies. They do not bring on board the expertise, ideas and innovation that the voluntary and private sectors can bring to the table, and which the Minister has, in other contexts, rightly celebrated.

I hoped that those sectors would be brought in at the beginning of the city strategies, rather than as an afterthought. I hope that the Minister will explain some of his thinking, because the feedback that I have received has suggested that that is not happening in some of the city strategies. Some of the more sceptical responses that I have heard have said that the city strategies are more about bringing services back in-house, perhaps within local authorities, than about utilising the sorts of services and ideas that the Freud report rightly highlights.

The Chairman of the Committee rightly said that there is no point replacing Jobcentre Plus with, as he put it in an aside, large private sector monopolies. On the centralised contracting process and the lead contractor model, the Committee's report identifies the risk that the lead contractor model could lose the very local innovation that has taken place. I should particularly highlight the work of the Shirlie project in Inverness, which the Minister is yet to visit, despite a commitment to do so. I am sure that in many of the constituencies of the hon. Members present, and in mine, that degree of local innovation could well be lost in the lead or prime contractor model. I hope that the Minister is conscious of that when developing the contracting process.

The Committee rightly concentrated on the fact that many people who wish to get back into work face multiple barriers to work. The sort of help that is available under the current system depends on the benefit that one is on. The system means that many people do not get access to the help that most suits their needs. Many of the support services available under pathways to work are not available to people on jobseeker's allowance, despite the fact that we may be talking about someone whose most significant barrier to employment is a low-level mental health problem. Getting help through the national health service is an integral part of the pathways model. Accessing such services as a matter of course is much harder for people on jobseeker's allowance.

That sort of thinking in silos needs to be broken down, and service needs to be much more personalised. The Committee has rightly highlighted the experience gained from its visit to New Zealand. I recently had the pleasure of a brief visit to New Zealand and Australia. In Australia, the jobseeker classification instrument, which sounds like a weapon of torture but is a means of assessing the range of different disadvantages that someone faces, provides, at the start of the process, a much clearer method of analysing the variety of different barriers that an individual might face in getting back into work. No matter which benefit someone is on and no matter what their main barrier to labour market participation, the process of having the jobseeker classification instrument applied to them—that sounds terrible and I am sure that I could have phrased that better—means that they get directed to precisely the sorts of services that are needed to address the specific barriers that are most important to them.

In Australia, people are also then directed to the private and voluntary sectors through the job network that exists in Australia, not just for people who have been on benefit for more than a year, but for nearly all claimants after three months. That experience needs to be evaluated more closely to see whether the Freud review goes far enough in terms of the extent to which the experience and innovation of the private and voluntary sectors are used.

The Committee's report also made the point that in New Zealand, the assistance and support that are available to get back into work are based much more on the needs of the individual, rather than on the individual benefit that they are receiving. The concerns about that are reflected in the fact that the building on the new deal programme seems to have disappeared off the face of the earth. Perhaps the Minister will explain what has happened to it, because I am sure that he knows what has happened to it.

The Committee made the point powerfully in its report that there should be much more focus on retention and ongoing support in employment—not just getting someone into a job, but ensuring that that job is sustained and that they move perhaps to a better job and then to a career. The ABC of labour market participation is a job, a better job, and then a career.

Taking someone through that process should be a big part of the Government's employment strategy. Work first may be right, but there must be an emphasis on sustained labour market participation and not on the sort of recycling that we have seen too often in the new deal programmes.

The hon. Member for North-East Derbyshire is no longer in her place, but she made the point that some 70 per cent. of Jobcentre Plus customers are recycled again and again. Dealing with that problem through sustained engagement with the individual and the employer can be a way of building those long-term relationships. I saw that when I visited the working neighbourhoods pilot—yet another pilot, to take the point that was made by the hon. Member for Blackpool, North and Fleetwood—which has been very successful and has engaged with people in a particular ward in Glasgow, not just to get them into work, but to continue that engagement, sometimes over a sustained period to enable them to move forward.

At the end of its report, the Committee addressed benefits simplification and in a few short paragraphs pointed out a particularly important area for ongoing consideration. I am delighted that the Committee says that it is planning to carry out another inquiry into benefits simplification, and I greatly look forward to its results.

The Committee concluded that the effects of complex benefits can be significant in terms of barriers to the labour market. It pointed out one or two areas where barriers exist—for example, income disregards. The point has been made in the debate about better-off-in-work calculations, particularly relating to lone parents. I would add to that the relationship between benefits and tax credits, and the fact that they are dealt with by different Departments. Different bureaucracies mean that the interaction between benefits and tax credits, which are now a big part of understanding whether someone is better off in work, is not well understood. Jobcentre Plus is not always easy to access for someone trying to gain an understanding of their position.

There is a wider issue where we could go further. The Committee went to New Zealand, so Committee Members will know that detailed consideration has been given there to moving towards a single benefit for people of working age. That important idea merits further discussion. Clearly, there are issues of detail that need to be worked through, but the idea is to remove many of the complexities and distinctions between benefit levels, depending on why someone is out of work, and instead, for example, in relation to disability, provide support much more through disability living allowance, which is payable whether or not someone is in work, as opposed to having different levels of benefit dependent only on whether someone is out of work. That would be a more coherent and straightforward way to approach the matter, and would remove much of the complexity that too often disadvantages those who are seeking to get back into work.

The Minister has suggested in previous debates that that may be worth exploring, and perhaps he will give us a wee hint as to how the Government intend to move forward. Moving towards a radical simplification of benefits, while not without pitfalls, could make a big difference to employment and to delivering the Government's employment strategy.

4.33 pm

Andrew Selous (South-West Bedfordshire) (Con): It is a pleasure to serve under your chairmanship, Mrs. Anderson, and to be back here. I was a member of the Select Committee throughout the last Parliament, and I have happy memories of Thursday afternoons contributing to these debates.

It is excellent to see my old colleague and veteran of the Committee, the hon. Member for Blackpool, North and Fleetwood (Mrs. Humble), who must be in her second, if not third Parliament on the Select Committee. It is wonderful that such knowledge and expertise is retained, and I am sure that all its members are grateful for that experience—I see some hon. Members nodding. It is extremely useful to a Committee to have that collective knowledge going back.

I am thrilled that we are having this debate this afternoon, because the matter is tremendously important. We have heard many positive ideas this afternoon. In such a debate, there have inevitably been criticisms, but there have also been many constructive suggestions, and it is in that spirit and that vein that I make my remarks this afternoon.

The Government told us, rightly, at the beginning of their response that some 2.5 million more jobs have been created in this country since 1997, and many of those will have gone to migrant workers. Some 1.24 million 16 to 24-year-olds are not in education, employment or training—they are often referred to as NEETs—and we know that, overall within the economy, some 2 million economically inactive people want to work, but do not appear in the unemployment figure of 1.7 million, which came out yesterday. If that 2 million is added to the 1.7 million, around 3.7 million people of working age want a job but do not have one, which is why this debate is so important.

I want to start by looking at training and the skills agenda, because I think that is the key issue in the Government's employment strategy, and I think that they recognise that. The Treasury commissioned the Leitch report towards the end of last year, and we shall see the Government response in due course.

Last month, my attention was drawn to an article in one of the magazines that come across our desks by Professor David Ashton of the Centre for Labour Market Studies at the university of Leicester. It was entitled "Learning and training are two skills not one". I thought he made an extremely valid point: that when we talk about the issues, we often confuse the equity issues associated with remedial education with training issues that employers need and which are part of a demand-led system. We merge the two together when we talk about this tremendously important area. He said in his article that after

"three decades of training programmes"—

this goes back over previous Governments—

"we still have 15 per cent. of working age adults who are functionally illiterate and 20 per cent. lacking basic numeracy skills."

That is the backdrop to many of the issues that we are discussing this afternoon.

[Andrew Selous]

What do we mean by functional illiteracy and functional innumeracy? I will give an example of both. If someone is asked to find an electrician and is given a copy of the Yellow Pages, they could not do so. That is the sort of definition we are talking about. If they went into a supermarket with £5 in their pocket and bought something, they would not know how much change they should receive. Those are two examples from the official literature that defines functional illiteracy and innumeracy.

Employers rightly ask why they should be expected to pay for the sort of remedial education that I have just spoken about. Those people have been in the education system and at school for 10 years or more, and employers might ask whether the cost of addressing that illiteracy and innumeracy should go back to the schools from which those people came. It is important to be aware of that issue when discussing training.

The Leitch review of skills had quite a lot to say about the work of the Department for Work and Pensions, even though the review was commissioned by the Treasury and dealt largely with the work of the Department for Education and Skills. My attention was drawn to page 124 of the report, where Lord Leitch said that there is no automatic basic skills assessment for new jobseekers when they make their claim. It is done only after six-months stage of being a JSA claimant. Even when Jobcentre Plus identifies basic skills needs, the report says:

"Only 11 per cent of people with identified basic skills needs...complete a basic skills qualification."

Further on in the report, on page 127, Lord Leitch makes the point that the hon. Member for North-East Derbyshire (Natascha Engel) made so eloquently earlier in the debate. He says:

"Around two thirds of all JSA claims each year are repeat claims, some 1.6 million claims."

On learning those figures, we should think about what is happening in human terms. The report really says, "People on JSA go into the labour market and get a job for two or three months before their employer realises that they cannot understand the health and safety instructions on the wall; and that, very sadly, they lose their job, go back to Jobcentre Plus, sign on until they get another job for a couple of months and then they end up out of work again." It is subsistence employment—going in and out of the labour market. It is a churn, and we must address the issue more seriously than we have done in the past.

On 12 February, the Minister said that there should be a requirement on migrant workers who do not speak English to take steps to improve their English. As far as I understood his announcement, it was to be a requirement—I think that he is nodding at me from across the Chamber. Philosophically, is it such a big leap from, "We the state are going to do our bit, be on your side and pay you—not a very big amount, but the JSA—every week to help you get a job," to, "Should you not, therefore, as a citizen whom we are trying to help to learn reading and basic maths, work with us, and perhaps be required to do so?" It is just a question that I pose as much as anything else, but philosophically, given that the Minister made an announcement on 12 February about migrant workers who do not speak good English, I wonder whether it is such a big leap. Perhaps we should consider that issue.

On the skills pledge, I received a helpful brief from the British Chambers of Commerce that speaks favourably about the "Train to Gain" regime that the Government have introduced, and the new qualifications and credit framework, which has not been mentioned this afternoon. The BCC expressed its concern that the regime and the framework will not have bedded down or have been introduced for that long by 2010, when there is the implicit threat that employers will have to provide on a statutory basis the remedial training that I have discussed. I should like the Minister to respond later or to write to me about that issue. The BCC also commented on the sector skills councils, saying that there are rather too many of them and that they could be usefully rationalised. The brief is an important representation.

Harry Cohen (Leyton and Wanstead) (Lab): The hon. Gentleman is right about Lord Leitch pressing for the skills pledge and the related bargain, but Lord Leitch said that if there is a low take-up, workers should have a statutory right to training that is relevant to their employment. Are the Conservatives philosophically opposed to that idea?

Andrew Selous: No, absolutely not. There are two issues. I do not know whether the hon. Gentleman was present when I talked about what Professor Ashton said earlier, but I said that I am not sure whether it is right for an employer to pick up the tab for what a school did not do—either under my Government or under this Government. That is what I am saying, quite bluntly. Frankly, the employee has a right—a duty from society—to be taught to read and count. It should have happened at school, but if it has not, we cannot ignore it and pretend that it has. There should be a right to it from the public purse. I am very wary of loading the cost on to employers, who could reasonably say, "Why have I been paying corporation tax all these years to the Treasury to fund schools, when I have employees turning up who cannot read or count?"

On the issue of training that is useful to that employer, however, I am with the hon. Gentleman, because if the employer is going to benefit and profit from his business, it is right that he should pick up some of the tab.

Danny Alexander: Earlier, the hon. Gentleman seemed to suggest that individuals who have the lowest levels of skills, literacy and numeracy have an obligation or responsibility to seek skills, which is what he said that the Minister said in relation to migrant workers. Is the hon. Gentleman suggesting therefore that it should be a matter to which conditionality is applied in a benefit system?

Andrew Selous: Philosophically, that is an interesting question. I should like the Minister to reflect on it, but, like the hon. Member for North-East Derbyshire, I am deeply concerned about the large number of people who go through the claimant process and in and out of work with very low skill levels. We must address that situation. To help the hon. Member for Inverness,

Nairn, Badenoch and Strathspey (Danny Alexander), I am neither being prescriptive nor annunciating specific Conservative policy. This is a Thursday afternoon debate, and it may be one of the few opportunities that we have for one of the consultations that the Minister said he was going to organise. I am asking the question in the spirit of these debates—no more than that. Perhaps we could leave party politics out of it, because the issues are too serious. I hope that we are all concerned about getting the issues right, and I merely pose the question at this stage—no more than that.

The Committee's excellent report mentioned lone parents, and I agree that personal advisers should have discretion over whether there is a mandatory increase in the frequency of work-focused interviews. Time and again, from almost every Member who has spoken, we have heard about the need to treat claimants as individuals: not to mould them to the system, but to mould the system to the needs of the individual. Later, I shall say more about the way in which we can travel a great deal further along that path. The issue is tremendously important.

On page 20 of the Government's response, I was particularly pleased to see recommendation 52, which talks about lone parents. The Committee said:

"There may be a range of reasons why a lone parent does not wish to work. We recommend that the DWP concentrate its efforts on providing better support for the majority of lone parents who do want to work, as discussed in the chapter on lone parents above."

That is humane and sound. The hon. Member for Blackpool, North and Fleetwood may remember my making similar concerns known to the Committee when I was a member during the previous Parliament.

The Child Poverty Action Group, in its excellent submission to this afternoon's debate, went into more detail. It talked about the increase, from 12 to 16, in the age of children as far as conditionality is concerned:

"Between 12 and 16 children face enormous changes and challenges in life such as starting secondary education, facing exams and going through the physical and emotional changes associated with puberty and adolescence. It is also in these years that many will face challenges such as becoming sexually active, using alcohol and drugs, being bullied or developing a mental health condition. A lone parent should be able to put their child's welfare and emotional needs before employment if required during these difficult years."

Again, that was the Committee's sentiment in recommendation 52.

On that general point, it is also worth saying—again, the hon. Lady may remember my making similar comments in the previous Parliament—that the Department for Education and Skills has a role, through its overall responsibility for family policy, in trying somehow to help couples stay together. We have talked about Australia this afternoon, and the hon. Member for Inverness, Nairn, Badenoch and Strathspey said that he was off there soon.

Danny Alexander: I've been.

Andrew Selous: Then I wonder whether he came across the excellent family relationship centres that exist throughout Australia. They not only do remedial work and help with child support, but help families to try to stay together in first place. Whatever our politics, I hope that we all agree that prevention is better than a cure. I am not someone who just accepts that such things happen. We can do a little bit, as a Government and in the voluntary sector, to help couples to stay together. Organisations such as community family trusts do excellent work in this country; indeed, the one in my constituency—south Bedfordshire community family trust—does precisely that.

In relation to the over-50s, I understand from the report that there has been no reduction in the past decade in economically inactive people aged between 50 and the state pensionable age. The over-50s make up 40 per cent. of the non-working population of working age, and so are a vast pool of talent and expertise that could be wasted if we do not get things right.

Getting the training right for that age group is tremendously important, particularly as we have just put through the House a Bill that will raise the state pension age to 68. I have huge concerns, which I expressed in the Committee stage of the Pensions Bill to the Minister for Pensions Reform, about the lack of sufficient training for older workers. Someone who has worked in a steel foundry or elsewhere in heavy industry cannot continue in that work when they reach their early 60s. They need to retrain and be reskilled in order to carry on working until they can claim their state pension at the age of 68, but we are not doing enough.

I pressed the Minister for Pensions Reform to provide information on the number of workers over 60 who are out of work in each local authority area, and on the training and retraining opportunities available to them in those areas, but he refused to provide it. I hope that what I am saying will strike a chord with all members of the Committee. I urge them, and particularly those Labour Members here, to put pressure on DWP Ministers to look at this tremendously important issue, on which we need to do more.

I was also interested in what the Committee said about the issue of forced retirement, involving workers over the age of 65, who do not have adequate protection. A lady in precisely that position came to see me in my surgery last week. She had worked for Luton borough council all her life and, at the age of 65, had applied to keep her job. The council went through the process of deciding whether she could, but she was told that she could not. She was a bright, intelligent and capable woman, who needed the income and enjoyed going to work. As a result of having left the employment of Luton borough council, she now cannot work for any other local authority in Bedfordshire. Future generations will look back with incredulity at our society, for telling people when they reach retirement, "That is it—you can be forcibly got rid of." To me, that is the equivalent of saying that people who are 6 ft 5 in or who have brown eyes can be got rid of. That is how we will be viewed.

I am not blind to employers' concerns that, effectively, they will have to keep a file on every one of their workers if they should want to dismiss them beyond the state retirement age. However, I cannot believe that it is impossible to reach a workable solution that will give workers better protection, but also ensure that employers can get rid of workers over retirement age who are not up to their jobs, as sadly they will need to do on occasion. I note that the issue is

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currently before the European Court of Justice, as referred by the High Court in December, following the Heyday case, brought by Saga.

The issue of ethnic minorities was another of the main points raised in the report. I agree wholeheartedly with what the Minister said recently: the disparities in employment among some ethnic minority groups—particularly the Bangladeshi and Pakistani communities, as the Chairman of the Committee also mentioned—are far too high. That is something on which we must make greater progress. The Minister said that he held a summit on the issue, and some suggestions were made by my hon. Friend the Member for Weston-super-Mare (John Penrose) earlier.

Benefit simplification gets a brief mention at the end of the report, although I was not hugely impressed by what the Government said about it. Benefit simplification is one of those issues on which parties can never make much progress in opposition, but there really is an opportunity to do something about it in government. We all know that the benefits manuals have grown larger and larger and that the debates on social security in the House are attended by fewer and fewer hon. Members. Why is that? Frankly, it is because even very few Members of Parliament fully understand the complexities of the benefits system. That is deeply worrying, because we cannot hold the Government to account or have sensible debates on the issue. Most importantly, the range of benefits that our constituents have to deal with causes sheer befuddlement. The National Audit Office has looked into the issue, as has the Public Accounts Committee, but much more needs to be done.

The Chairman said in his opening remarks that the new deal needed to be refreshed, and I agree with him. There is now quite a lot of statistical evidence that the results of the new deal are not as successful as they were in the past, that taxpayers are perhaps not getting the value for money that they should and that the sustainability of the scheme for ongoing employment is not there. We know that almost one third of new dealers have been on the scheme on two or more occasions and that nearly 50 per cent. of young jobseekers who leave the new deal for young people end up back on benefits within a year. We also know that 23 per cent. of those leaving new deal 25-plus in August 2006 found jobs without claiming benefits, compared with 38 per cent. in June 2001. The figures are clearly going the wrong way. I hope that the Minister and his colleagues are into evidence-based policy making, because those are quite worrying statistics.

Danny Alexander: While the hon. Gentleman is on that point, perhaps he is aware of comments made by one of the Minister's predecessors, the former Minister for Welfare Reform, the right hon. Member for Birkenhead (Mr. Field). He recently described the performance of the new deal in relation to young people as "woeful" and drew attention to the fact that, as he claimed, there were significantly more people in the 18-to-24 age group who are out of work now than in 1998. Does the hon. Gentleman think that that reinforces his point?

Andrew Selous: That figure is correct, although it does not really matter who said it; we just need to look at the evidence, and I am afraid that the evidence is not good. Indeed, some of the indicators are going in the wrong direction.

The key issue is what we should do going forward. David Freud talked in his report about some payments being made by result as a possible replacement, as well as other schemes that could run alongside the new deal. That is where the focus of policy debate needs to be at the moment. There are obvious concerns about how such schemes are structured. We should ensure that they help those furthest from the labour market, who are the most difficult to help, and that they lead to sustained employment. I completely agree with the Committee Chairman and others that 13 weeks is a wholly inadequate measure for sustained employment. Who plans anything in their life for three or four months? None of us operates in such a way in our own lives. One cannot pay a mortgage on three months' employment, and one cannot plan to pay for a holiday, plan to buy a new car or do any such thing on the basis of 13 weeks' employment, which is not "sustained" employment under any definition that our constituents would recognise.

It is tremendously important that the payment by results models are structured so that the hardest to help are not left out. They will need a higher fee—more money will need to go to those who have been out of the labour market longest. That is probably the best proxy for the hardest to help. I am convinced that it is possible to put together a package to help all those with some of the payment by results schemes.

To take one example, an independent provider, Tomorrow's People, is achieving a 90 per cent. rate of people staying in work for at least 13 weeks, compared with a result of only 33 per cent. under the new deal for young people and new deal 25-plus measured during the same period. There are opportunities to get a lot more people back into work on a sustained basis. That is a tremendously exciting possibility that the Committee will consider seriously.

My final point is about an issue mentioned by almost every Member who spoke this afternoon—the importance of giving the personal advisers more flexibility, treating claimants as individuals and trying to get the system to fit their circumstances rather than the other way round. We have heard a lot of figures this afternoon—we have had numbers of people, percentages and all the rest of it. I want to end my remarks by referring to two individuals, both of whom I spoke to earlier this afternoon and both of whom have given me permission to mention their cases.

The first is a Mr. Michael Hughes of Ipswich. Happily, he has a job at the moment—I am sure that we all send him our congratulations and hope that he can keep it. He had been on jobseeker's allowance for some time. Incidentally, he asked me to say that he rated his new deal adviser as extremely good—he was very impressed and wanted no criticism of any of the individuals who had helped him. He was concerned only about the system with which they were working.

Mr. Hughes had one specific problem. He had the Institute of Certified Bookkeepers qualification and was all set and ready to get a job. There was lots of work around Ipswich that he could have got. The one thing that he needed to start work was for his indemnity to be paid. He thought that it would cost

£250, which was too high a figure as it turned out to cost only £182. When he told his employment adviser about the problem, he was sent on a 13-week course to do a CV. The course was poorly run, I am afraid. There was very little access to computers, and he had to redo his CV time and again. He said that the course lowered the morale of the people on it. Even when his local MP tried for him, he was not able to find out the cost of sending him on that course, but I bet the Minister that it was rather more than £182. We have heard about the flexibility in New Zealand; why could Mr. Hughes not have been paid £182? He could have been in work straight away, much earlier than he was.

The other story comes from a Mr. Ian Freke of Bristol, who wrote both to me and to his local paper. His letter is in the public domain. He had been unemployed for more than a year. For the first nine months, he had not claimed JSA, but lived off his savings. He had not wanted to claim, but started to do so on 6 December 2006. He was absolutely thrilled to have been offered a job on 28 March this year. He had to start at 7 o'clock in the morning. He did not have a car, so he looked at the bus timetables. The earliest bus would not have got him to work until 7.35 am. It would have taken him an hour and 10 minutes to cycle, which the Minister would probably think unreasonable—the Minister is not responding, but I hope that he would think so. What Mr. Freke wanted was to get the job and get off JSA, so he wanted a scooter, which—on the road, taxed and ready to go—would have cost about £500. He was being paid £228 in JSA every month, so within two and a half months, the Department would have got its money back. Sadly, the job has gone. He was not able to get from the Department the means to get the work. This afternoon, I spoke to Mr. Freke, who is still out of work and claiming JSA. It will not be long before the Department will have paid out more in JSA than it would have cost to give Mr. Freke the means to get to work.

We have to give personal advisers responsibility and discretion. If they get it wrong very occasionally, so be it. There are excellent people among them, and they will get it right more often than they get it wrong. They will get it right in eight or nine cases out of 10. Of course there must be overall responsibility, limits and accountability to managers, but please, New Zealand can do it! What is the point of a Select Committee that travels the world and finds out best practice from other countries if we do not learn from it? The travel budgets that the House pays will not be worth while if Ministers of any Government do not listen to those who can tell them about best practice and what works in other parts of the world. Please, can we give the personal advisers more discretion on how they spend their budgets, which have been reduced? I hope that my two examples will give the Minister pause for thought.

5.7 pm

The Minister for Employment and Welfare Reform (Mr. Jim Murphy): Mrs. Anderson, I thank you for chairing this debate, which has been well informed. That reflects the dedication that the members of the Work and Pensions Committee, on both sides of the political divide, show to the responsibility that they have.

I thank the Committee for its report on the Government's employment strategy. Given today's debate, it is clear that we largely share common aims and common concerns. The report was informed by visits to my home city of Glasgow—I am sure that that was of great benefit—and New Zealand. I understand that the Committee is also to visit California shortly. I can only quietly reflect that I am in the wrong job; unlike the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander), I have not had the opportunity to go to New Zealand or Australia.

Generally, there has been warm acknowledgment of the success of the past 10 years; certainly all Labour Members who have spoken acknowledged that pretty freely. The hon. Member for Inverness, Nairn, Badenoch and Strathspey also did. To be fair to the hon. Member for South-West Bedfordshire (Andrew Selous), he also acknowledged the real progress in one half-sentence at the start of his contribution, although his comment was tinged with the dig that a proportion of the jobs will have gone to migrants. That was his half-sentence acknowledgment of the progress of the past 10 years.

I say relatively gently to the hon. Gentleman that it is sometimes instructive to reflect where we have come from in respect of the scale of the achievement. A decade ago, it would have been unthinkable for us to have had a sensible or legitimate conversation about an 80 per cent. employment rate. That was just not part of the political discussion or vocabulary, except perhaps among the frustrated fringes of part of the trade union movement in the Labour party. They may have asked why their ambition of full employment—the historic goal that the movement and the Labour party were founded to achieve—could not be achieved. However, here we are having a proper conversation about a proper Select Committee report and having a proper debate on how we can deliver on that historic demand for full employment. Ten years ago, more than 2 million were unemployed, the number on incapacity benefit had trebled over the previous 20 years and 6 million were dependent on out-of-work benefits. Of course, we still have a lot more to do.

The debate has shown that there are still clear dividing lines, but they no longer seem to be based on the accusation that the introduction of a national minimum wage would be ludicrous and would cost 1 million jobs or that mass unemployment is a price worth paying. The modern dividing line on the labour market that has come across in today's discussion seems to be about rates versus ratios and numerators versus denominators. A consensus seems to have been created by the Government, employers, trade unions and society at large that an investment in full employment is a price worth paying.

My hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble), in particular, talked about the success of having 2.5 million more in work and an employment rate that is up in every region of the United Kingdom, as well as the fact that 900,000 fewer people are on out-of-work benefits today than a decade or so ago. A number of hon. Members from all parties, the hon. Member for Inverness, Nairn, Badenoch and Strathspey and my hon. Friends the Members for North-East Derbyshire (Natascha Engel) and for Blackpool, North and Fleetwood, Fleetwood

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being the most important, reflected on the pilots and how much effort, analysis and retrospective justification it will take before we can get them to fly nationally.

My hon. Friend the Member for Blackpool, North and Fleetwood asked specifically about the new deal plus for lone parents. I remind her, the Committee and the House that in the child poverty strategy that we published recently as part of the response to Lisa Harker's report, we have said that we will extend the new deal plus for lone parents until March 2011 in the pilot areas. We will expand it to all lone parents in London, in part in acknowledgment of the specific challenges of the London labour market that were alluded to by my hon. Friend the Member for Bradford, North (Mr. Rooney). We will also extend key elements to couples on benefits in the pilot areas throughout London. We have learned from that example of best practice and extended it through our announcements on child poverty.

Phenomenal innovations are taking place across the country. This week, I have had the opportunity to combine one of my great passions, football, with my determination to go further with our welfare reform and employment agenda. I visited Middlesbrough football club and, earlier today, Millwall football club. They are two phenomenal examples of innovations whereby the voluntary, private or community sector has done things that would have been unimaginable for a Government to have achieved before, because of the power and pull of the brand of Middlesbrough football club, a community club, and, despite my preconceptions of Millwall based on its previous fan base, because of the remarkable things that Millwall is doing as part of its continued rehabilitation. Incidentally, when I lived in London before, I used to actively go and watch and support Millwall, until at a game against Portsmouth Millwall scored and, instead of celebrating, different factions of the Millwall supporters started to fight with one another. To me, that was symbolic of the problem that Millwall had, but it has worked remarkably hard to change its image. The work that I saw today that supports people from all backgrounds and ethnicities—migrants and others—in resolving the difficulties that they face in the labour market was pretty inspirational.

The hon. Member for South-West Bedfordshire asked about the new deal. I can sense in some Conservative spokespeople a continuing, decade-long retrospective justification for their opposition to the new deal in principle. The new deal has helped 730,000 young people into work and 85 per cent. of those job entries have been sustained. The new deal has helped us to have fewer than 10,000 long-term unemployed 18 to 24-year-olds in the United Kingdom. There is a strong case for a more flexible new deal, for additional discretionary powers for advisers and for all sorts of measures to refresh it, and we remain committed to the principles of BoND. We are actively discussing how to put proper shape to those principles so that we can refresh the success of the new deal.

Andrew Selous: Is it not the case that unemployment among 18 to 24-year-olds now stands at 518,000, a rise of 15,000 over the last quarter, and that 157,000 of those have been unemployed for more than six months? I hope that the Minister is not complacent about that fact.

Mr. Murphy: There is no complacency on the Labour Benches about what more needs to be done on welfare reform in the labour market. We brought forward the Welfare Reform Act 2007 to support the 2.7 million who are on benefit and others who flow on to it, so that they can be supported in getting off the benefit. The hon. Gentleman is wrong; the long-term youth unemployment claimant count is less than 10,000. That is a remarkable transformation from when his party was in power for those 18 years.

I agree with the hon. Gentleman that we need a family-friendly policy on employment and welfare. For me, that is not about the moralising of the right, nor a sense of tub-thumping and lecturing from some sort of bully pulpit, but an acknowledgment that two parents supporting a child, all other things being equal, have better outcomes. However, the vast majority of lone parents do an exceptional job—in what is probably the most difficult job imaginable—of bringing up children with phenomenal educations and with the love and support that enables them to get on in the labour market and, perhaps more importantly, to develop their character.

The family-friendly approach to the politics of welfare is why we extended maternity and paternity leave and why we introduced adoption leave. I rue the fact that that was opposed by the hon. Member for South-West Bedfordshire and his party, but such extensions in flexibility and the chance to work are part of a continuing family-friendly labour market.

The Select Committee is underpinned by the acknowledgment that if we are to achieve our ambition of supporting those who have multiple barriers to work and are furthest from the labour market, we need to extend the boundaries of welfare much further than we have before so that we can help those whom we have not been as successful in helping as the Labour party might traditionally have had the ambition to be. My hon. Friends talked about those who might suffer from an experience of drug addiction, disability and family pressures, such as those that might come from having a disabled child. As we continue to reform the welfare state, not only through the new deal but with other employment programmes, we need to design systems in the public sector and the private and voluntary sector that acknowledge that a person is an individual rather than someone on a specific benefit. My hon. Friend the Member for Bradford, North and I have spoken about the specifics of how to achieve that on numerous occasions.

My hon. Friend also talked about the employment gap among ethnic minorities, as did other hon. Members. My hon. Friend is more than informed enough publicly to acknowledge that the employment disadvantage is not uniform among all ethnic minorities. Part of it is to do with language. I would like to confirm that my announcement in February was not about migrants but about those who wish to have access to the system and are legally entitled to claim benefits, and about the fact that in future the jobseekers' agreement would take account of language barriers. It was not about migrants because, as the hon. Member for South-West Bedfordshire knows—and as

the *Daily Mail* knows, although we do not always read it—migrants do not have automatic access to benefits in the United Kingdom in the way that some of the tabloid press, and that newspaper in particular, like to suggest that they do.

On the subject of the disadvantage for ethnic minorities in the labour market, my hon. Friends know that the Business Commission report commissioned by the Treasury will report shortly about what more employers can do to break down barriers and drive out whatever racism exists in their practices, and about what changes can be made to recruitment practices. But it is absolutely the case that the disadvantage of ethnic minorities in the UK's labour market is partly down to discrimination. There are other contributory factors, of course, but discrimination is a substantial part of it.

One way to look at it is that, as we all know, there are two bulges in ethnic minority performance in education. There is a disproportionate tendency for ethnic minorities to underperform in education and the academic world, but there is another bulge at the top. A disproportionate number of those from ethnic minorities are likely to outperform the UK average in academic performance. So there are two bulges—one at the top that we celebrate and one at the bottom that we bemoan.

In the labour market there is only one bulge of over-representation among ethnic minorities, and it is at the bottom. The above-average performance in the academic world is in no way translated to an equivalent bulge in the labour market. That has to be partly down to discrimination. The Business Commission will come forward with proposals about what more business can do.

Andrew Selous: I am grateful to the Minister for drawing the attention of the House to that point. He said that ethnic minorities are under-represented in employment, but some people from ethnic minorities have their own businesses. Do his figures take that into account? There is tremendous entrepreneurial flair in some of the ethnic minority groups that do well educationally, for which we are extremely grateful.

Mr. Murphy: I think that the analysis takes account of all the trends in the labour market. The fact is that it is not just down to employer discrimination, although that is there. There are cultural issues, family structure issues and the poverty of place—the concentration of poverty and a lack of aspiration. That is all a complicated interplay, but the Business Commission will make recommendations on it.

My hon. Friends the Members for Bradford, North, for Blackpool, North and Fleetwood and for North-East Derbyshire spoke about lone parents and what more we can do to support them. That question is clear in the report. I would point out that in London the lone parent employment rate has increased in the past decade, I think by 8.5 per cent. Although the rate of improvement has not been as fast as in the rest of the United Kingdom, there has nevertheless been improvement. We do need to recognise the specific challenges in London referred to by my hon. Friend the Member for Bradford, North, which is why, as part of the new strategy in response to Lisa Harker's review, there is an in-work credit in London. It takes account for the first time of the additional pressures that lone parents face in London.

In response to the Committee's comments we must do more work on how to structure the in-work credit to reward sustained employment. It is currently a regular payment, which is a great help, but we need to do more work on analysing where the drop-off points and pressure points are for lone parents—whether three months, six, nine or whenever is the point at which there is the greatest propensity for lone parents to fall back out of the labour market. We should restructure the in-work credit to incentivise retention at those points of friction.

My hon. Friend also asked about the processing of benefits. There have been improvements in recent years in the processing of housing benefit in particular. In the most recent years for which records are available, between 2002-03 and 2005-06, there was a 19-day improvement in the average clearance time for housing and council tax benefits. There is more that we can and should do, particularly to address continuing underperformance below the average. We are trying to drive that down. We anticipate that the introduction of the local housing allowance in the Welfare Reform Act 2007 should speed up the claims process by an average of a further seven days, which will be welcome.

My hon. Friend the Member for North-East Derbyshire raised the issue of skills, to which Lisa Harker's report also referred. The question is what we do to assess the skills needs of people—particularly but not exclusively lone parents—at the point when they become unemployed and report the need of a benefit application, so that they can compete in the labour market. In response to Lisa's report and as part of the evolving work on the new deal, we must be much smarter at the first point of contact so that we refer lone parents not to just any job but to one that fits around their life patterns, child care needs and the pressures of family life. We have committed to that as a consequence of the part of Lisa's report about trying to mark jobs that are suitable for lone parents. Probably more important is that we do not just wish people luck as they enter the labour market but provide sustained support through their first few weeks of employment to reduce drop-off and the recycling of people coming on to benefit.

Points were made about sustained employment. The definition of sustained employment is currently 13 weeks. The Committee has suggested 26 weeks and David Freud three years. We have given David Freud's report a warm initial response and we shall respond to it in more detail in the summer. I do not think that I am giving too much away by saying that we are not instinctively attracted to a definition of sustained employment as unbroken employment for three years. David has set us a phenomenal challenge and, based on the challenges that we now know of in the labour market, we can no longer defend the idea that 13 weeks is sustained employment. In considering the detail of the Select Committee's report and David Freud's report, we will move away from that. I shall not announce today what we shall move to. We joked at the seminar earlier in the week that no one considers 13 weeks to be sustained employment with the exception of current Ministers. No one would plan on

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the basis of 13 weeks' employment, as the hon. Member for South-West Bedfordshire fairly said.

An additional point on sustained employment is that we have made important announcements about permitted work rules and introduced more sensitive linking rules on benefits. We need to go further in publicising some of the rules, not just to customers but to those with whom we work. If we were all to pop into our local citizens advice bureaux—mine, like many others, does a phenomenal job—we could ensure that the advocates there were aware of some of the changes that we have implemented.

I was asked what events we have planned as part of the continuing conversation on Freud. We had an event earlier this week organised by the Smith Institute, which was attended by my hon. Friends the Members for Bradford, North and for North-East Derbyshire, who spoke at the event. Lord Kirkwood of Kirkhope was there and spoke from the audience, and the hon. Member for Bury St. Edmunds (Mr. Ruffley) also spoke. We have an event tomorrow in Manchester, organised by ippr north, involving stakeholders and others, and one has been organised for 22 May by the Social Market Foundation as part of the discussion prior to the Government's formal response to Freud. Once we have that response we will enter a formal Government process of listening and consulting. Even before that we are trying to give people an opportunity to feed into the process.

On benefit simplification, which is referred to in the Select Committee's report and was mentioned by hon. Members this afternoon, when I arrived at the Department I thought, "Well, let's just do that, then." But if it were so easy to do—I am not being political about this—the previous Government and every Government would have done it. I have reflected on it, and although every new benefit rule is introduced for a correct and proper reason, they have cumulatively led to a benefits system that is bamboozling for our customers, some of our advisers and many of our advocates.

There is the issue of how simplification should be done, but there is also the question whether if there were a single benefit there should be a single benefit rate. That is a reflection on the comments in the Select Committee report and elsewhere, but it is easier said than done. It will rightly be acknowledged that there are additional pressures such as the financial pressures of disability.

We have to reflect on whether we bring low benefits up to the level of the disability benefit or whether we level the disability benefit down to the jobseeker's allowance rate. That would probably be a lot less popular, and it is something that we would never do. If we want to simplify benefits and have a single working-age benefit, we will have to deal with all sorts of often complicated issues.

Andrew Selous: I am sure the Minister is aware that we have another 25 minutes. I would not want him to rush his remarks because of the two Divisions.

On benefit simplification, I note that the Select Committee's report states on page 94 that

"New Zealand is planning to introduce a simplified benefits system."

If New Zealand can do it, I hope that it will not be too great a challenge for the United Kingdom.

I may have missed what the Minister said, but I hope that he will respond on the point about flexibility of the personal adviser, which has been raised by many Members.

Mr. Murphy: I know that Members would thank me if we were to finish before five minutes to 6, Mrs. Anderson, but I shall not test their patience by inviting you to put it to a Division, as I know that that is not allowed.

The hon. Member for South-West Bedfordshire almost incites me to visit New Zealand. My understanding of what is happening there is that they have been planning to introduce this sort of reform for some time. Wishing is easy, planning is difficult, and doing is even more difficult. I believe that that has been the experience of New Zealand.

On the point about flexibility, I believe that I alluded to it quite early in my remarks. In terms of refreshing the new deal, there is, of course, a strong case for greater flexibility for our advisers but also for our customers, so that we acknowledge the nature of the barriers that individual customers face.

If Members will allow me, the last thing that I want to concentrate on is the city strategy. However, if they wish to ask additional questions, I would be happy to respond to them. *[Interruption.]*

Janet Anderson (in the Chair): Order. I shall suspend the sitting for 15 minutes for a Division in the main Chamber.

Mr. Murphy: Mrs. Anderson, would it be possible for me to take one minute to conclude my remarks? That way, we would not have to come back.

Janet Anderson (in the Chair): Does the Chairman of the Committee wish to speak after the Minister?

Mr. Rooney: I am happy to leave it on this occasion.

Janet Anderson (in the Chair): Go ahead, Minister.

Mr. Murphy: I thank you, Mrs. Anderson, and my hon. Friend the Member for Bradford, North.

The city strategy is an important opportunity to drive out economic inactivity in our big cities. It was launched in April, and we are working through the detail of the targets this month. It will play an important part in our determination to achieve the 80 per cent. employment target across the UK, because our cities underperform on that target in a much more significant way.

With that, Mrs. Anderson, I wish to thank you, all the hon. Members who participated in the debate and, more importantly, the members of the Select Committee who every week work on this agenda in a way that is constructive but also challenging. In particular, I would like to thank my hon. Friend the Member for Bradford, North, who is acknowledged across the political divide as playing a phenomenal role in keeping unity by challenging unity within the dynamic of the Select Committee.

Question put and agreed to.

Adjourned accordingly at twenty-seven minutes to Six o'clock.

Westminster Hall

Tuesday 22 May 2007

[MR. CHRISTOPHER CHOPE *in the Chair*]

Franchise Industry

Motion made, and Question proposed, That the sitting be now adjourned.—*[Margaret Hodge.]*

9.30 am

Mr. Brian H. Donohoe (Central Ayrshire) (Lab): I welcome the opportunity to discuss the case of one of my constituents and the need for the franchise industry to be regulated, and I thank Mr. Speaker and his staff for granting the debate. I thank also hon. Members who have turned up to give their support on this worthwhile subject. I have previously had a successful debate on this subject and I am sure that today's debate will be equally successful.

My reason for securing the debate was to highlight the bad practices in some elements of the franchise industry. Despite previous debates and the tremendous amount of publicity on this issue, still no concrete action has been taken and people in the industry are vulnerable as a result. Many have had the same misfortune as my constituent, Mr. Andy Walker, whose problems I shall outline solely to demonstrate that the Government must give serious consideration to this issue and take a far more proactive approach.

The franchise industry is a fascinating study of what is happening in the commercial world. Franchising is worth £10.8 billion and is growing at twice the rate of the rest of the UK economy, so it is important both as an industry and in sustaining the growth of employment in our economy. The debate should in no way be seen as an attack on the thousands of people who are involved in excellent and, in the main, responsible business. The industry is supposed to be regulated by an organisation that I shall mention frequently today: the British Franchise Association. One of its main functions is to help potential franchisees to recognise the good, the bad and the ugly for what they are, but it has completely failed to fulfil that aim.

My involvement in this issue began when my constituent, Mr. Andy Walker, came to me with a complaint. He has been self-employed for 30 years—most of his adult life. For 15 of those years, he operated a fairly successful furniture company in Kilmarnock, but he later looked into franchising for a change of direction. Having done a tremendous amount of research, Mr. Walker decided that the franchise that he should choose was 24 Self Video. He had sold his furniture business some time before, and he used his life savings and his house as collateral, which proves that he did not take the decision lightly. He researched the idea for some time before deciding that taking on the 24 Self Video franchise would be the way to earn what he wanted to earn. However, the venture came to an end and he lost a significant sum of money. He might even lose his house as a result of money being lent to him. He has two main complaints—against the British Franchise Association and against the Royal Bank of Scotland.

It is apparent that this issue concerns more than just a single constituent, because there have recently been similar cases. This month, the High Court wound up five companies in the Warrington and Leigh areas of the north-west that were involved in bogus perfume franchises. The investigation of the Companies Investigation Branch showed that the companies had given false references to prospective franchisees to lure them into purchasing franchises. The companies were also held to have unfairly tampered with figures on prospective earnings.

The company that trades as 24 Self Video Ltd. is also known as RAS Partnership in some records. When it was set up it had three directors, two of whom had previously been disqualified by the Department. They hid behind the front man, Michael Duffy, who was the managing director and who has a clear record. The other two directors were Tony Sacco, who was disqualified from 2002 until 2009, and Martin Reilly, who was disqualified from 2000 until the present day. Indeed, those individuals persist in selling franchises under the aegis of the RAS Partnership and another company called WoK 2 Go. We need the Department of Trade and Industry to clarify the situation regarding the directors and their ability to operate, even though they have been disqualified. Will my right hon. Friend the Minister tell us what further action, other than disqualification, was taken in relation to those directors?

From February 2003 to 2005, some 30 outlets were opened as franchises of the company, of which 15 have now closed. Those figures tell their own story. The total loss to the franchisees, who stumped up approximately £120,000 each, was nearly £2 million. Of the remaining franchises, none has reported any profits. The people who invested in those franchises all thought that they were protected by the BFA, but it has failed them all. Regulation of some sort, by the Government or another body, must be introduced.

My constituent's second complaint is about the role of the bank. His case is about the worst example of banks' operations that I have seen in 15 years, and I have seen some really bad ones.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): I want to make a point about the responsibility and accountability of banks. My hon. Friend will be aware of the company Filter Queen, which has caused problems in both our constituencies. It still owes wages to staff and has entered into illegal credit agreements with both the bank and its customers. Does he think that the bank has a moral responsibility to deal with the problem that Filter Queen has created?

Mr. Donohoe: My hon. Friend makes a good point. That is another example of companies, almost in collusion with banks, seemingly being able to hoodwink the public. In the case of Filter Queen, not only were the public hoodwinked; its employees were dealt an equally bad hand, in so far as they still have not been paid a penny for all their work. The public were being sold a virtual vacuum cleaner for about £1,600, involving an annual percentage rate of about 35 to 40 per cent. of cost. Vulnerable people are out of pocket by extremely large sums and will never be able to pay. We now have the ridiculous situation of the banks moving forward on that score and examining ways of getting their money back. That can involve all sorts of severity for those individuals. I am grateful for my hon. Friend's intervention.

[Mr. Donohoe]

In the case that I was describing, the bank also failed; it was guilty of clouding the assistance, if any, that it gives. The impression given was that all that banks care about is whether the money loaned is to be repaid in full, without any checks and balances in the system. That was the clear impression given in this instance and in others. Another question needs to be answered: why would the RBS and its associated bank, NatWest, lend money for this particular event when no other bank in the country would? Clearly, such behaviour is unacceptable in an era of apparent corporate responsibility. There was nothing responsible in either RBS's conduct or its subsequent actions and words.

In that connection, meetings have been requested and I have had meetings over a long period of time. I, like my constituent and others across the country, have written to the RBS chief executive, Sir Fred Goodwin. He takes the attitude that the bank takes no responsibility because in such circumstances, it is not deemed to have given any advice. I attempted to meet Mr. Gordon Pell, RBS's chief executive of retail markets, to discuss these issues with my constituent and others, but he rejected any possibility of a meeting. I attempted to meet Sir Fred Goodman; again, I was refused any access. As a final attempt, I had a discussion with Sir Tom McKillip, who is a born and bred Ayrshire boy. We are normally quite proud of him, but in this instance when I tried to convince him, he, too, suggested that he did not see any merit in having a meeting on this subject.

I have written to the BFA and have had a meeting with Brian Smart, its director general. It takes no responsibility, either. It stated that

"the fact a franchiser is or was in the BFA offers only assurance that the business concerned succeeded in meeting our accreditation criteria at the time they were assessed."

That is what we got from Brian Smart. I have also had discussions with other Members whose constituents have had similar experiences.

What could the solution be? I do not want this debate to be seen as an attempt to over-regulate the industry. We seek increased investment in its operation, free from excessive red tape. However, a responsibly regulated industry would increase the incentive for third parties to invest. Any publicity that can be given to that fact would be good publicity, and it would be good for the industry.

A tremendous number of individuals have been badly let down by the company, BFA and the bank. We must seriously consider making alterations to those two institutions. In the case of banks, there is little we can do directly, save reminding them of their common law duty of care for their customers—that has been missing from banks for a generation. Such care should include responsible lending practices.

I do not want to over-regulate the franchising industry but we need a thorough review of how it is regulated. The most popular online destination among potential franchisees is the BFA. Before coming here this morning, I went on to Google and typed in "BFA" and "franchising". On every occasion, the BFA's website popped up and gave the impression of a very professional operation that was overarching, secure and watchful as a regulator of the industry, whereas in fact, it employs eight people.

The website's categories section mentions strict "ethical" and "viability" criteria for franchise operations. Associate members are committed to the

"Advertising Standards Authority's code of practice and also to the association's own complaints and disciplinary, appeals and re-accreditation rules."

Potential investors would be forgiven for thinking of the BFA as a safe pair of hands. The Minister perhaps has a responsibility to enforce a revamping and expansion of the BFA, and to subject it to a renewal programme. The whole process needs to be reshaped in a way that protects the individual, and if that means introducing regulation, so be it.

A review of the DTI's position in this area of business is necessary. Its twofold duty should be to ensure supervision of bodies such as the BFA and to make certain that giant banks such as RBS act with the correct integrity and with a degree of responsibility. It must be mandatory for the BFA to be advised of any closure of franchisees, in order to notify prospective franchisers. I am sure that the Minister is aware that such a provision is mandatory in the United States. It should be considered for the UK, in the light of the evidence that I am presenting this morning.

The BFA must make more rigorous checks on its franchises and must ensure that they are reviewed constantly. It is plainly wrong for an individual to be able to form a partnership while disqualified from being a director, no matter what sort of company we are talking about. In the interim period, while effecting far-reaching change in the BFA, we must ensure that the organisation clearly warns potential investors about the limitations of its vetting ability.

In summary: the individual requires protection, but that is missing; the BFA requires more resources in every sense of the word; banks need to demonstrate social responsibility and accountability; and the Government should consider introducing the US policy of mandatory conditions. Any individual in any circumstance who is considering such a business should not believe a thing that they see on the web.

9.49 am

James Duddridge (Rochford and Southend, East) (Con): I congratulate the hon. Member for Central Ayrshire (Mr. Donohoe) on securing this debate, and on his excellent work on franchising. It is rare to receive a letter from a constituent recommending that one speak to another Back Bencher who is an expert on a subject, but that is why I spoke to the hon. Gentleman about a matter that was prompted by a constituency case. I have had a number of conversations with him, and he is indeed a great advocate not only for his constituents, but for franchisees around the country.

The franchise sector is incredibly important. As well as generating £10.8 billion, it employs 370,000 people. Franchisers come in all shapes and sizes. When I wander down Southend high street, it may appear to be dominated by large companies, but in reality behind the facades of Threshers, McDonalds and so on are entrepreneurial franchisees. I am not usually in favour of greater regulation, but individual examples show that that the regulation of franchisees falls between two sets of regulations for small and large companies. I want to encourage the Minister to review the situation.

I have had a number of positive discussions with the British Franchise Association, which seems to pack more punch than the eight people it employs. I was quite shocked to hear that it employs only eight people, and I shall be interested to hear the Minister's comments on its funding. That is a genuine comment and not a leading one. I am interested in the structure and the intent behind the association.

The association's Brian Smart has been helpful in a constituency case that I brought forward. Richard Stallard purchased a British Franchise Association starter pack and looked at the required criteria for the association's associate membership: two years' audited accounts, and proof that the business was franchisable, viable, and could sustain a franchise network, and that the business operator had training skills and could help to operate the business remotely. If an organisation promotes itself through the BFA, it is the underlying organisation that has the duties and responsibilities, not the association. I think my constituent felt that the association's endorsement did not exist, and that people should be cautious about the details of franchisees and visit other franchisees.

I declare an interest: I was a banker for 10 years, for which I do not apologise. During that time, I did not operate in the franchise sector, nor did I work for the Royal Bank of Scotland or NatWest, but I understand that most banks have franchise units to help to bridge the gap for entrepreneurs coming into the market. One paradox in asking for more regulation for franchisers is that many entrepreneurs go into a franchise operation rather than a small company because of the excessive burden of regulation on small businesses. It is hand-holding to get over the critical mass of branding issues, both in the external market and regulatory issues such as health and safety, and employee conditions, through which the franchiser supports the franchisee.

While supporting the hon. Gentleman, I would not want the Minister in a review of the franchise association to pour on an excessive burden. As the hon. Gentleman said, it is an expanding industry and bridges a gap between small companies, start-ups and multi-nationals. I look forward to the Minister's comments.

9.53 am

Tim Farron (Westmorland and Lonsdale) (LD): I echo the hon. Member for Rochford and Southend, East (James Duddridge) in congratulating the hon. Member for Central Ayrshire (Mr. Donohoe) on securing this debate. The subject is incredibly important to an increasing number of people, and I pay tribute to him for his unstinting work in defending those who have been victims of what seems to be sharp practice—to put it mildly—with people who have attempted to make an honest living by owning a business as part of a franchise operation.

We have heard that franchising in the UK is worth almost £11 billion, that it is growing incredibly quickly at twice the rate of economic growth elsewhere in the economy, and that is employs 333 million people. The attraction of becoming involved in a franchise is clear. It enables people to get out of the rat race and to have their own business, with a lower risk because they are not going it alone. The financing may be easier because banks will lend up to 70 per cent. of start-up costs, which is a lot more than for a new enterprise, and franchisees take on a proven business concept and do not start out alone. They also have, at least in theory, a support network, training, and an operating blueprint.

The track record of franchisees is good. Less than 2 per cent. of the franchisee population failed in 2006. Risks are involved in any business, but they seem to be lower in franchise operations. However, one risk is that the initial cost of buying into a franchise operation can be high, and there may be termination restrictions. Anyone going into a franchise must consider those important issues. It is important to echo what hon. Members have said: that the franchise industry is reputable, by and large. Many high street names that we are all aware of are franchise operations, and many others, equally reputable, are not household names. It is a growing industry but there are con artists out there. We are privileged to be able to talk about one area and to ask the Minister to pay particular attention to it because there are also incompetent firms. *The Daily Telegraph* told the story of Grovewood Publishing, which was still signing up licensees when it was under investigation for insolvency. There are clear issues that need to be addressed, but by and large the industry is reputable and healthy.

On a personal level, a matter was brought to my attention late last year when a constituent, Mr. Paul Wakefield, came to my surgery armed with a printout from *Hansard* of a speech on this subject by the hon. Gentleman and with his dreadful story. On behalf of Mr. Wakefield and the many other decent business people who have been at the wrong end of sharp practice, I would like to express my happiness that the issue is now getting the airing in Parliament that it deserves, to thank the Minister for her presence and to express my hope that she will assist the many people who have been affected by this scandal by taking effective action.

My constituent was determined that I should tell his story in this debate, and I know that it will ring many bells with other Members here and outside. In early 2004, Mr. Wakefield entered into a franchise agreement with the company 24 Self Video. He showed due diligence and completed all the relevant checks, which included scrutinising the details of the agreement with his accountant. Everything seemed to add up, and there were no grounds to believe that it was anything other than a straightforward business agreement under which Mr. Wakefield, an experienced and successful businessman, could hope to operate fairly and with the expectation of doing well in his new venture.

The up-front fee to the franchiser was £127,000, so my constituent set about raising those funds, which he did via a business loan from the Royal Bank of Scotland's subsidiary NatWest for £80,000, with the remainder being sourced from his own resources. Mr. Wakefield began trading in June 2004 and the business started well—it is important to say that. At that stage, 24 Self Video seemed to be fulfilling its part of the bargain, and Mr. Wakefield was demonstrating his successful business track record by doing well for the first nine months. It was clear that there was a good customer base, the business was progressing successfully, and there was every reason to be optimistic about the future, but after

[Tim Farron]

nine months things began to go wrong because the parent company of 24 Self Video, the RAS Partnership, massively increased the price of stock and Mr Wakefield's business immediately began to lose money. There was no warning of the price increases, and no obvious justifications were set out. Mr. Wakefield protested, but he continued to work hard at his business. Over the next two years, he kept his business going, but he struggled greatly, and in doing so, he had to pour significant additional amounts of his own money into the business to keep it afloat. At the same time, he had to continue paying back his loan to NatWest.

Mr. Wakefield approached 24 Self Video for help and advice. As I have already said, one attraction of being involved in a franchise is that one has a central support and advice network. However, 24 Self Video refused to help. He also asked whether he could see information about the financial situations of other franchisees—anonymised, if need be—in order to understand why his situation had become so difficult. As we now know, he was not alone in that dreadful situation, but needless to say, 24 Self Video refused to provide him with help in that situation, too.

Mr. Wakefield's business folded in 2006. 24 Self Video offered him £15,000 to buy back his equipment and stock. He had to accept the offer; he had no choice, given his parlous situation. However, it subsequently became apparent that 24 Self Video had re-sold Mr. Wakefield's equipment and stock for the staggering sum of about £130,000—presumably to another franchisee who could find themselves in the same difficult situation as my constituent.

Mr. Wakefield is now left with a substantial share of his loan to repay—plus lawyers fees—as a result of extremely questionable practice by the parent company. We already know that, to put it mildly, the directors had form. Mr. Wakefield discovered that he was not alone, and thanks to the work of the hon. Gentleman, it has become clear that there were other victims.

My constituent is an honest and competent business man with a successful track record. Nevertheless, his experience no doubt led him to think hard about what he may have done wrong to end up in that sorry position. It is now apparent that Mr. Wakefield's situation was not of his own making, and that others who share his plight have similar stories to tell.

The victims of that practice wish to receive some form of compensation, and I should like the Minister to consider the way in which that may be possible. However, it is just as important to Mr. Wakefield and others to ensure that justice is done and action is taken to ensure that other business people are not put in the same position and do not suffer the same fate.

There are important questions to be asked. What checks did the Royal Bank of Scotland's subsidiary, NatWest, which lent Mr. Wakefield the money, make when agreeing to such a substantial loan?

James Duddridge: My ears pricked up at the mention of RBS and NatWest for a second time. Has the hon. Gentleman had any discussions with RBS? If he has found it as difficult as the hon. Member for Central Ayrshire (Mr. Donohoe) to receive an audience with the great and the good at RBS, would he support a cross-party letter to raise the issue, calling for a meeting about its treatment of and responsibilities towards franchisees generally?

Tim Farron: I have and I would. We have attempted to establish communications with the bank, but we have not been terribly successful, so I would support the cross-party approach that the hon. Gentleman has outlined.

On the other side of the coin, when banks lend such amounts of money, they must realise that they are putting people in a potentially difficult position. We must ask what checks were made on the directors of the enterprise and their past record. If one were to set up one's own private enterprise, separate from a franchise, there would be no chance of securing the type of loan that one can secure as a franchisee. There is clearly much greater need for due diligence by banks. I wonder what checks were made on the terms of the franchise agreement. One would have thought that any sensible business adviser at a bank would go through the terms that, for example, potentially allowed such unjustified hikes in stock prices. I should be grateful to hear from the Minister what she thinks can be done to ensure greater due diligence.

Mr. Donohoe: Will the hon. Gentleman explain his constituent's problem when dealing with RBS and the director in question? Did the hon. Gentleman's constituent make mention of the problem?

Tim Farron: I cannot go into detail at this point, but my constituent's difficulty was with getting an audience with anyone above branch level. He felt that he had been abandoned, and perhaps even that the bank understood that errors had been made and that it did not want to encourage a sense that they had been made by taking the matter further. I am happy to discuss my constituent's details outside the Chamber, because he is happy for his experience to be used to help us get to the bottom of the situation.

It is important to state, as others have, that the British Franchise Association punches above its weight given its size. It has been in operation for about 30 years, and its code of conduct is based on the code that the European Franchise Federation recognises. The BFA provides mediation and arbitration schemes and an excellent service in many ways. However, it seems sensible for the BFA to require that members meet the criteria for accreditation consistently, not just when they join the association. I am glad that the BFA has tightened its rules to require notification of disqualification during membership, and that it has broadened disclosure to include key managers, not just directors.

The hon. Gentleman cited practice in the United States, where there are disclosure rules and a uniform franchise offering scheme to facilitate compliance with disclosure requirements. The United States is a different kettle of fish: there are 50 different states, and many have different legal codes. Theirs is a more complex situation, so I understand why the need for regulation may be greater in the United States than in

this country. However, if our voluntary operation is not working, I hope that the Minister will consider taking further action.

I hope also that the Minister will determine to take effective and immediate action so that the victims of this scandal receive justice. That would make it certain that no other business people were allowed to suffer in the same way from a series of outrageous practices that aim to make the parent company huge sums of money at the expense of decent, hard-working business people.

10.7 am

Mr. Mark Prisk (Hertford and Stortford) (Con): I look forward to serving under your guidance in this debate, Mr. Chope. I shall begin by warmly commending the hon. Member for Central Ayrshire (Mr. Donohoe) on securing the debate. Members will know that he has a consistent record of dealing with the issue, and I am sure that his constituents value his interest and the contribution that he has made today.

At the beginning of the debate, the hon. Gentleman highlighted the case of 24 Self Video, to which the hon. Member for Westmorland and Lonsdale (Tim Farron) also referred. Clearly, there is a significant problem with that case, and I am sure that the Minister will wish to respond to it. Mention was made of the bank's role, the apparent failure of appropriate due diligence on its part, and the unwillingness of its management to listen to Members' concerns.

On that note, I welcome the remarks made by my hon. Friend the Member for Rochford and Southend, East (James Duddridge), who showed that such debates allow us to work on a cross-party basis. A joint letter, as was suggested, might be able to uncover some of the issues involved in the case. That is a good sign for the way in which many such issues can be dealt with—the heavy hand of Whitehall is not always required. Often, Members can use their position to apply a little leverage and pressure to remind large institutions that they have a role to play in our society and that they need to listen to our constituents' concerns. I hope that that initiative will proceed.

The hon. Member for Central Ayrshire also raised the possibility of a United States-style mandatory disclosure, which I believe would take place every year. I do not claim to be an expert on the way in which that process operates, but I would be interested to know whether the Minister feels that such a scheme is to be encouraged, given that the costs might be, say, £5,000 a year per franchisee. My hon. Friend raised the issue of how we can ensure that we strike the right balance between regulation and investor and business confidence. Striking that balance is at the heart of the debate.

Clearly, franchised businesses are important to the UK economy. It has been estimated that some 370,000 people in this country are employed as a direct result of franchising. As the hon. Gentleman said, the turnover of such businesses and the supply chain that supports them is in the region of £10 billion to £11 billion. As a business model, franchising operates not just in one sector. It seems that 20 or more business sectors have a significant element of franchised enterprises—they might be the local print shop or graphic design agency, for instance, or involved in insurance, hairdressing, fast food and video rental, as we have heard.

A wide range of quite well-known brands are franchises. I suspect that we are all familiar with the long-standing Kall Kwik, but there is also Subway, the sandwich business from the United States that is now growing in the United Kingdom, and estate agency businesses such as Winkworth, which are often franchised. People will obviously be familiar, too, with fast food eateries such as McDonald's and high-street chains such as The Body Shop. Other franchises that come to mind include Printfast and Snappy Snaps.

Given the money that is involved in all those different kinds of businesses and the employment that they generate, it is clear that franchising is an important part of the UK economy. However, franchising is also significant in the debate about small businesses. The franchise option is popular and profitable for thousands of new entrepreneurs beginning start-up businesses. The latest figures, which relate to the whole of last year, show that, roughly speaking, 3,000 small start-ups began their lives as franchised businesses in this country last year.

Why is franchising a popular option? The answer is fairly simple: an established brand or business will have been tested in the market and will therefore have a track record. For someone considering starting up a fast food outlet, for instance, choosing an established franchise, with a name that the public know and perhaps trust, is more likely to be successful than something of similar or greater worth, but which is inevitably untested. As we heard, ironically, a proven track record is also important when someone is seeking to raise finance to launch a business. It is clearly much easier to convince a bank with a proven business model. However, as we have also heard, the down side is the danger of assuming that that business model will not need the same level of due diligence that would be applied to any other. Those risks will fall either on the bank or—because in the end, the bank will have its money—on the shoulders of the entrepreneur.

The performance of individual franchises is underpinned by an annual survey of the sector, which is funded by NatWest bank and commissioned by the BFA. The survey has been run for more than 20 years. Given that it is commissioned by the BFA, there will be an interest in its outcome. However, to be fair, having checked it, I understand that it is undertaken by independent consultants, so I have reasonable confidence that it gives at least a fair picture of the market. The survey shows that franchising delivers the lowest business failure rates of any kind of business start-up. Last year, for example, just 1.8 per cent. of franchises failed, compared with more than 9 per cent. for comparable start-ups generally. The survey suggests that that pattern not only was evident last year, but has been so year in year out.

Given that evidence and its possible implications for encouraging more successful start-ups, can the Minister tell us what assessment her Department has made of the sector and its relative performance? Is that differential in success and failure reflected in her statistics? It would also be helpful if the Minister could tell us how the existing business support network interacts with start-ups and what advice business links provide to budding franchisees, as there might be an issue there relating to points that hon. Members have raised today.

[Mr. Mark Prisk]

The franchise industry is largely self-regulated, and has been that way since 1977, when the major companies involved in the business decided to set up their own association, the British Franchising Association. The BFA had just nine founding members, but over the years it has grown significantly. I am told that there are now in the region of 350 different franchise brands in the UK; indeed, the BFA tells me that under its franchise network alone there are some 15,000 businesses.

As I understand it—this is simply from some cursory research; I do not pretend to be an expert, as the hon. Gentleman clearly is—the BFA's principal ability to regulate is based on its membership procedure and the requirements that it places on applicants who wish to join, whether as an associate or a full member. Even at what is called a provisional level—that is, before being approved for associate membership—the directors of a company are checked against the records at Companies House and then vetted for suitability. Thereafter, moving from the provisional list to associate membership requires certain guarantees and declarations from the applicant, as well as proof of earnings from existing franchisees.

Mr. Donohoe: May I correct the hon. Gentleman's impression about that? One of the fundamental problems in the case that I raised was that that process did not happen. There was no check whatever. The people taking out the franchise were of the opinion that those checks had been made, but after correspondence between the franchisee and the association, it was determined that that had not happened.

Mr. Prisk: I am grateful to the hon. Gentleman. If there was a failure of process by the association, that would need to be looked at with great care and concern. The approach that has been described to me seems reasonable. The question is whether it has been taken, and he is absolutely right to raise that question in his constituent's interests.

Overall, my concern is whether there is due process to try to ensure that known rogues, as it were, do not become members of the association and that innocent potential franchisees do not therefore assume, albeit with good reason, that something is not as it claims to be. The question is whether the BFA or any other body should seek actively to police the industry, to try to prevent malpractice or illegality. The hon. Gentleman has quite rightly raised questions about his constituent's circumstances. Although I have listened to the points that he has raised, I am not party to the case, so it would probably be wise for me not to comment in detail about the whys and wherefores. However, he has raised some important issues, not least that of the role of responsible lending, which I am sure the Minister will wish to address in full shortly.

For my part, I think that there are issues that we can and should consider, about how the industry operates and whether there is clear evidence of systemic market failure that this Government—or, for that matter, any Government—should address. First, with the exception that the hon. Gentleman just raised, the BFA seems to have tried to take reasonable steps within its powers to prevent rogues from coming into the business, yet without creating unfair, undue or anti-competitive barriers for new entrants. However, there may have been a failure in that process, and I am sure that the Minister would want to comment on that. I am also told that the BFA operates a complaint and dispute scheme, which includes low-cost mediation and arbitration for both current and former franchisees. However, I recognise that unhappy franchisees may feel that a body for franchisers may not be entirely representative of their interests and concerns. I wonder whether the Minister could say whether she thinks the existing arrangements are satisfactory.

Secondly, under the current law, anyone who is disqualified from acting as a director is also disqualified from any direct or indirect involvement in the management of a franchise company. Any breach of those restrictions is a criminal offence under the Company Directors Disqualification Act 1986 and should be dealt with appropriately. However, I should also be interested to know whether the Minister feels that the new Companies Act 2006, which she took through the House, might also assist in such cases.

Thirdly, although the cases raised today are clearly distressing to those affected, it is not possible to say that they represent systemic market failure that demands immediate Government intervention. Clearly, in any market there are and will continue to be failures in the sector, but the fact that franchises continue to have a lower rate of failure than the rest of the market weakens the claim that the industry somehow represents undue risk.

Lastly, there is the question of how far and how much Government should intervene to try to protect businesses from failure. By its very nature, enterprise is risky; I do not believe that it is desirable or practical for the state constantly to interfere to try to remove risk. That does not mean that I am unsympathetic to the constituents' concerns and the instances raised by the hon. Gentleman and others in this debate. I myself have set up a business and run one for 10 years. I know and understand the stress and strain—and also the rewards—that come from running a small business. I am not unsympathetic. However, the best way to minimise the opportunity for malpractice—or, worse, illegality—is for there to be transparency in the marketplace and for people to abide at all times by the principle to which the hon. Gentleman alluded: that of caveat emptor, of buyer beware. We should take nothing for granted.

Without question, the franchising sector is an important and growing part of our economy. It is entirely right that we should consider how the industry is operating and whether the current regulatory framework is performing. Naturally, the Minister will wish to dwell on the issues raised by the hon. Gentleman, and I understand that. It is important that she sets out clearly the Government's complete response to his points.

However, I also hope that the Minister will be able to respond to the questions that I have tried to raise, and that she will set out the Government's assessment of the strengths and weaknesses of the franchising model and the regulatory environment within which it operates. The Government rightly speak of the need for light-touch regulation. I hope that today she will be able to show us her commitment to that principle.

10.22 am

The Minister for Industry and the Regions (Margaret Hodge): I congratulate my hon. Friend the Member for Central Ayrshire (Mr. Donohoe) on securing this second debate on franchising, thereby ensuring an interesting exchange of views.

I start by saying that I completely understand the distress caused to the constituents of hon. Members here today. However, across the Government and Opposition Front Benches, there is good unanimity of intent and of understanding about how we go forward on the issues that have been raised.

Let me first put the context, as other hon. Members have done. We all recognise that franchising is growing and we want to encourage it. It is a well recognised route for many who start a business. It is particularly attractive to those with less business experience, who may want to limit their risk and buy into franchising. Particular groups, possibly including women, see franchising as a way into business; they may also include people coming out of the Army with a lump sum that they want to invest in starting on the route to entrepreneurship. We want to encourage franchising, as part of our general encouragement of the growth of small business and entrepreneurship. As all hon. Members who have spoken have said, franchise turnover and the number of people working in franchises are growing.

The hon. Member for Hertford and Stortford (Mr. Prisk) asked me to state our view of the franchising sector. I share his analysis that there are advantages. A franchisee buys an established brand with a proven business model and thereby somewhat reduces the risk in comparison with establishing a business from scratch. The franchisee also benefits from the franchisor's promotion of the brand; that form of support is available. Furthermore, a responsible brand owner will provide support in other forms, such as training, marketing and other know-how of various kinds. As the business model of franchises is proven, it is usually easier to raise finance for them, although today we have heard doubts about whether the banks in the case that was raised practised the due diligence that one would expect of financial institutions. Furthermore, as other Members have said, some banks have teams that focus on franchising opportunities.

The sector also has disadvantages, such as the payments made to the brand owner, which caused problems and reduced the viability of the business in the case that has been mentioned. Furthermore, the franchisee is obliged to adhere to the established model and has to obtain approval for any changes that he or she may want, and the business can be sold only to those approved by the brand owner. Finally, the brand owner could go out of business. There are both advantages and disadvantages.

Franchises are a form of business that may be suitable for some people and unsuitable or less suitable for others. However, the advantages and disadvantages of franchising should not obscure the essential nature of the venture: to buy a franchise is to buy or start up a business. The plain fact is that business is risky; the essence of entrepreneurship is that businesses succeed and fail for a variety of reasons. If a business model succeeds in one place, that does not mean that it will succeed in another, or in a different time or market. Anybody who buys or starts up a business, whatever its form—franchise or otherwise—needs to assess the opportunities, costs and risks with great care. If they are starting in areas outside his or her personal experience, they need to get professional advice.

Both the hon. Member for Westmorland and Lonsdale (Tim Farron) and my hon. Friend the Member for Central Ayrshire raised the issue of the regulation of franchising. As my hon. Friend knows, during the debate last year, the then Minister for Energy, my hon. Friend the Member for Croydon, North (Malcolm Wicks), said that the Government had yet to be convinced that it was necessary or desirable to introduce regulation that followed the model in the States. There are two reasons for that. First, not enough cases have been brought to our attention. I questioned my officials in preparing for this debate, and discovered that the case raised has been one of only two that have been brought to the Department's attention.

Mr. Donohoe: Is the Minister aware of the case in the High Court this month?

Margaret Hodge: Interestingly enough, that case, to which I shall come, involves a company limited by a guarantee. In the instance that we are discussing, one of the issues that has bedevilled the individuals who took out the franchise is that they are dealing with a partnership, not a company. The legislative recourse available to them is different and more limited. In a partnership, the risk is to the individuals, who need to be pursued. In a limited company, there is a disqualification; that, I understand, is the route down which the recent High Court case went.

So we have not had enough evidence, although we shall keep monitoring, as we clearly need to. The other issue is whether regulation might provide a false sense of security. We always have to be wary. Even if we were to introduce the American-style regulation, that is not very different from what the BFA does voluntarily. In this case, it has probably not done so as effectively as we would have liked, and it has provided false comfort to the constituents of the hon. Member for Westmorland and Lonsdale and my hon. Friend the Member for Central Ayrshire. That probably meant that their constituents did not undertake all the assessments that they should have done to ensure that the venture, into which they put considerable amounts of money, was a proper one.

Mr. Donohoe: Surely what the website says about the responsibilities, checks and balances within the BFA would lead the reader to conclude that the organisation had the industry under control. It is clear that the constituents of my fellow debaters this morning are of the clear opinion that that was enough, along with other checks and balances to lead them to conclude that the venture was worth while.

Margaret Hodge: I have looked at the website; in fact, I have various pages of it with me. Let me say to my hon. Friend, since this is the second time that he has raised the issue, that the start of the website states:

[Margaret Hodge]

"All of our members have chosen to be vetted against a strict code of business practice".

I can understand how that can provide some comfort to the people who visit that website. It is interesting to note that the BFA is sponsored by various banks, of which the Bank of Scotland is one.

Mr. Donohoe: As the Minister has visited the website this morning, it might be of interest to her to learn—in case she did not see it—that the president of the BFA is one Bernard Ingham.

Margaret Hodge: I had not picked that one up. However, I did pick up on an explicit set of drawbacks of entering into a franchise agreement. One paragraph talks about the unethical franchisor and says:

"Unfortunately some franchisors have no intention of entering a long-term support relationship with the franchisee"—

that is what has been described this morning—

"instead they have heard that franchising is a way to make money quickly out of gullible franchisees. This is done by setting up a shell franchise—lots on offer but nothing to back it up, then selling such franchises",

although I am not sure that that is what happened in the cases that have been mentioned,

"to those who are so keen to become a franchisee that they fail to make a thorough appraisal of the business on offer. Make sure that you spot this type of franchise, take time to investigate different opportunities. You cannot afford to learn from your mistakes."

The website contains such warnings and, if I were investing a lot of money and putting up my house as security to buy such a franchise, I would go beyond simply seeing whether the franchisor is listed on the BFA website. There is an element of decision making where the onus and the burden have to lie with the individual who makes the decision. Those constituents should probably have investigated everything a bit further.

However, I am prepared to re-advertise the BFA through businesslink.gov.uk. I have asked my officials to investigate whether it is appropriate for the Government to advertise a voluntary organisation—a trade association of franchise institutions—to ensure that we do not unwittingly provide false comfort or false information to individuals who might use a Government website for support when buying a franchise. I will write to all hon. Members who have participated in the debate once we have undertaken the review to see whether listing the BFA through the Business Link website is appropriate.

Membership of the organisation is voluntary, and it is a trade association. The hon. Member for Rochford and Southend, East (James Duddridge) asked whether we funded it. No, we do not. I am pleased to learn that, rather than vetting franchisors when they first ask to become members, it vets its franchisors more regularly to ensure that they should remain members of the organisation.

Let me deal with a point that the hon. Member for Westmorland and Lonsdale raised when he described his constituent's experience. It sounded to me as though his constituent might have been the victim of misrepresentation, fraud or some anti-competitive practices, or reckless mismanagement on the part of some company—I was not clear whether it was the company or the partnership with which his constituent had to do business. There are protections in law for anyone who thinks that they have been a victim of such abuses. If the hon. Gentleman believes that any of the circumstances in that case involve such practices, I hope that he will draw the matter to the attention of the appropriate authorities.

If we were to make some new form of regulation—some special controls of franchising—we would have to justify them as necessary and show that there has been a systemic problem or risk with franchise businesses that has not arisen for other businesses. I have not had evidence presented to me to show that that is the case, nor has new evidence been presented this morning that would lead me to conclude otherwise. It must be clear that, in cases that involve no misrepresentation, fraud or deception, but in which the business simply does not make it in the marketplace, no conceivable form of regulation could save that company. It is simply not possible for the Government to insure business against the possibility of failure.

I have dealt with the fact that some of the people involved in the franchise business were disqualified as directors. Once someone is disqualified as a director, we inform Companies House. In cases where someone acts as a director of a limited company while they are disqualified, we have a hotline at the DTI—we take that matter extremely seriously and we would pursue it. It was unclear from the speeches of the hon. Member for Westmorland and Lonsdale and my hon. Friend the Member for Central Ayrshire whether their constituents dealt with a company or a partnership, because the legal framework is different. Those who feel that they have lost money as a result of the actions of a partnership can pursue the individuals, so no disqualification procedure is in place. If either hon. Member wants to write to me on that, I am happy to write back to clarify the position for their constituents.

A number of hon. Members raised the issue of the banks. Clearly, we want to ensure that banks act with a duty of care for their customers, as my hon. Friend the Member for Central Ayrshire mentioned. My hon. Friend the Member for Paisley and Renfrewshire, North (Jim Sheridan) talked about banks' moral responsibility, and we all believe that that is important. I am pleased that the initiative is going to be taken collectively to seek a meeting with the banks to ensure that they exercise due diligence when supporting individuals who move into franchises.

Mr. Donohoe: Will the Minister tell us whether she has meetings with the banks and their directors?

Margaret Hodge: The banks, of course, are regulated by the Financial Services Authority. The Treasury, not the Department of Trade and Industry, has responsibility for financial services, but I do indeed meet individual banks and the British Bankers Association from time to time, and I am happy to raise the issue when I next meet them. I suggest to hon. Members that they also have available the services of the banking ombudsman. If they feel that inappropriate support and advice was given to their constituents, a reference to the ombudsman from my hon. Friend the Member for Central Ayrshire and the

hon. Member for Westmorland and Lonsdale together, or with the hon. Member for Hertford and Stortford, might be appropriate.

The hon. Member for Hertford and Stortford rightly put the issue of franchised businesses in the context of the business support that we give to start-ups. Although we cannot insure businesses against failure, we do a great deal to help small business and support business start-ups. As he and I have often said in debates, we share the view that they are absolutely vital to the future health and prosperity of the economy.

We are proud of our record; he is more critical of it, but there are 600,000 more small businesses today than there were when we came into government in 1997, and employment in the SME sector has risen by more than 1 million. We have a record number of British entrepreneurs, including for the first time ever, I am delighted to say, more than 1 million self-employed women. I should like to go further than that. As he well knows, small business now accounts for more than half of private-sector turnover.

We do not keep specific information on the support and advice given to franchisees, but Business Link is reaching more people each year. In 2003-04, just over 600,000 people were supported by Business Link, and in the most recent year for which we have figures, we are up to nearly 800,000—a substantial increase in the number of individuals supported. I hope that the new contracts for Business Link that are just starting up, to be run by the regional development agencies, will increase its effectiveness yet further and enable it to provide further support to the SME sector.

As the hon. Gentleman will know, we are trying to make our advice and support to small businesses much more user-friendly, by reducing the number of business support schemes from 3,000 to 100, which will help with access and reduce the undoubted confusion that both he and I believe businesses currently face.

Mr. Prisk: I do not wish to drift too far from the subject, but can the Minister tell us when the Government hope to publish the criteria for that simplification? We have had correspondence in the past on both franchised and non-franchised small businesses, but it would be helpful if she could say whether she expects to publish the criteria imminently. I think that they were due in March, but does she now expect them before we rise before the summer?

Margaret Hodge: We are well on the route to developing the criteria, and they will be published well before the summer recess in a consultation paper that the Chancellor promised in the Budget. We are currently preparing that paper. The hon. Gentleman will know that we are doing effective work on raising the spirit of entrepreneurship among school children through Enterprise Insight, enterprise week and other initiatives. It is heartening, when comparing our record with those of other European and other G7 and G8 countries, to see that our rate and awareness of entrepreneurship and the likelihood of people becoming entrepreneurs is on the rise, and that we are moving up the international ladder. We are offering such things as a leadership and management programme for SMEs, which I know the hon. Gentleman agrees is important, and improving access to finance, particularly through the enterprise fund.

The Business Link website, businesslink.gov.uk, is particularly important. It draws together information from more than 50 bodies and provides straightforward details on regulations that apply to small businesses. It has a host of useful business tools, is an internationally award-winning website and now has more than 5.5 million unique visitors each year.

With that background, I appreciate the raising of the debate. It is important, and it has made me think clearly about whether we should consider more regulation for the franchising sector and whether current support is appropriate. I do not believe that the time has come for formal regulation, and I am not convinced that it would necessarily have provided the right support to the individuals who lost so much money in the constituencies of my hon. Friend the Member for Central Ayrshire and the hon. Member for Westmorland and Lonsdale.

We should do what we can to support franchises, because they are an important route into entrepreneurship, as hon. Members have said. But at the end of the day, it is up to anyone venturing into business, whether as a franchise or independently, to make their own inquiries and decide what to do in the light of their own priorities, judgments and capacities. Of course they should seek professional advice, from whatever source—we have discussed the role of the banks—but whatever the advice, the judgment must in the end be down to the individual making the commitment. However, I take on board the issue of the BFA, and I shall come back to hon. Members on that. I hope that they feel that they have had a good opportunity this morning to air their constituents' concerns, and I assure them that the Government have listened hard to what they have said about the experiences of those constituents.

12.47 pm

Sitting suspended.

Dairy Industry

11 am

Mark Williams (Ceredigion) (LD): It is a privilege to serve under your chairmanship, Mr. Chope. The last time that I recall us having a full hour and a half debate on the state of the UK's dairy industry was in November 2005, when such a debate was initiated by the hon. Member for Preseli Pembrokeshire (Mr. Crabb). Not many Members are here today; however, there is a similarity between the faces present today and those present then. I am sure that Members will agree that this debate is long overdue.

Since November 2005, there have been many developments in the dairy sector and it would be churlish not to acknowledge that a lot have been positive. The ongoing Competition Commission inquiry gives us hope that some form of regulation will be introduced into the market and that that will help to provide dairy farmers with better farm-gate prices. Farmers' unions, the women's institute and other rural interest groups are succeeding in building a much higher profile for the plight of Britain's dairy farmers, notably through the great milk debate that was launched in April; many Members will have had experience of that in their constituencies. We ignore the WI at our peril, particularly as others have been less responsive to its concerns.

Supermarkets are starting to get to grips with their responsibility to ensure that farm-gate prices are set at a fair level. However, such progress cannot come a minute too soon for dairy farmers. Today, the average farm-gate price for a litre of milk is just under 18p, yet research by the National Farmers Union and the Royal Association of British Dairy Farmers estimates the price of production at 21.23p a litre.

The situation is compounded by the escalating costs faced by our farming community. Figures provided by the National Farmers Union of Wales show that the cost of diesel has more than doubled and that the cost of nitrogenous fertilisers has risen by more than 50 per cent. in the past six years. During the past four years, the average price of electricity for small industries, including farms, has risen by some 90 per cent. In that context, farmers secured a price of 24.5p a litre 10 years ago, compared with 18p a litre today.

I remind the Minister of the serious and worsening impact of tuberculosis on dairy farming. The Government's perceived lack of action on bovine TB does little to support the industry. I know that the Minister takes a particular interest in this matter, and I urge him to implement a clear and universal strategy to deal with bovine TB at the first opportunity.

Agricultural policy is a devolved matter, but there are cross-border issues. For example, English badgers are free to enter Wales, as Welsh ones are to enter England.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): The hon. Gentleman has rightly pointed out that policy on bovine TB has been devolved to the Welsh Assembly. Does he agree that we have had four wasted years under the last Assembly Administration, during which the problem was not tackled? Does he also agree that the interaction between low farm-gate milk prices and the spread of bovine TB in his constituency and in mine risks decimating the dairy sector?

Mark Williams: I agree and I thank the hon. Gentleman for that contribution, as the situation is much as he describes. Issues associated with bovine TB ring out from cases brought to his surgery and to mine.

Sadly, there are few signs that the regulatory burden is lifting. In fact, many farmers across the UK are seriously worried about the impact of the nitrate-vulnerable zone regulations, which are likely to have significant cost implications by requiring farms to build storage units for slurry. I have heard estimates that implementation of the regulations will require capital costs of £300 million to £400 million. Does the Minister agree with those figures? How does the Department for Environment, Food and Rural Affairs plan to mitigate the effect of those measures and where will the burden fall? The great environmental challenges of our day are not lost on our farming community, but there are serious concerns about how the terms of the regulations will be met. I commend to the Minister the work on methane emissions undertaken by the Institute of Grassland and Environmental Research, which is based in my constituency.

The result of the shift in the balance of production and retail costs has been disastrous in Wales. I will resist the temptation to stray into devolved matters and will simply cite some examples. The Welsh Assembly revealed in its latest aggregate agricultural statistics that income from farming in Wales fell by about £44 million between 2005 and 2006. That dramatic reduction is mainly due to a downward slide in the value of milk and milk products that amounts to £23.9 million. The net result, which I am sure has been the experience of other Members in their constituencies, is that dairy farmers have left the industry. In Wales, the figure has fallen by about 30 per cent. to 2,400 farms.

Hywel Williams (Caernarfon) (PC): The situation is compounded by the difficulties faced by new entrants and the average age of the work force, which is increasing every year.

Mark Williams: I thank the hon. Gentleman for that comment. One concern that is doubtless raised in his meetings with farming unions is the ageing farming community. The problem is not that young people are not keen to enter the industry as a career, but that it is incredibly hard to do so. I will come back to that issue.

It is not just farmers who are under threat; there is also a decline in associated industries. Some 70 per cent. of Welsh milk is turned into cheese, and I hope that our discussions will not focus just on supermarket milk. The recent announcement in my constituency of the closure of the Aeron Valley creamery, which will result in the loss of 44 jobs, has given cause for concern. Its highly motivated work force had been working very hard to establish some well-known brands, and the decision to close came as a bolt from the blue. The closure came only 12 months after Dairygold closed in Felinfach, which resulted in 115 job losses. Dairygold is another dairy sector firm that has pulled its operations out of Wales. It has benefited from not insubstantial sums of public money.

I am pleased that the Dansco creamery in Newcastle Emlyn, which is just across the border from Ceredigion in Carmarthenshire, has secured its short-term future.

Had it not done so, farmers in my constituency and more widely in west Wales would be in an even worse position. If milk is processed locally, transport costs are kept down, farmers' margins are less and more of the value of the primary product is kept in the local community. That should be the benchmark.

As the hon. Member for Caernarfon (Hywel Williams) said, the average age of the dairy farmer is rising and we need to act now to ensure that more young people have an incentive to stay in the sector. Wales certainly has an impressive network of young farmers clubs. When I am on the hustings at elections, I am often asked whether I would encourage a young person to pursue a career in dairy farming. Faced with the current pricing regime, it is difficult for me to give an honest, objective opinion.

The looming spectre of the Competition Commission's inquiry has at long last provoked supermarkets into taking some action to increase farm-gate milk prices. Out of the major retailers, Waitrose and Marks & Spencer have led the way. Waitrose has created a "select farm" milk range, which guarantees 65 farmers a price of 23p a litre. Marks & Spencer guarantee 61 milk suppliers a fair price. Tesco has recently announced that it will guarantee 850 farmers 22p a litre, which is welcome news. Sainsbury's and Asda are both urging their processors to pass a premium back to the farmer, but we have yet to see any concerted action from Morrisons.

Andrew George (St. Ives) (LD): My hon. Friend is making a good point. On the Competition Commission inquiry, does he agree that the Tesco announcement was made largely in response to the requirement for a public relations boost for how it is seen by the dairy industry? Does he also agree that the nature of the contracts themselves—the short-term changes, the overriders, the paying for promotion and other conditions—need to be looked at? That is why the Competition Commission should come down hard on the retailers to protect primary producers.

Mark Williams: I of course agree and it would be churlish not to welcome those moves, in so far as they go, but we have yet to see the detail. *[Interruption.]* The hon. Member for Caernarfon asks from a sedentary position, "How far have they gone?" and the answer, I think, is not very far at all. It is a step, when we need strides. As my hon. Friend the Member for St. Ives (Andrew George) said, we need to look more closely at such practices through, I believe, the Office of Fair Trading.

Mr. Crabb: The hon. Gentleman is being extremely generous with his interventions. My discussions with representatives of Tesco have left me under the impression that it is very alive to the concerns of the dairy sector. The new contracts that it is trying to move towards represent a genuine attempt to get close to producers. There is a lot of cynicism among farmers about Tesco and the larger retailers, and we can understand where that is coming from, but Tesco's initiative is a genuine attempt to move the debate forward, to get beyond the finger-pointing among retailers and processors of recent years, and to do something positive for the sector. However and as the hon. Gentleman said, we need to see the detail.

Mark Williams: The proof of the pudding will be in the eating. What will happen remains to be seen, but I would like a lot more detail from those companies, so I shall reserve judgment.

Any recognition by supermarkets that their huge power bestows on them a social responsibility is, of course, welcome. Any initiative that guarantees farmers a return over and above the production costs represents a step—although we are looking for strides—in the right direction. For a long time, my colleagues and I have been urging supermarkets to look at the model of Fairtrade products. Wisely and necessarily, the Fairtrade movement guards its label and name for use with developing countries only, which I respect, but the model shows us how consumer power can lead to a change in practice by supermarkets. However, direct-supply contracts could easily create problems, as well as solutions. For those farmers not lucky enough to secure a direct contract—if it is an acceptable contract—the future would remain vulnerable and unsustainable.

The Royal Association of British Dairy Farmers estimates that only 11 per cent. of Britain's 15,000 diary farmers will benefit from Tesco's recent decision. Those left out in the cold will continue to face a very uncertain future. Supermarkets will continue to get the majority of their milk from milk processors, and for most farmers the farm-gate price will remain unsustainably low.

As I ate my breakfast this morning, I noticed the flag of St. George on the milk carton and the milk pledge by Marks & Spencer:

> "We were the first retailer to introduce a scheme that guarantees our dairy farmers a fixed price for milk, removing the uncertainty of the milk industry's price fluctuations so our farmers have greater security and the ability to plan."

We need to hold companies to such statements, and I sincerely hope that Tesco's direct-supply contracts are robust enough to ensure that those guaranteed prices actually reach farmers—the contractual point made earlier by my hon. Friend the Member for St. Ives. The milk will still come via processors, so how it will work in practice remains to be seen.

There is a separate move by Tesco to allow its customers to support local milk producers, which represents an important development, too, but we should realise the limits of the current scheme. My county of Ceredigion is a big milk producer, but Tesco confirmed to me that although it has a local-choice milk supplier in Caernarvonshire for its Welsh milk, it does not have one in Ceredigion. The definition of localism depends on who is making the case.

Moreover, only half of raw milk is consumed as liquid milk. As I said earlier, 70 per cent. of Wales' milk goes into cheese production. It is vital that supermarkets introduce fairer pricing structures for cheese, as well; reform of the milk sector on its own is not enough. I accept that the cheese market is more complex, but supermarkets must make efforts in this area, too. Sainsbury's has worked to increase returns to farmers through its new cheese contracts; again, the details have yet to be seen. That must be the start of real change in the sector.

The Government can help, too. The Food Standards Agency and Ofcom model—it puts cheese in the same category as sugary cereals, crisps and burgers, and

[Mark Williams]

involves a ban on the advertising of cheese during children's programmes—is very damaging to the product. If Ministers can bring pressure to bear there, I sincerely hope that they will. I commend the work of my hon. Friend the Member for North Cornwall (Mr. Rogerson) and the all-party group on cheese, which I believe has led the campaign. It is doubtful whether voluntary action by supermarkets alone will be enough to halt the erosion of the dairy sector. Indeed, I would suggest that the threat of regulatory action by the Competition Commission has stirred supermarkets into life.

Farmers across the UK are hoping for a strong conclusion to the commission's inquiry, because its recommendations can do so much to aid the sector. That is why it is regrettable and frustrating that its announcement is not now expected until February 2008, according to the commission's website this morning. The supermarket code of conduct should be scrapped and replaced by a fair trade inspector within the Office of Fair Trading. He could proactively investigate abuses of market power at every step in the supply chain and ensure a fair deal for farmers. I hope that the parties represented here this morning can reach some unanimity on that point.

I hope that the Minister will give a commitment to abide by the results of the commission's inquiry and that he will set in train a review of Government policy, in order to recognise the pressures on the dairy industry and to investigate actively ways in which to bring bargaining powers back to dairy farms. In Wales, the NFU Cymru has proposed bringing together the Milk Development Council, the Dairy Development Centre and the Welsh dairy strategy group to lead the way for the Welsh dairy industry, according to the example of the Ireland model. Obviously, because such matters are devolved the Minister cannot comment directly on the Welsh example, but I hope that he can say whether he has made an impact assessment of the success of the Irish model, of the grants given to Irish cheese producers and of the competitive edge given to Irish milk products as a result of that support. Would he support the formation—I hesitate to say this, as a Member representing a Welsh constituency—of an England-wide or regional marketing board along those lines?

I remind the Minister that reinvestment levels in the UK dairy industry are unacceptably low and well below the European Union average, which does not make for a healthy industry. We need to do something about that. The NFU thinks that further rationalisation of the processing industry is essential if the UK is to compete effectively at an EU and international level. I would be interested to hear the Minister's views on the principle of rationalisation and whether he agrees with the NFU that it should be encouraged.

Andrew George: I am interested in the relative gullibility of the hon. Member for Preseli Pembrokeshire (Mr. Crabb) in accepting Tesco's announcement. On my hon. Friend's point about the Competition Commission's inquiry, does he agree that there is still time for dairy farmers and other producers to bring forward evidence to the commission before the initial findings are announced in September? In fact, it is urging producers to bring forward further evidence. It is an important moment in ensuring that we get a decent outcome.

Mark Williams: I agree with my hon. Friend, and I have certainly sent that message in my dealings with farmers in my constituency. There were concerns early on that the body of opinion and evidence for which we had hoped had not been presented to the commission.

Dairy farming is more than an industry. I shall resist the temptation to be poetic, but, representing a rural constituency, I can say that it is much more than that. If we do not offer support to our dairy farmers, they will simply go out of business and we will lose much more than farms. We will lose the wonderful produce that is being developed and has been developed over the years, and risk destroying livelihoods and breaking down communities. Potentially, acres of countryside will be left untended. Once dairy farmers go, there is very little chance of getting them back. The cost of re-establishing a farm is uneconomic as things stand.

I detect a change. It might consist of token gestures, or it could be more substantial. There is greater awareness in this place of the farming industry. I pay tribute to the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) and the all-party group on dairy farmers—it consists of Government and Opposition Members—in bringing such matters to the attention of the House. Farmers need support now, before it is too late. The next time that I address a farming union meeting in my constituency and I am challenged with the question about young entrants to the farming industry, I want to be able to give the unequivocal answer "Yes", rather than "It depends."

11.20 am

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I congratulate the hon. Member for Ceredigion (Mark Williams) on securing this important debate. I concur with almost everything that he said. When I was elected to Parliament, I started to realise the extent of the crisis in the dairy sector through meeting many of the dairy farmers in my constituency. Two constituents in particular, Mr. Stuart Jones of Asterley and Mr. Andrew Bebb from Cruckton, managed to teach me a great deal about the industry and have encouraged me throughout to pursue their interests and those of the wider dairy sector. Mr. Bebb is a member of Farmers for Action, and I pay tribute to the work that he does.

As a result of those meetings, about a year ago I started to campaign for action by supermarkets, but when I met chief executives of supermarkets, they were intransigent. At that time, they were saying, "We're already doing a great deal. Don't bother trying to kick up a fuss over this issue, because we're not going to do anything about it." That was their attitude. I was particularly disappointed with some of the comments from Asda at the time.

I therefore decided to set up the all-party parliamentary group on dairy farmers, because as we all know in the House, numbers speak and it is important for Members of Parliament from all political parties to co-operate to show the extent of feeling. It is a tribute to the extent of feeling on this

issue that so many MPs are here today to take part in the debate. I introduced a debate the other week on Anglo-Russian relations and I was the only Member present.

Hywel Williams: And the Minister.

Daniel Kawczynski: Indeed. Obviously, the dairy sector is far more important than Anglo-Russian relations.

I should like to inform the Minister that more than 170 MPs have joined the all-party dairy farmers group, which makes us one of the largest all-party groups in the House of Commons. We have a very large number of Labour MPs, Conservatives and Liberal Democrats, as well as Welsh nationalists of course and Members from Northern Ireland. The group has been very active: we have published a report, which has been widely circulated. I, together with my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb), took it to the Secretary of State for Environment, Food and Rural Affairs, and we hope that he will consider some of the recommendations that we put together in the report. However, the Secretary of State left me with the impression that the view is that it is not the Government's role to intervene with supermarkets and that the matter will have to be sorted out by the industry.

I very much regret that, because I feel passionately about the issue, even as a Conservative. We always think that we cannot buck the market and we have to let the market look after itself, but as a Conservative I can say that I feel passionately that, for certain industries, there has to be some form of intervention and regulation. The industry that we are discussing is of such fundamental importance to our country that it deserves to have a spotlight shone on it by the Government. The Government should at least be scrutinising far more effectively what the supermarkets and processors are doing.

For the report, the all-party group interviewed many people over the past 12 months, including the Office of Fair Trading, chief executives of various supermarkets, the NFU and many other outside bodies. I pay tribute to the RABDF, which has acted as an excellent secretariat for the group and has been a tremendous help to me in sorting out a great number of interviews and other exercises.

A delegation even went to Brussels recently. I see the hon. Member for Brecon and Radnorshire (Mr. Williams) and my hon. Friend the Member for Preseli Pembrokeshire here. The three of us, with other MPs, went to Brussels to lobby the Agriculture Commissioner, Mrs. Fischer Boel. For an arch-Eurosceptic such as myself, it was quite a difficult experience to go to Brussels to interact with commissioners. Nevertheless, I had to do it, because I feel that the Government of my own country are not doing enough on the matter. I had to go to Brussels to lobby the Agriculture Commissioner to intervene in our country. It hurts me to say this, but I had to ask her to intervene in our country.

Mrs. Fischer Boel was extremely encouraging. I hope that my colleagues will concur with that. She said that she would look at the situation of the dairy sector in Britain and would have negotiations with our Secretary of State for Environment, Food and Rural Affairs to see what could be done. She also said that, in her native Denmark, Arla has 80 per cent. of the processing capacity. That was one of the most interesting things that I took away from that meeting. We are in a common market, and Denmark allows a processor to have an 80 per cent. market share, so why cannot we do something similar in the United Kingdom?

Mr. Crabb: My hon. Friend makes an extremely important point. Does he agree that one potential solution to the problem in the dairy industry is to have large farmer-owned co-operatives that are vertically integrated, similar to Fonterra from New Zealand and Arla in Denmark, emerge in this country? That will restore some of the balance in the supply relationship between farmers and the larger retailers. Does my hon. Friend also agree that there are significant concerns in the farming community about the attitude of the Office of Fair Trading to such a development? We need some of those co-operatives to become much bigger and stronger.

Daniel Kawczynski: I totally concur with that. It goes back to the point that there is a role for the Government to examine the success of processors in countries such as Denmark and to see whether they can negotiate or make it easier for some form of rationalisation to take place.

Mr. Drew: I totally agree with the hon. Gentleman. The problem is that we had such a body—it was called the milk marketing board—but successive Governments and successive farmer organisations did their best to undermine it. Perhaps with the benefit of history, he can go back and rewrite it.

Daniel Kawczynski: I do not know how to reply to that. I certainly stick by my comments that there should be some rationalisation of processors.

Helen Goodman (Bishop Auckland) (Lab): What the hon. Gentleman says is absolutely right. The point about the message that he has been given by DEFRA—that it wants the market to operate—and the point that he is making is that in the market that we are discussing, the power structure is totally unequal. That is the problem. The farmers do not have the same power that either the processors or the supermarkets have. If the Office of Fair Trading, in its inquiry, does not pay attention to the unequal power and does not look to the long term as well as to the short term, we will not end up with a satisfactory and sustainable dairy industry.

Daniel Kawczynski: Absolutely correct. I am grateful to the hon. Lady for that intervention.

The hon. Member for Ceredigion referred to the help that we have received from the WI. I pay tribute to its campaign. It has been instrumental in the great milk debate, in which I recently participated, and it is much better than us politicians in getting publicity. I remember that a lovely lady, who I believe was from Gloucestershire, came here on a cold January morning in a bikini and had milk poured all over her in the garden next to the Palace of Westminster to highlight the plight of dairy farmers. I applaud her for doing that on such a cold January morning.

[Daniel Kawczynski]

As I said, I participated in the great milk debate in my constituency, at the West Midland showground in Shrewsbury. More than 400 farmers and constituents attended that event, which was one of the most popular events that certainly I have played a part in over the past few years.

The campaign is starting to pay off. I am extremely encouraged by Tesco's action. I appreciate the point made by the hon. Member for St. Ives (Andrew George) that it is only a very small, initial, tentative step. However, the investment by Tesco adds up to approximately £25 million and will affect 850 farmers, who will potentially receive a price of 22p a litre. I am even more encouraged by the initiative whereby it will employ 150 local farmers to produce local milk.

The hon. Member for Ceredigion told us that Tesco does not yet want to sell Ceredigion milk, and I have to tell him that I have been banging on Tesco's door, asking it to sell Shropshire milk in its Shropshire stores. I encourage every hon. Member to interact with Tesco and to continue trying to get it to sell local milk in their constituencies. I know that it is going to have a Dorset milk, so my question is, "Why can't you have a Shropshire milk?" We in Shropshire are also major milk producers. Such proposals are an important first step, and I want other major supermarkets to follow suit. I have had numerous meetings with Mr. Justin King, the chief executive of Sainsbury, and I expect him and Sainsbury to follow Tesco's action. Mr. King will be coming to the all-party group's next meeting in the House of Commons, and I hope that hon. Members will attend and quiz Mr. King about his actions.

When I met Mr. King, I showed him a full-page advert in *The Daily Telegraph*, which clearly highlighted Sainsbury's policies on bananas, describing how the supermarket would pay banana growers in Belize, other central American countries and the Caribbean a fair price. I said, "You show such enthusiasm and passion for telling your customers that you want to pay Belizean and Caribbean banana growers a fair price. Why can't you show just a molecule of the same interest and passion for our British dairy farmers?" Part of the reason is that there has been a great Fairtrade debate, and constituents up and down the country have very effectively shown the supermarkets how many people care about farmers in the third world being paid a fair price for their products. Together with the WI and other bodies, we in England and Wales must show supermarkets the same determination and interest so that they will follow suit on this issue.

Let me add a couple of extra points. The all-party group's report does not call for a regulator for the supermarkets. Having studied the issue, I desperately wanted a regulator, but, regrettably, I could not persuade the other MPs to agree. The only party that is prepared to contemplate a regulator is the Liberal Democrats—

Hywel Williams: And Plaid.

Daniel Kawczynski: And Plaid. However, I hope that the Conservative party and the Labour party will look closely at introducing some form of watchdog, even if they are not prepared to have a regulator.

Andrew George: I welcome the hon. Gentleman's endorsement of the concept of a regulator. What the sector requires is a food or grocery trade inspector at the Office of Fair Trading, rather than a new body. However, does the hon. Gentleman not agree that the code of practice has clearly not worked? Producers are not prepared to complain because they fear the consequences for their contracts. On that basis, we need someone to investigate proactively, rather than simply waiting for complaints that will never appear.

Daniel Kawczynski: Yes, I totally concur. Indeed, that point was raised at the all-party group's annual general meeting yesterday. We must come up with a solution under which our group or some other body encourages farmers to collate and present complaints to the Competition Commission.

Helen Goodman: I found that the OFT was prepared to take complaints from my constituency that I had anonymised for it, but that it would not take anonymous complaints directly from farmers.

Daniel Kawczynski: Yes, that is very much the case. However, the point remains that many farmers are fearful, and the commission needs to hear their views. I have put on record that if any farmer wishes to write to the all-party group, we will collate their views, anonymise them and pass them on to the commission. We can act as a conduit between farmers and the commission.

I am conscious that others want to speak, so let me raise just a couple of extra issues. The hon. Member for Ceredigion mentioned bovine TB. A few months ago, the Minister kindly met me and a delegation of farmers from my area to discuss the soaring rates of bovine TB in my constituency. He replied to me in writing to confirm that it had gone up significantly—by more than 20 per cent.—in the past year in my constituency and kindly agreed to meet a delegation of local farmers to discuss the issue. I hope that he will be able to give us an update on what the Government will do about bovine TB. I know that the issue is controversial, but I would be grateful for an update.

I would also like to raise the case of a constituent, Mr. Chris Balmer from Snailbeach, who has been in the dairy industry for a lifetime, as were his father and grandfather before him. I feel passionately about the case of this one man in the very south of my constituency. He is a small farmer, he lives by himself and he had a terrible case of bovine TB on his farm, but despite my repeated interventions, he has still not had his full Rural Payments Agency payment for last year. In most cases, when the MP intervenes with the RPA's chief executive in writing or over the telephone—I have telephoned personally and written on many occasions—the issue is usually settled. Indeed, I have intervened in 45, 50 or 60 cases in recent months, and they have been resolved. However, I want to put on record for the Minister that my constituent, Mr. Chris Balmer of Snailbeach, who has had terrible problems with bovine TB, has still not had his full RPA payment for last year. He is an honourable and decent gentleman and he came to me in sheer desperation and frustration—tears were almost coming down his

cheeks—because he was at his wits' end, and I take this opportunity publicly to ask the Minister to intervene on his behalf.

The Competition Commission has been mentioned, and I feel a certain frustration and regret at the fact that its report was not published last year. I very much await the publication of its report, which has been delayed on more than one occasion. It is now the commission's responsibility to come up with a strong critique of what is going on and with serious recommendations to the Government. I look forward to it grasping the nettle, being controversial, putting its head above the parapet and coming up with some constructive, long-term solutions for the Government to implement.

11.38 am

Hywel Williams (Caernarfon) (PC): I congratulate the hon. Member for Ceredigion (Mark Williams) on securing the debate. This is an extremely important subject, and it is gratifying to see Members from Wales here. Indeed, until a moment ago, when the hon. Member for Preseli Pembrokeshire (Mr. Crabb) left, we had what one might term a rainbow coalition on this side of the Chamber.

This is an important matter because, as has been said so many times, the family farm is of huge significance in Wales. That significance goes beyond the short-term bottom line, because individual businesses are not just businesses—they are the backbone of the rural community and the way to keep young people in our rural areas.

Lembit Öpik (Montgomeryshire) (LD): In a sense, the hon. Gentleman is right that there is a rainbow coalition on this issue. Does he agree that we are united by our shared concern about the seeming injustice that has been meted out to dairy farmers, with the treatment of bovine TB and the economic arrangements that the Government have imposed on the trade, which have done a great deal to force it into virtual bankruptcy?

Hywel Williams: The hon. Gentleman is quite right. Indeed, we in Wales are concerned not only about aspects of farming, which are important in sustaining rural communities, as they are in England, but about the further point that the agricultural community is the mainstay of Welsh language and culture.

I hardly need to say that there has been a huge and accelerating change in the dairy business over many years, with the size of herds increasing to a perhaps unfeasible level, along with the capital costs that are difficult to sustain. I occasionally talk to a constituent who is a good friend of mine, named Iestyn Hughes, of Mynachdy Bach. He is now retired but is fond of telling me that he brought up a family, farming a herd of 25 to 30 cows. It was very hard work, but he would not be able to do that now. There is innovation, and there are efficiency gains in the industry.

Another of my constituents has adopted the New Zealand method. He now has 800 cows out in the fields all year round and does not bring them in at all. It is a huge operation, with economies of scale, and, I hope, very good profits, but that sort of option is not open to the vast majority of farmers in my constituency.

I represent the area Hufenfa De Arfon, where the South Caernarfonshire Creamery is based. The creamery is a farmers' co-operative set up in the 1930s. It has the vertical integration that is seen as so important and produces not only liquid milk but cheese, butter, yoghurt, buttermilk and, I am sure, other things as well. It is a hugely efficient and successful operation. It has always been in the highest 10 per cent. for paying its members; its products are of superb quality and it adds value. It handles organic milk for other retailers and it exports cheese. It produces a cheese called Monterey Jack, which is an American recipe, and exports it—to America. Its premium vintage cheese is called Hen Sir, or Old Shire—and an excellent cheese it is. However, even that co-operative cannot buck the market in which retailers get such a big share and producers get essentially what they are given.

I think that the situation is verging on market failure. It is almost as though the market does not sustain a viable industry, at least as far as farmers are concerned. I shall not go into the subject of retailers.

Andrew George: Will the hon. Gentleman reflect on the fact that, although dairy farmers in the United Kingdom are certainly among the most efficient, and we have arguably the best climate for dairy farming—certainly among the best grazing land in Europe—giving us the best conditions for the best dairy industry, our dairy farmers are closer to being on their knees economically than any dairy sector in Europe? That shows the extent of market failure in the UK.

Hywel Williams: The hon. Gentleman makes an excellent point. When dairying in this country—particularly in my part of the world, with its high rainfall and very good grassland—is compared with dairying in the southern parts of Europe, we have ideal conditions; so why does not it work? Clearly, there is something happening beyond the efforts of individual farmers, or even farmers working as a co-op, as they do in Hufenfa De Arfon.

Liquid milk is bought and sold as a commodity and is subject to short-term variations, while small farmers are trying to run long-term businesses. Cows cannot be turned off as though they were machines, and investments cannot be planned if farm incomes are so unpredictable. I am glad that the supermarkets have begun to recognise their responsibility and are paying a premium in a few cases, but those higher prices are for a minority of producers. Perhaps I am a sceptic, or even a cynic, but I must ask whether that is more than a gesture. We shall see, but I should like those favourable arrangements to be extended to more and more farmers.

I want to end with a point about the Competition Commission. I have meetings with farmers and recently met some from the Farmers Union of Wales, and members of the South Caernarfonshire Co-op at their building in Y Ffôr. We discussed the possibility of submitting evidence to the commission, and there was an element of real fear: people thought that, if they put their heads above the parapet, they would pay in the longer term. We discussed the possibility of anonymising evidence, and that should certainly be pursued. There is still an opportunity to provide

[Hywel Williams]

evidence. Lastly, to reinforce the intervention on the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) that I made from a sedentary position, Plaid Cymru has pressed for a milk ombudsman for a long time, and I would commend that idea to the House.

11.44 am

Tim Farron (Westmorland and Lonsdale) (LD): It is a pleasure, Mr. Chope, to serve under your guidance twice in the same morning and to congratulate my hon. Friend the Member for Ceredigion (Mark Williams) on securing a debate that is crucial not just with respect to dairy farming, but, from my observations of the debate so far, for the fact that it brings out some good old-fashioned politics. We can talk about the role of the market, where we stand and what we understand by the term "the free market".

To get to the point, the issue is simply one of market failure. Five years ago, the retailers' margin throughout the country was in the region of 11 per cent. It is now 30 per cent. There is no market justification for that. In Germany the margin is still 11 per cent. Supermarkets have increased their margins for no appreciable reason, apart from the fact that they just can. Farmers have often been challenged with the claim that their calls for fairness will lead to higher milk prices in the supermarket and on shop shelves. Far from it, the figures show that supermarkets could keep prices on the shelves as they are, ensure that farmers get a fair deal and still have a mark up twice what it was in 2002. Why do not they do that? It can only be that the supermarkets, apparently entirely legally, are abusing their market power.

It is not good enough for the Government to shrug and say that it is all down to the market; that it is a sad fact of modern life. It is market failure. Adam Smith, the author of "The Wealth of Nations" and many other works, was in many ways a great man and a decent human being, but he was fundamentally wrong in my view in his assessment of how markets operate. There is no invisible hand making sure that everything reaches a nice satisfactory equilibrium. The only natural force that I can see in the marketplace is something akin to gravity, by which those who already have plenty of wealth and power accrue a lot more of it to themselves. It is therefore important—and it is something that I request of the Government, as I expect many hon. Members of all parties who are present for the debate would do—that the Government use their visible hand to ensure that regulation takes place. Perhaps I may offer some counselling to the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski), who is clearly bruised by his trip to Brussels: if we are to tackle the problems of the abuse of market power by multinational companies, we shall need multinational solutions to face down such companies.

Mr. Geoffrey Cox (Torridge and West Devon) (Con): Does the hon. Gentleman believe that everything from Europe that affects the dairy industry is positive? Does he not agree that the nitrate vulnerable zone regulations are likely to cause huge and wholly disproportionate costs to small dairy farmers, about which they are justifiably in a state of extreme trepidation?

Tim Farron: I do not believe that everything that comes from the European Union is positive. One of our problems is our tendency to gold-plate regulations in this country, whereas others are a little more flexible in their interpretation.

It is important to note the welcome changes to the price that supermarkets—notably Tesco—pay farmers. There is not a single Tesco in Westmorland and Lonsdale, and I am not about to start a campaign to get one, but although the supermarkets that we do have, Asda and Morrisons, would do well to follow that example, we should not put too much emphasis on the Tesco move, because many of the 1,000 British dairy farmers whose milk is sold via Tesco will not benefit from the system. I asked a very well-connected dairy farmer who lives down the road from me—he will know that I am referring to him when he reads *Hansard*—and he had heard of barely anyone who counted among Tesco's chosen few. The answer is not voluntary action by one or two supermarkets, motivated, no doubt—perhaps I am cynical—by a desire to avoid bad publicity. The answer must be careful intervention.

On the subject of public relations, supermarkets are happy, as has already been mentioned, to display fair trade produce on their shelves, and there is a very welcome recognition, among consumers and retailers alike, that fair trade and free trade are not the same thing. Is it not ironic, however, that shoppers will go down one aisle in the supermarket, purchasing the fair trade coffee and tea products, and getting a warm ethical glow as they do so, and then turn their trolley down the next aisle to buy milk that has been produced by ruthlessly exploited British farmers? The fair trade movement is very important in helping to tackle international poverty and exploitation, and I hope that the fair trade brand will be extended or replicated to give consumers ethical choices about home-grown produce.

Dairy farmers in south Cumbria have expressed deep concerns about Ministers' exhortations for them to be more efficient. They are committed to achieving greater efficiency, but they suspect that the Government have missed the point. Dairy farmers say that the abysmal price that they receive for their produce—up to 4p a litre less than it costs them to produce—makes it almost impossible to reinvest in their businesses and to work on improving efficiency. If the Minister wants dairy farmers to be efficient, he must ensure that the market is corrected, so that they can reinvest in achieving greater efficiency.

The lakes and dales of Cumbria have a jaw-dropping beauty, but that landscape does not occur naturally. It is the result of centuries of careful management. At the heart of that management is the maintenance of grazing livestock. Our tourism product is paid for largely by farmers, so taking a laissez-faire approach to the crisis in the dairy farming industry is likely to have far-reaching effects. It will significantly damage tourism and will deprive environmental bodies, such as Natural England, of the partners that they need to deliver important environmental programmes. If the

Government were bold enough to intervene to give our dairy farmers a fair deal, it would be a far-sighted investment of the highest order.

11.51 am

Helen Goodman (Bishop Auckland) (Lab): I congratulate the hon. Member for Ceredigion (Mark Williams) on securing this important debate. Only 10 days ago, I visited a successful dairy farmer in my constituency, Mr. Kirkup, who has a herd of 400 cows. I was concerned to hear about the income levels of farms in my constituency. Despite making significant investments, dairy farmers in County Durham earn about £15,000 a year. Given the hours that they work, some of those farmers would be earning below the minimum wage if it were applied to the industry.

We need to consider the balance of power between the supermarkets and farmers. The essential problem relates to the time scale. Supermarkets work in a short-term time frame, and although the time frame in which farmers work does not quite span generations, the decisions that they take cannot have a significant impact in less than five years. That point is not well understood.

One practice that supermarkets and processors engage in, which some of my constituents have discussed with me, is the backdating of price cuts. That is absolutely intolerable because farmers cannot get out of it. Why are such contracts legal? I have raised this issue with the Office of Fair Trading, but I have not received a satisfactory answer.

I echo the remarks of the hon. Member for Westmorland and Lonsdale (Tim Farron) about the environmental benefits of dairy farming and how the shape of our countryside depends on it. We cannot ignore that, just as we do not ignore it when considering the financial regime for hill farming.

Another issue that has been raised is the burden of regulation on farmers. About 18 months ago, the Select Committee on Public Accounts took evidence from Department for Environment, Food and Rural Affairs officials. I pushed them on that issue, but their answers were most unsatisfactory. Surely, there is a lack of logic in imposing high levels of regulation on UK farmers, thus raising their costs, given that the dairy market is international and that we import milk from countries with lower regulatory standards. The market is not a fair one in any of the classical senses of what constitutes a fair and efficient market. We must look into this issue. However, Opposition Members have not made their case on bovine TB. Although I agree with their general analysis of dairy farming, I shall not go with them all the way on that point.

We must make the economics more sustainable. I am not sure whether we should aim to squeeze the supermarkets' margins, or to have consumers pay more. The industry's figures show that that would be unlikely to cost the average UK household more than 10p a week. That is a price well worth paying for a sustainable dairy industry.

11.56 am

Mr. Roger Williams (Brecon and Radnorshire) (LD): It is a great pleasure to see you in the Chair, Mr. Chope. I pay tribute to my hon. Friend the Member for Ceredigion (Mark Williams) for obtaining this debate; he has been persistent, even relentless, in his work on the dairy industry. Dairy farming is an important facet of his local economy; indeed, it is the cornerstone of British agriculture in both Wales and the UK.

While there has been a limited increase in UK farmers' incomes, it has not been on the back of improved returns for the dairy industry. The increased profitability in UK farming has come from the arable sector, where the competition for crops for food and for energy purposes has led to some movement. Dairy farms used to be a step on the ladder for young farmers entering the industry. As the hon. Member for Caernarfon (Hywel Williams) said, they could take on a small farm that did not have a huge number of cows, farm it intensively, put a lot of work in, make a living and bring up a family. However, those days are far gone.

Efficiency and effectiveness have increased enormously through improved nutrition, grazing techniques and breeding. Consequently, there have been increases in output per cow, per acre and per person working in the industry. However, the huge pressure on prices has put more and more dairy farmers out of business; now, there is barely half the number that there used to be. That did not result in a fall in milk production until quite recently because fewer farmers were producing the same amount, but such has been the pressure on price recently that milk production has fallen from 14 billion litres a year to 13.5 billion.

The fall in milk production has focused the minds of supermarkets a little. They know that they cannot import liquid milk into the UK in any real quantities, and that they will really feel the pressure if there is a shortage of British milk. They are also considering the Competition Commission's inquiry. So there are two pressures on supermarkets: whether there will be sufficient British milk for them to stock their shelves, and the question of the outcome of the commission's inquiry. That is why they have made certain moves recently. Those moves have given some people confidence, while others think them cynical. I pay tribute to my hon. Friend the Member for St. Ives (Andrew George) for his work in developing our party's policy of having a fair trade inspector.

One of the real problems in the dairy industry is that although about 7 billion litres of the milk produced is sold as liquid milk and 3 billion litres goes into high-value differentiated products, about 4 billion litres still goes into producing a standard quality product—a basic cheddar. British-made cheddar cheese is of a high standard, but it must compete on a world market and it is not differentiated. Because such a large quantity of our milk goes into that market, there is a downward effect on milk prices. The task ahead is to work out how we can change more of our standard—very high quality—cheddar into a much higher-priced, differentiated product. We have some wonderful products, such as the organic yoghurt and other products produced by Rachel's dairy in the constituency of my hon. Friend the Member for Ceredigion.

I would also like to pay tribute to the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski), who has done sterling work as chair of the all party-group on dairy farmers. I accompanied him to Brussels,

[Mr. Roger Williams]

where we met the Agriculture Commissioner. She gave an indication of work that could be done in future, and encouraged us to refer to her anything that we felt was undue pressure on the part of the Competition Commission against the interests of the industry.

I should tell the Minister that a number of farmers' organisations have been threatened with Competition Commission inquiries when contemplating amalgamation and working with other organisations to build up their market share. The mere threat of an investigation is often enough to put people off taking a step that would strengthen their place in the market, make them efficient and lower their costs. I know that the Minister will tell me that the Competition Commission acts at arm's length from him, but he must have some influence on how it does its work, and on the levels and particular points at which it intervenes.

I believe that the hon. Member for Stroud (Mr. Drew), who is not in his place, told us that we had an efficient and effective system for marketing milk: the milk marketing boards. We saw their demise and the break-up of their successors.

Mr. Cox: Was the hon. Gentleman present when the all-party group held an interesting session with senior representatives of the Office of Fair Trading? They gave evidence saying that until about 15 or 20 years ago, competition legislation in this country enabled the Secretary of State to take into account the national interest in the survival of a crucial industry but that, as a result of competition legislation coming from Europe, we were obliged to amend our legislation so as to be compatible with that legislation. Does he think that there is room to lobby in Europe for the restoration of a provision that would allow the Secretary of State to have some influence over these crucial national interests?

Mr. Williams: Unfortunately, I was not present when those comments were made. I believe that there is room to make such representations to Europe. The market for food is different from the one for manufactured products. For instance, it would be immoral to keep the market short in order to drive up prices, because people need to have enough food to live. It is the purpose of agriculture to provide sufficient food both in the UK and globally for the world's population. Keeping the market short to drive up food prices is intolerable, so for that reason and for those given by my hon. Friend the Member for Westmorland and Lonsdale (Tim Farron), it is proper to have a regulator within the food market. A number of arguments can be made in that regard.

Andrew George: On international competition, I have never argued that supermarket executives are products of the loins of the devil; indeed, does my hon. Friend agree that their behaviour is entirely rational? Swallowing up their competition and squeezing their suppliers is something that they rationally do, but the question is whether they acceptably use or unacceptably abuse their power. By abusing their power, they are creating a dysfunctional market that is incapable of competing internationally, which is where the UK dairy industry should be competing. We need to get our market right first to give us the strength then to compete internationally. That is what we are trying to achieve.

Mr. Williams: My hon. Friend makes a good point; indeed, he has been at the fore in putting those views forward. Most of the Members present come from the western part of Britain. Its higher rainfall and ability to grow grass means that it could compete internationally as well as any nation.

Mention has been made of the fair trade movement, which has been spectacularly successful in addressing poverty in third-world countries. I draw Members' attention to the fair trade for British farmers campaign, which has been launched by *Country Living* magazine, Waitrose and *Farmers Guardian*. Members can still sign up to it on the website—they could even sign my early-day motion on the matter. On Friday, I am debating the issue at the Hay-on-Wye festival of literature with representatives of the fair trade movement. Please come to Hay-on-Wye to support the tourism industry and the wonderful food that is produced in my constituency.

The case has been made that supermarkets are abusing their power and position of strength in this marketplace and in the food industry in general. The Minister has a role to play, in the sense that where abuse is identified, we need to have systems in place to ensure that proper competition exists. In a perfect market there should be many sellers and many buyers, and everybody should know how much product is being produced and what it is being sold for. We are reaching the stage where we have the knowledge, but abuse remains very much present in the system, and the Government have a role to play in addressing that.

12.7 pm

Mr. James Paice (South-East Cambridgeshire) (Con): I, too, congratulate the hon. Member for Ceredigion (Mark Williams) on securing this debate, which, as he rightly said, is long overdue. It is great pity that we do not have regular debates on agricultural issues in the main Chamber any more—we always used to have them. We seem to have all sorts of Adjournment debates on weird subjects—

Helen Goodman: It is your choice.

Mr. Paice: The hon. Lady says that it is the Opposition's choice, but if she were to look at some Order Papers, she would see how many Adjournment debates are chosen by the Government—on some pretty weird and wonderful subjects.

As has been said, the industry is in a parlous state, and I do not intend to rehearse all the points that have been made. As the hon. Member for Brecon and Radnorshire (Mr. Williams) said, the reduction in the number of farmers was initially compensated for by increased production by others, but overall production is now falling. Some people argue that that in itself will solve the problem, but I do not take that view. I do not believe that this is simply an issue of the oversupply of the marketplace.

I want to concentrate on three specific issues in the hope that the Minister will respond to them, but before I do so, I want strongly to endorse the point made

about the advertising of cheese. A ludicrous decision was made, and it does so much to damage the image of cheese as a wholesome food.

There has been a lot of debate about the issue of regulation and intervention. The hon. Member for Westmorland and Lonsdale (Tim Farron) suggested that Adam Smith was wrong, but if he were to study Adam Smith, he would find that Adam Smith was right, because he said that a proper market operates only when there is a large number of both buyers and suppliers. That is what we do not have, so Adam Smith was right, but we do not have a proper market.

We can all spend a lot of time looking back into history, but this Government's decision, early in their days, to break up Milk Marque when it had only 37 or 38 per cent. of the market was absurd, particularly when one compares that with the share of the market held by a number of the retailers. There are now a number of major farmer-owned groups or co-operatives, call them what you will, which is good, but they are very small in comparison with the major retailers and particularly with the major processors, such as Arla and Dairy Crest.

I share the concern about the Office of Fair Trading's attitude. My proposition is that the dairy industry should be a European market. There has been a lot of comment about Europe, but the OFT judges competition in the domestic market, so whenever a milk group wants to acquire another cheese plant and so on, it is threatened with reference to the OFT, because it will have too big a market share. The OFT should understand that the dairy sector, particularly the processing sector, is a European-wide market, and it should look at market share throughout Europe. Reference has been made to Arla's share of the Danish milk industry and to Frontera in New Zealand. Europe is supposed to be a single market, and competition rules should be based on that.

My second point is the milk price. Making co-operatives more sustainable, and allowing them to integrate more and merge if necessary would go some way towards redressing the balance in the marketplace. Obviously, I welcome the Competition Commission's investigation, and I strongly welcome its interim findings, which were published in January. It is a pity that its final report will be delayed, but I hope that it will be as robust as those findings.

Supermarkets have clearly been making excessive margins, but I urge a word of caution to hon. Friends and colleagues who think that the solution is intervention and some sort of regulator. I am less enthused by that because we may end up with a belief that supermarkets make too much profit, so consumers should pay less, which would not help the dairy producer. Simply looking at the share of the retail price that the supermarkets take works both ways. It does not necessarily guarantee that it is passed on to the producer. It is more important to ensure that the market is working properly. As several hon. Members have said, fresh milk comprises only 50 per cent. of the market; the rest is made up of processed products, the major part of which is imported. That is where we should seek to make a real difference.

The latest figures show that, in 2006, we imported 352,000 tonnes of cheese, 154,000 tonnes of yoghurt, and so on. Those are huge amounts, and are partly an inheritance from the Milk Marketing Board which, for all the good points that some people claim for it, prevented innovation and investment in processing during the years of its existence, when the big co-operatives in Europe were so investing. That is why they now have the volume of scale and have penetrated our domestic retail market with processed products, yoghurts, ice creams and so on, yet they are paying their milk producers the same, if not more, for their raw milk as our milk producers receive.

If the supermarkets really care, as they profess to, about the future of our dairy industry and the need to retain a British dairy industry, they should work with the major processors to develop our own domestic lines of processed products—the high-value desserts, yoghurts, ice creams and cheeses that we import instead of, as the hon. Member for Brecon and Radnorshire said, the low-value, mild, bog-standard Cheddar.

The final issue that I want to raise will not be a surprise to the Minister. We have been trying for some time to have a debate in this Chamber on tuberculosis, but to no avail. He knows that I and other hon. Members have a real complaint about the Government's lack of concerted effort. If he is honest, I suspect that he would accept in private that the issue is serious and that more can be done. Over the past 10 years, we have seen a piecemeal approach to dealing with TB. Recently, there has been a small but welcome increase in the use of gamma interferon and the introduction of pre-movement testing at considerable cost to the farming industry, but without the commensurate actions that the industry believed were part of the deal in accepting pre-movement testing. We have had the Krebs report and the triplets trials, and we are now awaiting Professor Bourne's final conclusions.

We need a comprehensive, all-enveloping strategy, and to roll out the gamma interferon test across the board to ensure that the skin test, which is pretty crude, is as accurate as possible. We must increase the frequency of testing, particularly in the frontier areas where the disease is spreading. I am sorry that the hon. Member for Bishop Auckland (Helen Goodman) has left. It is all very well for her to say that, from Durham's perspective, we are all wrong about TB, but she has no significant problem with it in the Durham area.

We must, of course, continue with research into badger and cattle vaccines, and I hope that the Minister will tell us where we are with that. We are told that they are getting closer. I also think we need much more research into mineral deficiencies as a precursor to TB infection. It has been argued that selenium deficiency in particular makes cattle more prone to TB.

Biosecurity is obviously important, and the Minister will not be surprised to hear me say that we must do a lot more on the polymerase chain reaction test. I am concerned that the Government are not addressing the matter as urgently as they should. I know that they have commenced a three-year study programme with Warwick university, which has done much of the work, but last year DEFRA was presented with a proposal, which included the central veterinary laboratory, the Veterinary Laboratories Agency, University college London and a private company, to develop a specific real-time PCR test for the detection and quantification of mycobacterium bovis in the environment—that is

[Mr. Paice]

exactly what the Opposition have been calling for—to detect whether badgers and badger families in their sets are carrying the infection.

I do not believe that culling badgers is a silver bullet to solving the problems of TB, and I reject the argument that that is the sole solution, but as Professor Bourne has told me publicly, unless we get rid of the reservoir in wildlife, we will never get rid of bovine TB. It is part, but only part, of the overall package of necessary measures. It is more than a year since the Government's consultation closed, and we need a decision. Even a negative decision would be of some reassurance that the Government were addressing the issue rather than, as it seems, trying to keep it in the long grass.

Those are three specific areas in which the Government could take a leading role to address what all hon. Members who have spoken agree is a very serious crisis in the industry.

12.19 pm

The Minister for Local Environment, Marine and Animal Welfare (Mr. Ben Bradshaw): I start by apologising for the absence of my hon. Friend the Under-Secretary of State for Environment, Food and Rural Affairs, who is engaged on duties connected with his biodiversity responsibilities. He usually speaks on these matters in the House.

I congratulate the hon. Member for Ceredigion (Mark Williams) on securing this debate on an important topic. I agree with him that while it is important to accept that the industry faces serious challenges, it is also important not to talk the sector down. He acknowledged that many of the recent developments have been positive. We must encourage new blood into the industry, as well as innovation and ideas. I believe, as one or two hon. Members here have acknowledged, that our natural advantages in dairy production should mean that our dairy industry has a good future. I hope that we can all agree on that, although we may differ in our opinion of how to arrive at that good future.

I must say to the hon. Gentleman, however, that the pressure on farm gate prices will remain; it is simply a fact of life. Dairy production exists in a competitive market, and there will always be pressure on costs. However, the acknowledgement of the increased cost pressures borne by dairy farmers, and the resultant action by a number of retailers to increase prices paid for liquid milk, is welcome. It follows discussions that Lord Rooker and I have held regularly with the chief executives of the major retailing companies.

The Government believe that it is in the supermarkets' long-term interest to ensure sustainable arrangements for dealing with their suppliers. Several Members have acknowledged that those retailers have recently put in place initiatives to encourage closer working relationships with identified suppliers, some of which attract a price premium. There have also been positive developments in the contractual arrangements between processors and producers, which should help to develop greater transparency and trust. They are to be encouraged.

It is also important to recognise that a considerable proportion of milk and milk products are sold through middle-ground retailers, catering establishments or as food ingredients. The four largest grocery retailers account for less than one quarter of volume sales of raw milk processed in the UK. I know, because I heard it from the farmers in my own region at the Devon show last week, that the south-west has a particular grievance. One of our main recipients of milk is the farmers' own co-operative, Milk Link, which, according to the table that I was given before the debate, pays the lowest price of any taker of milk. It is important to put the debate about retailers in that context.

Mr. Paice: Will the Minister give way?

Mr. Bradshaw: I shall give way, but I must warn Members that my policy is to be courteous to the hon. Member for Ceredigion, who secured the debate. I want to answer the points that he raised, so I shall limit the amount of times that I give way.

Mr. Paice: I totally appreciate that point, and I am grateful to the Minister. He quotes Milk Link's price, so I just want to put on record that the co-operatives also plan to pay a dividend on top of the milk price. Milk Link has just paid a 7 per cent. dividend, which needs to be added to the price.

Mr. Bradshaw: I join the hon. Gentleman in welcoming that situation.

It is also important that we politicians and the industry focus not only on price, but on profitability. Several Members have acknowledged that there remains a worrying disparity in the cost of production of the most and least efficient dairy farmers. In 2003, there was on average a 12p per litre differential between the most and least efficient dairy farmers. We encourage all producers to examine carefully their production costs and to seek ways in which to minimise them. The rest of the supply chain also has its part to play in cutting costs, maximising efficiency, innovating and adding value.

There has been considerable investment in processing capacity, and as a result, we have some of the world's best processing plants. However, there are some less efficient plants, too, just as there are efficient and inefficient producers. That is why the Department has funded a study through the dairy supply chain forum to benchmark processor efficiency internationally. The Milk Development Council is also conducting a benchmarking study on producer efficiency. We have invested more than £1.3 million through the agricultural development scheme to help the dairy sector address efficiency issues.

Profit margins are a concern, however, in particular the apparent increasing margins on liquid milk sold through the retail sector. Although that is a Europe-wide phenomenon, the Competition Commission, in the emerging findings from its inquiry into the groceries market, has noted that supermarkets are retaining an increasing share of the retail price for milk. The commission will look further into that issue, both in the milk sector and in other primary produce sectors. The Government welcome that development, and we will of course respond to any recommendations.

Several Members cited the Irish and Danish models. Let me say something about the support given to the Irish cheese market. The advice that we have received is that there is not unanimous support for the model that has been adopted in Ireland. There is concern about the system propping up inefficiencies in the Irish dairy sector, which is fragmented. Its processing industry is not as efficient as it could be, and we believe that the future of the UK cheese sector is best served by adding value, creating branded products and innovating, something that I am pleased to say is happening. It is also pleasing to note that Britain produces more varieties of cheese than France does.

I share Members' concerns about the advertising decision last year by Ofcom, which was made on the advice of the Food Standards Agency. It is important to acknowledge the reasons for the decision. Although I understand that only 20 per cent. of advertising for cheese products takes place during children's programming, 90 per cent. of that advertising was for highly processed varieties such as Cheestrings and Dippers products.

I welcome the FSA's commitment to look again at the nutritional profile model and to review it now that it has been in place for a year. I understand the dairy industry's concerns and I agree that cheese is a valuable part of a nutritious and balanced diet.

My hon. Friend the Member for Bishop Auckland (Helen Goodman) raised concerns about regulation. I have been responsible for many regulations in statutory instrument debates, and we have a debate on cattle identification this afternoon on a measure that will reduce the number of regulations from five to one. The Animal Welfare Act 2006 reduced from 21 to one the number of regulations. When one tots up the number of new regulations, it is also important that one takes into account the number of regulations that the Government have got rid of.

A number of hon. Members, including the hon. Member for South-East Cambridgeshire (Mr. Paice), raised the issue of bovine TB. Aside from badger culling, he raised several issues, and I can assure him that the Government are doing everything in our power to further the vaccine test, and field trials are under way. I met the academics who are attempting to develop the polymerase chain reaction test and I shall write to him about the matter. The hon. Member for Leominster (Bill Wiggin) was at that meeting, but I shall happily send the hon. Member for South-East Cambridgeshire the details of it. My understanding is that while there is potential, the test is not yet at a stage at which our scientists will advise that it can be put into field trials.

It was interesting that the issue of badger culling was raised, but I am not sure what the Liberal Democrat policy on the matter is. I am also not sure what the Conservative policy is. As the hon. Gentleman acknowledged, we have only one more month—hopefully—to go before Professor John Bourne's independent science group produces its final report on the badger culling trials.

It would be odd for the Government to make a major policy announcement in advance a report for which we have only three or four weeks to wait. I assure the hon. Gentleman that we intend to make a decision on the issue soon after the report is published. I say to him what I also said to the dairy farmers that I met at the Devon show last week: it is important that the industry intensively engages in some of the practical and organisational challenges that would result in any decision to include wildlife controls as part of our bovine TB policy.

A number of Members talked about regulation. I do not intend to repeat what the hon. Gentleman said—he gave a good riposte to those who argue for the introduction of regulation. The hon. and learned Member for Torridge and West Devon (Mr. Cox) recalled that the Conservative Government under Prime Minister Thatcher agreed to the single market, which she trumpeted as one of her greatest achievements. I do not know whether the hon. and learned Gentleman suggested that we should go back and undo it, but as the hon. Gentleman pointed out to him—perhaps privately—the single market is of huge benefit to our industry and even to our farmers.

The difficulty with the Danish model is that Denmark has land borders with Germany and easy border arrangements with Scandinavian countries, so it operates in a completely different market. We have a GB market for liquid milk—we are a net exporter of liquid milk. The competition authorities in this country take a different view from those in Denmark. Arla was set up before the current competition rules applied. The Government encourage and help farmers to set up co-operatives, but we cannot condone or encourage the setting up of cartels. I hope that all hon. Members will accept that no Government should do that.

We have had a good, positive debate. I am sorry if I have not responded to all Members' concerns, but I shall write to them if that is the case.

I also wished to raise the nitrates problem. Tomorrow, as part of the energy White Paper, there will be a positive announcement on anaerobic digestion, for which Members may wish to prepare themselves. There is huge potential for a win-win situation for the environment and for renewable energy.

Mr. Mike Hancock (in the Chair): Order. We now move to the next debate. Will hon. Members who are leaving the Chamber please do so quietly?

UK Constitution

12.30 pm

Mr. Graham Allen (Nottingham, North) (Lab): Last Thursday, Gordon Brown accepted his nomination to become the leader of the Labour party and the next Prime Minister, saying:

> "I will bring forward reform proposals to renew our constitution with the first draft constitutional reform bill later this year."

He named "building trust in our democracy" as one of the five priorities that he will focus on as Prime Minister.

How will that draft constitutional reform Bill work, what will be in it and how will it be implemented? I do not expect a clear answer from the Minister today. Not only is he new to his brief—I congratulate him on a well-deserved change of responsibilities—but he will have to pick his words carefully until that changeover. However, given such an unequivocal commitment from the current Chancellor and future Prime Minister, the Minister and his officials should now be on the alert, thinking and drafting ahead of the day when a new Prime Minister, with such a clear commitment, takes over.

A new democratic settlement in the UK—moreover, one driven by someone who believes in it—is a certainty. Clarity of leadership and greater self-discipline among reformers is essential if serious progress is to be made in the face of the forces of conservatism and the status quo, which will be ranged against us. The lost landslides for change will not be repeated and things will be even harder than they could have been. However, we can now use our democratic imaginations once again. That means councillors who make their own policies and raise the income to implement them; MPs who genuinely hold the Government to account; Prime Ministers directly elected by the people; our health, police and other public services given meaningful democratic governance; and people at the top who not only preach "change or die" to others, but practise it themselves, changing their own outdated political institutions first.

Reform can mean a Britain whose democratic culture and heart is finally matched by an institutional framework that is also democratic, finally catching up with what is commonplace in virtually every other western democracy. Great prizes await us if we can seize this moment, freeing the talent of the nation and extending the right to govern beyond the incestuous confines of No. 10, the media and the bureaucrat. Change will mean enabling every parish, neighbourhood and community to run what is appropriately theirs, doing so because it is right for them, not because it ticks a target box to placate Whitehall. Change will also mean returning responsibility, so as to revive interest not merely in voting but in running our localities, our regions and our lives.

Of course details on the constitutional reform Bill must remain scarce, so let me sketch some possibilities. Perhaps we can be honest about our federal system in the UK, defining what the regions and the nations can do, and what central Government are entitled to do. Perhaps we will finally commit to a separation of powers—a legislative, a judiciary and an Executive, each with its own legitimacy. Perhaps we will list and legalise prerogative powers and for the first time give the prime ministership statutory legitimacy.

However, making any of those things happen and sustaining them will require a written constitution and entrenchment. Gordon Brown's reference to a written constitution at the 2006 Labour party conference gave hope that, for the first time, the British political system would finally be created on an honest and understandable basis. That is the last unfinished business of British democracy—the British people prising the political rulebook from the closed grasp of the Executive.

Imagine the rules of our politics and government not being discovered by "judicial archaeology", as John Smith used to describe it, but being in the pocket of every child at school and on every family's kitchen table or bookshelf, understood and proudly owned by those whom it affects. If we already have a constitution, as some claim, what is wrong with writing it down, so that all those who are affected and governed by it can read it? The way we are governed should not be secretive, and made up as government goes along; it should literally be an open book for all.

A written constitution would also introduce a dynamic into British politics. Merely describing what currently exists would not be enough. No self-respecting founders would dare stop at a snapshot of our over-centralised system. Imagine enshrining as article 1, "The chief executive of our nation may not be elected by the people, nor even endorsed by a new Parliament, but shall be summoned by an unelected sovereign". Imagine article 2, "Laws will be subject to veto and delay by an unelected second Chamber", or article 3, "Local government will be the creature of statute, changeable on the whim of central Government", let alone article 4, "The British people shall not be citizens with rights and responsibilities. They shall be subjects of an hereditary monarchy". The simple effort of writing down an unwritten constitution must, after a brief period of disbelieving ridicule, invite analysis and generate a serious momentum for reform.

The very act of committing a constitution to paper would raise the question that lies behind all our key debates on UK democracy. Do we want to continue our centralised unitary system or evolve a pluralist democracy, with many equally legitimate institutions? The latter would inevitably precipitate the most radical package of democratic reform ever presented to the British people by a major political party. Moreover, putting our political settlement beyond easy repeal, in a written settlement, would change our political system for good and bring an end to short-term tinkering and tampering by the Executive. It would do for democracy what putting the Bank of England in charge of interest rates did for our economy and end winner-takes-all politics, replacing it with an acceptance that political action in future must be checked, negotiated and accountable, as it should be in a modern democracy.

Replacing our command politics with the synthesis of all our talents will not only facilitate better democracy; it will be a more effective way of governing ourselves in the modern world, freeing our economic potential and improving value for money. The 1980s

proved that Executive power at its most extreme and unhindered has failed, even when led by its most obsessive and dynamic driver, Mrs. Thatcher. A written constitution is a different path, which is about using the abilities of all our institutions and people, at all levels and in all locations, not about deference, hierarchy and control from the centre. Although Labour will, I hope, be the midwife of pluralism, it will not be our sole property. Pluralism echoes the best traditions of liberalism and conservatism, and will liberate us all.

There will undoubtedly be a serious debate between the different institutions. A reformed House of Commons will of course discomfort the Executive. An elected second Chamber will want to spread its wings. Individuals using a British bill of rights will expose the Government to much greater accountability and influence the future development of the judiciary. European initiatives will have to be debated much earlier and in greater detail, while constitutionally independent local government will be assertive and rejuvenated and will—like all the new institutions to which I have referred—make mistakes. Above all, not only will individuals feel greater ownership of the political system and be more demanding of it; they will be less tolerant of abuse of power and better equipped to put it right, as we should be in a democracy.

Winning the general election to decide the national Government will always be vital. However, in a balanced pluralist democracy, with other equally legitimate institutions available through which political voices can be raised and progress realised, losing a general election will never again be the end of meaningful politics for four or five years. A written constitution would end the subcontracting, from a whole nation to a small elite in the Executive and around No. 10, of the political action that we should all enjoy.

How can we bring this about? The most obvious way would be to put the key ideas and reforms in a draft constitutional reform Bill. Parliament and people would then debate in the most extended pre-legislative consultation in our history, and the draft would define the powers of each political institution, the separation of powers between Executive and legislature and how a constitution would be approved and amended.

Meanwhile, the components of a new constitution could evolve. While the national debate proceeded, each separate reform, carefully formulated and consistent with the others, could be progressed by legislation. When the legislative programme necessary for the democratic agenda was completed, a written constitution extracting the fundamental principles, briefly and elegantly, could be simply crafted.

Unlike constitutions that have been the statements of political victors in history, fortifying their own power, ours in the UK will need to be part of a programme of democratic change. A draft Bill with full pre-legislative scrutiny involving the public—in person and online—would make the remaking of our constitution massively educational. A constitution could only be the product of a nationwide debate. That in itself would re-energise and revive politics in the UK. Unlike all previous constitutions, this one—in the age of television and the computer—could have a million founding fathers and founding mothers, rather than being the property of a handful of the great and the good.

The constitution would need to be accompanied by a serious burst of democratic activity. Imagine the political parties and the Electoral Commission acting with passion and exuberance, promoting education in democracy and citizenship at school and in the community, rebuilding the local political base by training and equipping the next generations of councillors and political activists, funding research, monitoring and advising on the mix of electoral processes, spreading best practice at home and abroad, shaking up the more fusty local electoral registration offices and promoting tax donations and other funding of political parties and linking their state aid to activity. We could be in serious danger of exciting people about our democracy.

A written settlement for our democracy will mean a different world for the media too. Initially, the clash and reconciliation of independent political institutions will doubtless be painted as splits and crises by those habituated to inhaling the line from No. 10. However, the media too, freed of the illegitimate burden of being the only institutional voice on a par with central Government, will grow to understand and revel in diversity and legitimate debate. Advocates of the new settlement must be clear that, of itself, pluralism does not provide answers, but creates an accessible, open set of democratic structures—the framework in which real policy battles and choices can be expressed and then reconciled.

The followership of today's unitary system wants certainty, not democratic interaction. The written constitution is the boxing ring, not the political fight itself. It will be the guarantor of a fair contest, not the deliverer of a pre-determined result in which the Executive always seem to win. Pluralist democracy—with all its debate, conflict and compromises—will be represented by the centralists as a system out of control. Thankfully, power will indeed be out of their control; it will have passed into the hands of the many in British politics.

The obstacles are many, the most deadly being our own conservatism and timidity; even those with little or nothing to lose will fear change unless it is put forward confidently and coherently. Even in this legislature, daily abused by Government, there are still the self-deluded who cling to the mythology of parliamentary sovereignty, unable or unwilling to see that that was superseded long ago by governmental sovereignty.

As with any framework or rulebook, a written constitution will be fought over and interpreted—and rightly so. Usually, that interpretation will be made by the elected political institutions placed there for just that purpose. Of course there must be a backstop of judicial interpretation; there is now. However, it should not be based on unseen and unwritten rules and conventions, as it is now, but played out in public on a basis formulated and endorsed by the people. Such a responsibility will itself be a catalyst for a new role for the judiciary and the new supreme court that will start on the other side of Parliament square in 2009. The judiciary—properly and democratically ratified—will have to become a real partner under a genuine

[Mr. Graham Allen]

separation of powers and no longer mistake isolation and irrelevance for independence.

Let the draft constitutional reform Bill be published this year, as promised by the incoming Prime Minister. Let the debate begin, and let the natives of the last country in the empire finally be free to govern themselves.

Mr. Mike Hancock (in the Chair): Before I call the Minister, I should remind you, Mr. Allen, that the conventions and constitution of this House stipulate that we should identify Members not by name but by constituency. You referred to the Chancellor by name at least twice. I know that you are a stickler for having a constitution; let us hope that we can stick to the one we work to.

12.46 pm

The Minister of State, Ministry of Justice (Mr. David Hanson): Thank you, Mr. Hancock. I congratulate my hon. Friend the Member for Nottingham, North (Mr. Allen) on securing this debate, which he knows is timely, given the contribution made by my right hon. Friend the Chancellor of the Exchequer.

My hon. Friend has a long history of challenging and trying to modernise the institutions of Parliament and Government. A regular review of the Order Paper reveals that he still appears in respect of a number of issues that are important to the parliamentary integrity of this House and another place.

Safeguarding and reforming the constitution has been one of the key aspects of the Labour Government's intentions since our election in 1997. When my hon. Friend reflects on what has happened to date, he will recognise that considerable work has been done. I thank my hon. Friend for his congratulations on my taking up office, about nine days ago, as Minister in the brand new Ministry of Justice. One of the key, central and integral roles that the Ministry will play will be to examine constitutional affairs and the role of the constitution in our society at large.

Mr. Allen: I recognise the fact that my hon. Friend has become a Minister in the new Department. What gives me even greater pleasure is that not only is the Minister a personal friend, but I wrote the policy on creating a ministry of justice in 1992. Sometimes, good things are worth waiting for.

Mr. Hanson: I am grateful for my hon. Friend's foresight. It would have been nice to have had a little more foresight of my arrival at the Department. I appreciate my hon. Friend's contribution to that debate.

I refer my hon. Friend to the document "Justice—a new approach", published by the Ministry of Justice on 9 May, the day of its formation. On page 26, the document sets out the approach that the Government will take to constitutional affairs. That page is headlined, "We will safeguard and reform the constitution". That will certainly involve examination of further reform of the House of Lords. It will also have other aspects: examination of the management of relations between the UK Government and the devolved Administrations; ensuring that the values of proper ministerial accountability and parliamentary sovereignty are upheld; playing an international role in developing coherent EU and international strategies; and the creation of the United Kingdom supreme court in 2009, as my hon. Friend has mentioned. That role and the one that we have taken to date in developing the constitutional agenda are important. I wanted to place those issues on the record.

The Minister of State, my right hon. and learned Friend the Member for Camberwell and Peckham (Ms Harman), will lead on those issues, reporting to my noble Friend the Lord Chancellor and Secretary of State. It is important that we recognise that the Government will wish to consider how we take these things forward in future. My hon. Friend has put his finger on it: Parliament will be central in helping to define that debate. Today's debate is an important contribution towards that.

My hon. Friend will be aware that we have undertaken significant constitutional reform. I have been in this House for 15 years and I can recall a time when there was no devolution in Scotland or Wales, or indeed in Northern Ireland, as I know from my previous ministerial job; when there were hereditary peers in the House of Lords; when there was not a freedom of information Act; when there was no London government, and when there was no potential for votes, as my right hon. Friend the Chancellor has indicated there will be, on whether we deploy military forces in future. All those things have been introduced by this Government. The debate will continue after today and after my right hon. Friend the Chancellor of the Exchequer takes the office of Prime Minister in June.

Devolution has been a major constitutional change. We need to consider how it will be implemented in future. I recognise the need to consider the future and the constitutional arrangements between the devolved Administrations, between us and the other place, and between us and the wider government machinery. We need to examine how we will modernise those aspects, based on experiences of the extensive modernisation of the past 10 years. There is now a more clearly defined separation than ever before of powers between the Executive, the legislature and the judiciary. With the reform of the Lord Chancellor's role, the independence of the judiciary, the establishment of an independent Appointments Commission, the removal of the Lord Chancellor's powers to appoint judges and the establishment of the supreme court, we are in an exciting time for the development of the forward agenda.

As my hon. Friend said, my right hon. Friend the Chancellor of the Exchequer, who occupies the unconstitutional position of Prime Minister-elect and will assume the prime ministerial role on 27 June, has said in the process of securing the nominations of more than 313 Members of Parliament that he will consider constitutional reform. He has said that the draft Bill will be published later this year, because he wants to lead a different type of political engagement in society at large. He will bring forward proposals to renew our constitution for the simple purpose of building trust in our democracy, ensuring a more open form of dialogue

between citizens and politicians, and finding a way to relate to the United Kingdom citizen. I am excited and interested by the suggestions made by my hon. Friend.

What type of forward planning do we need to undertake, and how do we put into practice the aspirations of both my hon. Friend and my right hon. Friend the Chancellor? The notion of a traditional written constitution can be seen in such diverse countries as the United States, South Africa and Australia. It would be a radical departure from our constitutional and historical arrangements. A carefully defined constitution, bound in a single document, would change the constitution and the way we operate in our day-to-day lives. My hon. Friend is quite clear that that is what he wants to happen. We need to examine the potentially wide-ranging implications, not only for the framework of our constitution, but for the institutions of state, the rule of law, the delivery of justice and the building blocks of democracy. The way in which we can marry the aspirations of my hon. Friend and those of my right hon. Friend the Chancellor is a key issue that will be debated in the weeks and months to come.

The implications of such radical change will be wide-ranging. We need to reconsider aspects of our constitution, to emphasise, explain and ascertain certain values in our constitution, and to consider measures to make the Executive more accountable. I look forward to that debate, in which I know my hon. Friend will engage constructively. We need to consider how we can document and express the core democratic values of the UK. If we have a draft Bill in due course and a more enforceable written constitution, that will be a significant undertaking. I am sure that you would agree, Mr. Hancock, that we would wish Parliament to be integral to the consideration of those matters.

Mr. Allen: Does the Minister agree that we also need to exercise some imagination? He rattled off a monumental list of achievements of the Labour Government in the past 10 years, which was an incredible list of progress. Last week, both the Labour and the Conservative parties agreed to consider the war-making powers of the House. When I first tabled that proposal in the remaining orders five years ago, it was regarded as outrageous and somehow off the radar, but now it is—sadly, from my point of view—mainstream thinking in both main parties. We should not be constrained. Many things that the Government have done in the past we now take for granted. Let us try to imagine that we are looking back in 10 years' time, thinking about the great challenges that faced us. I suspect that a written constitution might well fall into that bracket.

Mr. Hanson: I accept my hon. Friend's foresight and vision on such matters. I often try to think about how they would be considered in years to come. I look forward to the day when my grandchildren—not yet born—will say to me, "Granddad, do you remember the time we learned about in school today, when people were in Parliament, not through election but through the nature of their birth, their parents and their grandparents?" I can say proudly that we have removed those hereditary peers, but it would have been the norm once upon a time. I hope that in the future, people will be incredulous that it happened.

Change happens slowly, with deliberation and consideration. My hon. Friend is aware that my right hon. Friend the Chancellor has indicated that we will consider these matters in detail. We will be drawn to a wider debate in this House and outside, I hope, for the reasons that my hon. Friend has mentioned—to electrify the public's engagement with political life. I am sure that that will happen in the near future.

Parliamentary sovereignty is one of the foundation stones of our democracy, and so is the convention that no single Government can bind their successors. My right hon. Friend the Lord Chancellor made it clear in another place:

> "I have no problem with our values being expressed in a document, but not in one that is superior to parliamentary sovereignty."—[*Official Report, House of Lords,* 16 April 2007; Vol. 691, c. 7.]

We need to examine the issues in the light of my right hon. Friend's discussion points, and consider how to take the matters forward positively. My right hon. Friend the Prime Minister explained to my hon. Friend:

> "The UK has been well served by its existing uncodified constitution, which has evolved to meet changing circumstances...the need to ensure that Parliament holds the Executive to account is absolutely right."—[*Official Report,* 25 May 2005; Vol. 434, c. 700.]

We need to examine all those issues. The changes that my hon. Friend has proposed today are significant and major. The agenda and the climate are right to examine them, and we need to examine how to take them forward.

Mr. Allen: In the context of the change of leadership that is about to occur, does the Minister feel that it is indicative of the strength of the Chancellor's feeling on the issue that he has made no commitments for legislation to date other than to bring forward a Bill for constitutional reform? Does not that underline how significant he feels the issue is?

Will the Minister take back to his officials the concept that when we move forward on constitutional change we ought to involve not only Parliament, which is central, but the public, children at school, community groups, councillors and everybody else, so that we can generate some excitement? We all feel that we should excite people about politics again, particularly after the recent local elections, whichever way the results went—they were good in my city. This is one of the ways to do that.

Mr. Mike Hancock (in the Chair): Order. That was close to a second speech.

Mr. Hanson: I accept my hon. Friend's encouragement to excite people about politics. That is important to our democracy as a whole. I believe that my right hon. Friend the Chancellor will follow the lead that was set by my right hon. Friend the Prime Minister to take forward the constitutional agenda. Devolution, reform of the Lords, freedom of information and war-making powers are key things that have happened in the past 10 years. I look forward to the next 10 years of government, when the aspirations that my hon. Friend has laid out will be discussed by Parliament and set in context. I commend my hon. Friend for raising those issues; they will form part of a widespread debate. I look forward to hearing from him on them again in due course.

Legionella

12.59 pm

Andrew Selous (South-West Bedfordshire) (Con): I am delighted to have the opportunity to discuss this serious issue.

A company in my constituency called ProEconomy is a successful business that has controlled legionella in water systems since 1993. It told me only this morning that there has not been a single case of legionella in any of the premises for which it has been responsible. I am grateful for the opportunity to put forward some of its concerns.

The Health and Safety Executive produced a document, the approved code of practice and guidance, entitled "Legionnaires' disease: The control of legionella bacteria in water systems", which was published in 2000. It recognised several ways of keeping water systems free of legionella. One of those, mentioned on page 42, paragraph 169, is under the heading "Temperature regime" and states:

"This is the traditional approach to Legionella control."

Copper-silver ionisation, the technique that the company in my constituency applies, is listed as a treatment programme on pages 44 and 45 of the document, in paragraphs 175 to 178. Furthermore, in paragraph 185 on page 46, under the heading "Monitoring for legionella", it is recommended that

"this should be carried out...in water systems treated with biocides where storage and distribution temperatures are reduced from those recommended in the section on the use of temperature to control Legionella."

The risk of contracting Legionnaires' disease is greater in NHS premises than elsewhere, because the immune systems of people there are suppressed, so the Department of Health recently updated its guidance document, the health technical memorandum known as HTM04. It is designed specifically for NHS premises and took five years to produce. It recommends in the introduction and on page 24 that

"the temperature control regime is the preferred strategy to maintain systems free from Legionella and other water-borne organisms"

and that

"the water temperature should be at least 50° C after draw-off for 1 minute."

Furthermore, in is recommendation, the report strongly recommends that

"thermostatic mixing devices should be considered for many outlets".

Because of the use of the word "preferred" in HTM04, customers of ProEconomy who have until now happily and successfully applied the copper-silver ionisation process are moving back to a regime of temperature control after years of legionella-free water and water systems that ran at temperatures lower than those recommended in the document. ProEconomy has therefore not only been jeopardised but is concerned that HTM04, which was written without taking into account research showing the inefficacy of temperature control, represents a substantial risk to the public.

Legionnaires' disease does not just affect the elderly. I shall give some examples. In Torbay in 2002, David Bick, at only 53 years old, died after being infected from the sink alongside his bed. In 2004, Daryl Eyles, a young father of 37, died from legionella found in the water system of the Royal United hospital in Bath. In 2001, there were 449 confirmed cases of Legionnaires' disease in Spain, and only last week a 78-year-old lady died in the Netherlands.

Legionnaires' disease is a killer, or makes people extremely ill if it does not kill them. We should not underestimate it. How are the Government dealing with it? When ProEconomy expressed concerns about the recommendations made in HTM04, it was assured that the overall scientific evidence supported the temperature control regime of having water at 50° C and above, after the drawing-off of hot water taps for one minute.

The Minister of State, Department of Health, the hon. Member for Leigh (Andy Burnham) wrote in a letter that

"the strength of evidence continues to support a pathogen control strategy based primarily on keeping hot water above specified temperatures throughout hospital systems as appropriate. Similar arguments apply in terms of cold water temperature limitations."

However, the business in my constituency was unwilling to accept that, and requested on three occasions to see the evidence. It was only when it put in a freedom of information request that it was given the evidence that the Government are effectively using to put it and the rest of the industry out of business. I wish to register my considerable concern about that.

Under freedom of information law, 31 scientific papers were produced, and they have been examined by a team of university graduates and legionella experts whom ProEconomy asked to assess them. They concluded that none of the 31 papers supported the temperature control regime. Three were against it, 21 did not discuss it at all and seven were in favour of copper-silver ionisation. That has been found to be safe because of the minimal concentrations required to control legionella. Those concentrations are particularly safe compared with using chemicals such as chlorine and chlorine dioxide, which were treated on a par with copper-silver ionisation in HTM04. The silver levels required are equal to those found in milk and within the values prescribed by the drinking water inspectorate. I have to hand the inspectorate's certificate, which confirms that it is happy with the technique. The copper released in copper-silver ionisation systems is well below the current prescribed values, and most water distribution pipes are made of copper.

In America, copper-silver ionisation is welcomed and used widely as an effective method of controlling legionella. It has received the most extensive research of all the available methods and is the only disinfection modality to have fulfilled the four evaluation criteria set out by the university of Pittsburgh and the veterans affairs medical centre of Pittsburgh. Their report states:

"It demonstrated efficacy of Legionella eradication in vitro using laboratory assays, anecdotal experiences in preventing legionnaires disease in individual hospitals, controlled studies in individual hospitals, and in validation in confirmatory reports from multiple hospitals during a prolonged time (5 to 11 years)."

The study also evaluated applying temperatures of 70° and concluded that

"contamination with Legionella will often recur within months"

using the temperature control regime.

"Furthermore, it is tedious and labour intensive to implement."

I would add that it is expensive.

Copper-silver ionisation is also welcomed in the Netherlands. A recent Dutch trial carried out over a one-year period at nine establishments, including hospitals and prisons—two of them were using ProEconomy's system—and funded by the Dutch Ministry of the Environment concluded that

"copper/silver ionisation is an effective method for the control of Legionella in complex tap water systems...The results of this study also indicate that this method can be used within the legal limits for drinking water."

As more and more countries become aware of the inadequacies of the temperature control regime, copper-silver ionisation is becoming increasingly favoured. Yet Great Britain, once a pioneer in the technology, is now losing ground to the rest of the world—Canadian, American and Dutch companies. ProEconomy is not the only company that does it in the UK—there are about five, and all face going out of business. We will lose our technological lead to other countries.

Of the 31 papers that were provided by the HSE only under a freedom of information request, it is staggering that one paper supposedly in support of the temperature control regime, by Pablo Visca for the university of Rome, found that

"repeated heat based control measures were ineffective in eradicating Legionella."

Furthermore, Roland Schulze-Roebbecke of the University of Bonn concluded that

"frequent failure to eradicate Legionella by elevating the water temperature indicates that it is impossible to achieve effective temperature levels concomitantly in all parts of the system."

In a paper on the subject, Dr. Yu-sen Lin concluded:

"Copper-silver ionisation has effectively controlled Legionella in the hot water systems of numerous hospitals."

The temperatures required by HTM04 pose a risk of scalding to the extent that they cannot be employed without the installation of thermostatic mixing valves, which I believe were the subject of a recent private Member's Bill. The valves mix the heated water with untreated cold mains water to achieve a non-scalding temperature, which is the ideal temperature for legionella growth. HTM04 contradicts itself by conceding that

"water quality can deteriorate in mixing valves, particularly when utilization is low, because the mixed water then becomes stagnant at a temperature favoured by pathogens such as Legionella."

It seems irresponsible that the part A executive summary of HTM04 "strongly recommends" that valves be installed. Indeed, a paper produced by the Department of Health clarifies the point. It states:

"Mixing valves where cold and hot water are mingled in order to achieve 45°C become the principal reservoirs for Legionella in a hospital."

Mixing valves have been and continue to be widely installed in hospitals and public buildings. Hospitals may have up to 1,000 mixing valves, at a cost of £150 each—£150,000—plus the cost of installation and maintenance, which is required every six months in a typical large acute hospital.

For 14 years, ProEconomy has eradicated legionella using copper-silver ionisation at places such as the Medway Maritime, Northampton general and Royal Alexandra hospitals, and the Hong Kong and Shanghai Banking Corporation headquarters at Canary Wharf—I believe that it is home to some 8,000 employees—to name but a few. ProEconomy has found legionella at significant levels, despite adherence to the temperature control regime, in 90 per cent. of the hospitals that it visits for the first time. That might be because the temperature regime does not require legionella testing, but asks hospitals only to monitor temperatures. That strikes me as burying one's head in the sand, because monitoring temperatures on its own does not prove anything. Only by regular testing for legionella can one be sure that it is not there, and that is part of what ProEconomy and other companies do. The extra cost for testing for legionella is outweighed by the proof that one is in control of and free of legionella.

ProEconomy has successfully reduced temperatures and removed mixing valves in large hospitals. Because HTM04 prefers the temperature control regime, ProEconomy has lost contracts to the value of £75,000. One of those contracts was with the Oxfordshire health trust, which used ProEconomy's systems in 12 premises and has been legionella-free for nine years. The trust is now spending an estimated £180,000 to install mixing valves, so that it can raise temperatures. The director of the trust clearly did not wish to put his head on the block and go against the HTM04 preferred option, and who can blame him?

Medway Maritime hospital, which removed its mixing valves and reduced temperatures four years ago when it installed ProEconomy's product, is now uncomfortable with its legal situation, having read HTM04. Despite being completely satisfied with copper-silver ionisation's effectiveness in eradicating legionella, it is considering reinstalling mixing valves at a cost of £200,000. Are NHS budgets not under enough pressure already?

HTM04 has an impact not only on ProEconomy's business; it also affects the Government, who have set a target of a 20 per cent. reduction in CO_2 emissions and at the same time are investing in raising temperatures. That will significantly escalate the carbon footprint of the whole of the NHS estate.

Furthermore, the fact that the Department has spent time and public money producing guidance that does not appear to be supported scientifically should raise considerable concern. ProEconomy is adamant that the Department has failed to justify or substantiate its statement that the temperature control regime is the preferred strategy for controlling legionella. ProEconomy would like the Minister to explain why the temperature control regime, which has been demonstrated to be inadequate in various instances, should be given preference over copper-silver ionisation. ProEconomy and the other companies in the field believe that they can prove that copper-silver ionisation is cheaper, more energy efficient and wholly more effective.

Furthermore, in the light of the fact that, over a 20-year period, a typical hospital would save £375,000 in energy consumption using copper-silver ionisation instead of the temperature control regime and taking

[Andrew Selous]

into account the cost of replacing copper-silver ionisation systems with mixing valves, ProEconomy estimates that there would be significant extra costs to the NHS if HTM04 were to be followed to the letter.

That is a summary of the concerns. The Minister and I are not scientists—I am putting on the record the views of my constituent's company—but I am sufficiently concerned about the process, the fact that scientific papers were not available and the fact that other large, industrialised, scientifically advanced countries seem to deal with the problem differently. It is wholly legitimate for me to raise these serious questions in this Chamber, and I hope that the Minister has reflected on them. As I said, he and I are not scientists, but I hope that he shares my concerns and will, at least, seriously consider the matters that have been raised, particularly the word "preferred", which will sound the death knell for the UK industry.

1.16 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mr. James Plaskitt): I congratulate the hon. Member for South-West Bedfordshire (Andrew Selous) on securing this opportunity for us to debate this important subject. I commend him for speaking up on behalf of ProEconomy Ltd, a company in his constituency whose interests clearly lie at the heart of the debate.

The debate has shown clearly why it is important to have proper and effective water management systems in place to control the risks from legionella bacteria. The Government fully recognise the serious consequences if those risks are not adequately controlled. That is why there is a clear health and safety regime to minimise risks to people arising from legionella. Under health and safety law, it is primarily the duty of an employer or person in control of the premises to ensure that that happens.

Legionnaire's disease was first identified after a large outbreak of pneumonia among people who attended an American Legion convention in Philadelphia in 1976. A previously unrecognised bacterium was isolated from lung tissue samples and subsequently named Legionella pneumophila. The bacteria occur naturally in environmental water sources such as rivers, lakes and reservoirs. They are usually found in low numbers but appear to multiply at temperatures between 20° C and 45° C. The bacteria can colonize artificial man-made water systems such as cooling towers and the hot and cold-water supply system in buildings. When the bacteria are found in large numbers, they can cause problems.

Humans exposed to the bacteria may contract Legionnaire's disease, normally by inhaling the bacteria deep into the lungs, either as tiny droplets of water or as the contaminated particles left after evaporation. The incubation period is usually between two and 10 days.

As the hon. Gentleman said, exposure may have serious consequences. Not everyone exposed to the bacteria will develop the full-blown disease. Some will suffer from no more than mild flu-like symptoms, but cases may be far more serious, and, tragically, death may occur. On average, some 300 cases of Legionnaire's disease are reported each year in the United Kingdom, but about half are associated with travel abroad. Twenty-nine deaths were recorded in 2005, and more than 30 in each of the previous three years.

I should quickly say something about the legal context, as it leads to the points that have been raised. The primary responsibility for controlling risk lies with the employer or the person in control of premises. Those who use or run water systems in their workplaces or other premises must assess the risk and provide for systems that manage it sensibly and effectively.

The legal duty is set out in health and safety legislation. There are general duties on employers and operators to provide safe and healthy working environments under the Health and Safety at Work, etc. Act 1974. Employers and operators also have responsibilities under the management of health and safety at work regulations. More specifically, the Control of Substances Hazardous to Health Regulations 2002, which I will refer to as COSHH, provide a framework for control of the risks from a range of hazardous substances, including biological agents such as the legionella bacterium.

The essential elements of the control framework provided by the COSHH regulations are: assessment of risks from exposure to an agent; prevention of that exposure where risks are harmful; control of exposure where prevention is impracticable; maintenance, examination and testing of control measures; provision of information, training and instruction; and health surveillance of employees. Those responsibilities are fairly and squarely on the shoulders of the employer or the person in control of the premises.

To assist those responsible for managing the risks associated with legionella, the Health and Safety Executive has published guidance and an approved code of practice entitled "Legionnaires' disease: the control of legionella bacteria in water systems"—commonly known across the industry as L8. The code of practice gives practical guidance, but there is also a special legal status attached to an approved code of practice. Under health and safety law, duty holders may use alternative means of compliance, but if they were to be prosecuted, failure to follow a code would be taken as being indicative of a breach of law, unless an employer could prove the adequacy of those alternative means of compliance.

Andrew Selous: In case I have missed something, has the Minister said anything that would lead an employer to have to use a temperature control regime? I apologise if I have missed the answer to that question.

Mr. Plaskitt: No—the simple answer is that there is not anything that would do so.

The approved code—L8—explains that the risk from exposure will normally be controlled by measures that do not allow the proliferation of legionella bacteria in the system and reduce exposure to water droplets and aerosols. Many suggested precautions are cited in the document.

Although L8 was written with the best knowledge available at the time, the HSE recognises that new

technologies are continually being developed and introduced to the market. As with any new technology, the regulator will recommend a precautionary approach in adopting a new method of control, particularly when the consequences of failure can be—as in this case—so serious. To support innovation in the field of legionella control, the HSE is keen to engage industry and to discuss and offer advice on potential technologies while working closely with the Legionella Control Association, the Water Management Society and the British Association of Chemical Specialities.

To help ensure the effective communication of good advice, the HSE has formed the legionella committee. One of its aims is to develop a more coherent and consistent approach to the inspection and investigation of legionella-related plant and management systems with stakeholders, particularly local authority partners. The HSE works closely with the Legionella Control Association, which is an independent body that aims to improve health and safety standards in the water treatment industry. By working closely with that body, the HSE can reach a large number of people working in the industry and help to ensure that key safety messages are fully assimilated and applied.

Following consultation with the Legionella Control Association, the technical committee of the Water Management Society and the British Association for Chemical Specialities, the HSE legionella committee has recently produced further guidance. That guidance is intended to be the first in a series and will deal with fill pack removal in cooling. It will shortly be placed on the HSE website as a technical supplement to L8. Provided a suitable evidence base is available, the HSE committee intends to issue technical guidance in that way, which will mean that advice and guidance on the introduction and application of new water treatment techniques can be made available.

The HSE has also produced industry and sector-specific guidance, for example for residential care homes. Such guidance can be downloaded from the HSE website, to which the most recent addition was "Management of Spa Pools", produced in 2006. Recorded data indicate that spa pools are one of the three main sources of Legionnaire's disease in England and Wales.

The HSE co-operates with the Health Protection Agency and the Health and Safety Laboratory on further research. The existing framework for control of legionella, set out in the approved code of practice, was based on consensus about what was recognised to be the best science at the time. However, the Government and the HSE recognise that the science can move on. We want to review our advice in the light of new developments and actively to support the ongoing process of scientific inquiry. For example, the HSE and the Health Protection Agency are currently collaborating on a project looking at the relationship between legionella risk systems and the environment, and the virulence of individual strains of legionella. Another project on which we are working is looking at in situ cleaning techniques for cleaning packing materials in cooling towers.

On the core of the hon. Gentleman's point, the Government do not rule out the use of other techniques such as water ionisation as a means of control. In fact the HSE's guidance devotes several paragraphs to the use of such methods of control. Temperature is referred to as the traditional approach to legionella control. It is recommended that hot water be stored at 60° C and distributed so that it reaches the outlets at 50° C within one minute. At 60° C it takes approximately two minutes to inactivate 90 per cent. of a population of legionella. The effectiveness of maintaining the circulating temperature at 60° C has been demonstrated in both hospitals and hotels. Hot water systems maintained at temperatures above 50° C are less frequently colonised by legionella.

Ionisation is the term given to the electrolytic generation of copper and silver ions for use as a water treatment. Metals such as silver and copper are well known bactericidal agents. They act on the cell wall of the micro-organism, which leads to cell death. Provided copper and silver ions are maintained at suitable levels within the system, they can be effective against legionella. It is important that ionisation be properly assessed, designed and maintained as part of an overall water treatment programme. In hard-water systems, for example, silver ion concentrations can be difficult to maintain due to build-up of scale on the electrodes, unless anti-scaling electrode cells are employed.

For both hard and soft water, the ionisation process is pH sensitive and it is difficult to maintain silver ion concentrations above pH 7.6. The build up of scale and concentration of dissolved solids therefore needs to be carefully controlled so that suitable ion levels are consistently maintained throughout the system. That may require additional water treatments. Also, unless automatic control valves are employed, the system is subject to fluctuations in concentration. Furthermore, if the treatment is used continuously, it is necessary to check that the maximum permissible concentration for drinking water under current legislation is not exceeded. That can be found in the Water Supply (Water Quality) Regulations 2000.

Andrew Selous: Will the Minister come to the nub of the matter regarding health technical memorandum 04 and the health service? I am reassured by what he said about the HSE, but it is the use of the word "preferred" in HTM04 that will close down the industry in the UK.

Mr. Plaskitt: I do not accept that it will close it down. As I am trying to explain to the hon. Gentleman, the documentation considers alternative sciences and we do not rule out any system or say that one system must be used instead of another. That is why I am discussing in detail the context in which the guidance was issued. I am also trying to point out that the science is continually under review and that the guidance will be supplemented as we consider scientific developments. I do not accept that the situation is as closed off as the hon. Gentleman is implying.

Andrew Selous: As I have tried to explain to the Minister, the use of the word "preferred" in HTM04 means that people who work in the public health sector believe that if they use another system, they will be publicly liable. Will he address that specific point because it is of great concern to the industry?

Mr. Plaskitt: I have tried to address that point specifically. If the hon. Gentleman wishes to check

[Mr. Plaskitt]

Hansard, he will see that I dealt with exactly that point. The Department of Health has produced additional guidance for NHS hospital trusts. It states that temperature control is the preferred strategy, but it also acknowledges the appropriateness of other systems and includes extensive reference to silver and copper ionisation and other techniques, so that—this is the crucial point—trusts are free to choose a temperature control option if local circumstances suggest that it is appropriate.

The Department of Health conducted a review of the available scientific literature in 2006 and concluded that both systems had merit.

Food Waste to Energy

1.30 pm

Mrs. Madeleine Moon (Bridgend) (Lab): I am pleased to have secured today's debate, under your guidance, Mr. Hancock. It is important that we understand and are aware of the matter before us. The UK produces more than 17 million tonnes of food waste each year. I submitted a parliamentary question today seeking an assessment of the food waste generated by the 13 outlets in the parliamentary estate—a third of the UK's waste comes from large-scale food manufacturers, and I do not expect the House to have an equivalent wastage.

With many people turning to ready meals and packaged food, the problem of food and package waste has exploded over the past 10 years. In fact, the British might waste more food than any other nation in throwing out 30 to 40 per cent. of all the produce bought and grown each year, according to research. Figures collated by the Government, supermarkets, processors and farmers show that modern food production methods might appear efficient, but the reality is that large-scale manufacturing and rigid supply chains are creating significant quantities of waste.

Separate Government figures show that some 17 million tonnes of food, worth up to £20 billion a year, are being put into landfill, even though approximately 25 per cent. of it could be eaten safely by people or animals, or turned into compost or, in this case, energy. The cost of transporting that waste is thought to be more than £175 million a year.

In seeking today's debate, my aim was to highlight a unique technology developed by Inetec, a company in my constituency, and to seek solutions to the problems it faces in rolling out and developing that major contribution to energy and landfill problems. Inetech was formed in 1997 to address the problem facing large-scale food manufacturers with food and non-recyclable packaging waste. I should like to recognise the financial support from the Welsh Assembly and the grants gained by the company to support its research and development, including two Department of Trade and Industry smart awards.

Inetec's research discovered that food waste and its non-recyclable packaging contained a high energy value that was being squandered. The waste stream was discovered to be a valuable means of generating renewable energy, allowing an on-site energy recovery system to be placed alongside a food processor, resulting in a reduction in fossil fuel usage and greenhouse gases, saving on transport and landfill costs, and increasing bio and food security.

The technology is known as abrasive drying and, explained simply, involves the water contained within food being removed to a very low level, after which the food and packaging waste is loaded into a vessel where it is macerated against itself, while heat is applied gently. As the waste warms, moisture held within it becomes exposed and evaporates. The vapour is drawn out of the vessel and run through a condensing unit to convert it back to liquid. The liquid has a near-neutral pH, so it can be discharged straight to a foul sewer without the requirement for further treatment. After

the batch process, a powdery biomass fuel remains, similar in appearance to coffee grains. The whole process takes about 24 hours to complete.

The technology was developed via two commercial operations: one with Greggs bakery, in which bakery and food sandwich waste was processed, and a second with a pedigree chicken hatchery in which eggs and dead chicks were processed. After thousands of test runs, the technology has proved highly successful in processing waste as different as supermarket waste, chicks, cows' stomachs, offal, fish, airline waste, bakery waste, oil-laden sludge and many other forms of waste too attractive to mention.

Britain has a large work force employed in food production who could be offshored unless production, and bio and food safety costs can be reduced and a viable alternative to landfill found. Drawing on those two problem areas, Inetec has two lines of progress. The first is working with individual food producers, such as Ethnic Cuisine, which produces Chinese ready meals for Sainsbury's. Food and packaging waste will be used to provide heat and energy for the plant, thus reducing its carbon footprint by one third and reducing the need for electricity drawn from the grid and fossil fuels—an option that perhaps the House of Commons could pursue.

The second line is to develop a UK-wide network of 10 large-scale Inetec plants, using biomass prepared in the Inetec process that is converted to synthetic gas and then to renewable electricity. Each plant will generate 21 MW of electricity from biomass, and a further 5 MW of thermal energy by-product. Each site will prevent 500 tonnes of food waste and packaging per day—1.5 million tonnes per year—including food-contaminated packaging, from going to landfill.

We know that we must find alternative means of providing power. Energy consumption is continuing to rise at a staggering rate and the population continues to grow. The world's energy demands are predicted to reach an all-time high by 2050. We know that renewable energies are needed, and biofuels have emerged as a viable means of generating large quantities of energy from sources that previously have been squandered. Landfill is an option that is rapidly running out; landfill sites are unpopular alongside local communities and generate great controversy.

Food producers, hotels, supermarkets and households could benefit from the Inetec process, with communities benefiting from energy provided from their food and packaging waste by a local Inetec site. With the recently announced rise in landfill tax, which will lead to a substantial increase in food waste and packaging disposal costs, this novel technology becomes even more financially attractive.

During a recent Environment, Food and Rural Affairs Committee visit to Germany, we saw such small-scale energy-producing plants utilised to provide energy in small villages in southern Germany. If such a scheme was adopted and centres placed alongside towns, it is conceivable that as much as 75 per cent. of a town's electricity requirement could be provided by the waste stream that it generates. That is especially relevant following the announcement of the development of five eco-towns by 2020.

For companies such as Inetec to be successful, we must remove the barriers faced in rolling out this new technology. Although the Government announced yesterday that they will simplify the planning process for large projects, smaller proposals such as Inetec's still face problems with regulations, procedures and planning policy. A major problem is the time scale and cost of meeting necessary approvals. The planning system is slow, very expensive and risky, with Inetec having to spend £2 million on the planning application for its first proposed plant, which could ultimately be refused.

The slow and expensive nature of planning permission must also be viewed alongside the time and cost of obtaining a pollution prevention and control licence and national grid connection. Those hurdles need to be jumped with each new planning or licence application at a new site. Each application starts from a zero base with no recognition of past success and past examination of the issues concerning the application.

In the UK, the cost of creating a connection to the grid is dependent on a price dictated by regional electricity companies. The purchase price of the electricity is set by the power companies. In Germany, during the Select Committee visit, I found that the Government set low connection and high sale prices, which has successfully fostered a growing alternative energy supply industry. The cost of connection to the grid must be paid upfront before the planning consent is gained, possibly adding £1.1 million to the gamble for success.

Inetec and its novel technology have received huge interest from many of the largest food production companies in the UK, such as Northern foods and Greencore, but it still finds itself receiving little assistance from the Government and is stuck trying to navigate through the complex legislation and planning regulations.

We know, and have known for generations, that people produce waste. Our archaeology and our understanding of past generations is often based on the uncovering of waste sites and seeing the food, utensils and packaging—the earthen-based vessels—that archaeologists uncover. However, we can change how much we produce, how we manage it and what we do with it.

If we are to adopt a renewable energy-based industry in the UK, we must resolve the question of how the potential of such an industry can be harnessed, by reviewing the current barriers of regulation, planning and processes, while retaining the protection that they afford to local communities. I am aware that the Government will announce a greater concentration on food waste in the energy White Paper that is coming soon. There are those who would say that this debate is perhaps one or two days too soon, but better that than one or two days too late. If I am to applaud the energy White Paper, it will also, as I hope, announce initiatives to liberate innovative uses of waste to generate heat and power, so that food can provide energy not only for the body, but for the home and for industry.

1.41 pm

The Minister for Local Environment, Marine and Animal Welfare (Mr. Ben Bradshaw): As my hon. Friend the Member for Bridgend (Mrs. Moon) acknowledges, the timeliness of the debate is extraordinary, given that

[Mr. Ben Bradshaw]

yesterday the Government's planning White Paper was published—she raised a number of planning issues in connection with the company in her constituency—that tomorrow we will see the long-awaited energy White Paper, and that on Thursday the new waste strategy will be published. I hope that, if she is able to, she will be present in the main Chamber to listen with interest to what my right hon. Friends the Secretaries of State for Environment, Food and Rural Affairs and for Trade and Industry have to say on those two policy areas, on which we have not yet made announcements.

That puts me in a slightly difficult position, because if my hon. Friend's debate had taken place a week later—rather, two weeks later, because of next week's recess—I might have been able to say more on the issue. However, given the timing of her debate, she can perhaps claim some of the credit for the announcements when they come later this week. I hope that she and other Members who take a close interest in these very important issues will be encouraged by what the Government propose to announce.

I congratulate my hon. Friend on championing not only a very good local firm in Bridgend as the constituency MP, but the whole issue of our environmental sustainability, of our management of waste in particular, and of the potential for generating renewable energy from waste streams. I also pay tribute to the work that she is doing in trying to persuade this place to be a bit greener, which is a worthy cause. I always think that when we are trying to persuade the country to do better on the environment, it is important that we can lead by example.

My hon. Friend is right to portray the challenge that we face. According to our latest figures, about 17 per cent. of municipal solid waste is waste food. It was estimated in a recent report that, on average, each person in this country wastes more than £400-worth of food every year—quite a scandalous figure, in my view. Our first priority, of course, should be to prevent as much as possible of that waste from being produced. We shall announce measures on waste prevention in the waste strategy on Thursday. Also and as my hon. Friend acknowledged, my right hon. Friend the Chancellor of the Exchequer in his most recent Budget announced a substantial increase in the landfill tax escalator, which acts as one of the main incentives for businesses and local authorities to divert waste from landfill. I hope that that will help companies such as Inetec, in my hon. Friend's constituency.

There is a variety of ways in which food waste could be put to much better use. My hon. Friend has described very well the work that Inetec does in her constituency. If that company has not yet had the opportunity to talk through some of these issues with people from either my Department or, as it is largely a devolved issue, the Welsh Assembly, I would be happy for it to talk to my officials about what potential there may be for the company across the UK more widely.

Mrs. Moon: I thank my hon. Friend the Minister for that offer, which I welcome. Inetec is based in my constituency, but it plans to roll out the 10 new large-scale electricity generating plants across the UK, so it would be particularly helpful if such a meeting could take place with his officials.

Mr. Bradshaw: I am sure that my officials, very over-burdened as they are at the moment, would be delighted to arrange that.

I noted the points that my hon. Friend made about the problems of the planning system. One of the announcements that my right hon. Friend the Secretary of State for Communities and Local Government made yesterday will, we hope, help to ease the planning process for such significant environmental waste management projects. We can have all the right waste management policies in the world, but if, because of the planning process, local authorities and businesses cannot establish the recycling facilities, the energy-from-waste facilities, the anaerobic digestion facilities and the other facilities that my hon. Friend talks about, there is no doubt that we will have a real problem not only with meeting our landfill diversion targets—with the resultant fines for local authorities, which would not be popular in her constituency—but with meeting our environmental goals.

My hon. Friend is absolutely right to stress the importance of diverting more of our waste away from landfill. I think that we are third out of all 25 countries, or out of the old EU countries, in terms of our reliance on landfill, and although our reliance has decreased significantly in recent years, we need to do an awful lot better. Food waste, as my hon. Friend also rightly says, is a major source of methane. If food waste goes to landfill, it can rot down into methane, which is one of the most potent greenhouse gases—21 times more potent than carbon dioxide.

As I said, we will announce a number of measures in the waste strategy on Thursday, in particular to target food collection from households and to encourage local authorities to extend separate food collections. Research shows that where that happens, it is much easier to re-use, recycle, compost or divert into a new technology, such as Inetec's, that food waste, and to make a valuable resource out of it. Exciting things are on the way.

If I may, I shall say a little about anaerobic digestion, because that is another technology that has huge potential. Without being a technical expert and without having studied Inetec's technology, I suspect that my hon. Friend may also be interested in some of the measures that we hope will be in the energy White Paper tomorrow to encourage these alternative technologies. We hope that changes to the renewables obligation certification scheme will serve as a major boost to anaerobic digestion and to other technologies to help to manage food waste. I cannot remember whether my hon. Friend has any rural areas in her constituency, but anaerobic digestion also has major potential for dairy and other livestock farmers, who may be worried about what they will do with all their slurry when the nitrates directive kicks in. There is massive potential for a win-win situation in terms of sustainable environmental management of farms and increasing farmers' incomes by using slurry as a positive fuel in some of these technologies.

My hon. Friend will be aware that the way that we collect waste is intimately linked to the way in which it can be processed, and thus to the value that we can extract from it, whether as a recyclate or as an energy source. Nowhere is that more true than with household waste collection. There has been an awful lot of

ill-informed comment in the press in recent weeks on that issue. We shall say more about it in the waste strategy, but I can say, without revealing too much of the detail, that the objective of that strategy is to pursue the course that I think my hon. Friend and her colleagues on the Environment, Food and Rural Affairs Committee would endorse. It is to move away from our reliance on landfill, to stop treating waste as waste and to treat it as a resource, and to try to move this country to a position where we do not accept, as we have in the past, a throwaway society. We need to stop throwing away into landfill anything that has a useful or valuable potential, because that not only contributes to greenhouse gas emissions but means that we are constantly using virgin materials—many of which, such as wood and oil, are from the developing world—to generate energy when we could be generating it, as my hon. Friend rightly says, from the waste that we all produce.

I was interested to hear my hon. Friend say that there was the potential for 75 per cent. of a given town's or city's energy to come from waste. That sounds like a high figure to me, but I will certainly look at it. If it is right, it will make even more strongly the argument that we will make when we publish our energy White Paper tomorrow and our waste strategy on Thursday.

In summary, I am grateful to my hon. Friend for raising such an important topic. I have tried to explain what the Government believe can be done to join up our policies on waste, energy, biomass and planning, and we will see a good example this week of not only joined-up government, but very active government. A lot has been said in recent weeks and months about the Government's being adrift or in limbo during this period of transition, but nothing could be further from the truth. The Department for Environment, Food and Rural Affairs has certainly been hyperactive, not only on the waste strategy, but on the Climate Change (Effects) Bill and so forth. This week, a whole tranche of new policies will be published that are vital to our economic and environmental futures. Indeed, that will happen against the background of a policy vacuum on the other side of the House, but I will leave that for others to judge. When my hon. Friend sees the strategies that will be published tomorrow and on Thursday, I am sure that she will welcome them in her usual constructively critical way.

Mrs. Moon: Although my constituency does have incredibly large rural areas, one thing that I also hope to hear over the next few days is that the Government will not only look at the anaerobic digestive system, which my hon. Friend mentioned, but ensure that grant is available to support technologies such as Inetec's. We must not go down only one possible energy source route, with anaerobic systems being the only ones that we look at and support.

Mr. Bradshaw: My hon. Friend will have to study the details of the energy White Paper very closely. Not being an expert on the technology that she talked about, I am afraid that I cannot pre-empt what my right hon. Friend the Secretary of State for Trade and Industry will say tomorrow. However, it is certainly the Government's desire to encourage all sorts of innovative technologies that have an environmental benefit.

The technology that my hon. Friend mentioned has particular benefits in terms of dealing with a mixture of materials, including food waste and packaging waste, because they can all be dealt with together. That is slightly separate from composting and anaerobic digestion, which involve separating food waste from other waste. The company that she mentioned therefore has some niche potential, and my officials advise me that that it is perfectly possible that it will benefit from the announcements that will be made later this week. However, without knowing some of the figures for biomass content and so forth, it is difficult to make a judgment today.

If my hon. Friend is not happy with what I have said, she should remember that we are talking about a White Paper, and that things are never set in stone. I am sure that she looks forward to debating the issues that the White Paper will spark between its publication and the next election.

Question put and agreed to.

Adjourned accordingly at seven minutes to Two o'clock.

Westminster Hall

Wednesday 23 May 2007

[MR. EDWARD O'HARA *in the Chair*]

Iran (External Involvement)

Motion made, and Question proposed, That the sitting be now adjourned.—*[Tony Cunningham.]*

9.30 am

Patrick Mercer (Newark) (Con): It is a pleasure to have you in the Chair, Mr. O'Hara, and I thank you for indulging this subject. The Minister and I have debated a similar subject in the past, and I hope that he does not think that we are simply revisiting old ground. The majority of what we will discuss will be new, and I hope that he will be able to answer some pretty pointed questions.

Everyone is familiar with the problem that we face with Iran, particularly her aspirations for nuclear power, nuclear weapons and a nuclear programme generally. I do not intend to dwell upon UN resolution 1747, on uranium enrichment, or to talk in any great detail about the eye-catching events of the past few weeks, such as the debacle in the waterway off the Shatt al-Arab, and whether Prince Harry should serve in Iraq and perhaps expose himself to the threat from Iranian weapons.

I shall concentrate on the issue of the day: the fact that on a minute-to-minute basis, we are losing soldiers, primarily, and other members of our security forces in Iraq and Afghanistan because of weaponry that is being imported, I believe, over the Iranian border, and because of expertise that is being taught to insurgents in several different theatres and being used to lethal effect against our men and women.

Recently, we rightly rejoiced at the release of 15 ratings and Royal Marines, but I remind the Minister that within days of their release, a number of soldiers were eviscerated by explosively formed projectiles in and around Basra. That is the real face of Iranian aggression: those weapons are killing our men daily. We have an opportunity, with the change of Prime Minister, to confront Iran, to gain from her explanations for that behaviour and to put in place a series of measures that might get her to climb down and, I hope, save the lives of our servicemen.

It has been difficult to prove conclusively that that sort of weaponry has been used, but I have one or two pieces of evidence that show me, beyond any doubt, that Iranian weaponry is being used in those theatres. First, in September 2006, United States' forces discovered a cache of explosives, all of which were labelled as being from Iranian factories and ordnance production centres. For several years—more than 48 months—factory grade explosively formed projectiles have been used against our troops in Iraq and Afghanistan.

In February 2007, US forces proved conclusively—to their satisfaction, at least—that Shi'ite militias were being trained in the use of those weapons. Last month, more than 40 explosively formed projectiles were used in Maysan province against a patrol of the Queen's Royal Lancers. They said that it was like being in the middle of Guy Fawkes night when the weapons went off. We believe that it took the enemy more than 24 hours to establish that kit. The fact that we had only two fatalities was remarkable and merciful in the circumstances.

Similarly, at the end of last month, six Canadians were killed in action in Afghanistan. They were inside a vehicle with reactive armour that was none the less pierced by that kind of weaponry. I do not want to be too technical, but armour-piercing weapons of Soviet design and Iranian production, such as the RPG-29, have now pierced at least two of our Challenger main battle tanks. A number of weapons found in a cache near to Baghdad in January were traced to Iran.

As the papers reported yesterday, UK commanders in Afghanistan claim that Iranian Strela missiles are being used against our air transport there, and I have it on good authority that medium-range rockets are being used in Helmand every night of a pattern that characteristically come from Iran. A former regimental colleague of mine described to me, in an e-mail from Helmand, that we are in the middle of an undeclared war against Iranian-backed militias and Iranian-backed Taliban in Helmand province.

The numbers of casualties are stark. April was one of the bloodiest months for British forces in Iraq and Afghanistan. In the seven weeks leading up to the US army's surge in Iraq, there were 29 fatalities. In the seven weeks after the start of the surge, there have been 53 fatalities. As I have already mentioned, armoured fighting vehicles in Afghanistan are regularly being penetrated.

The *International Journal of Epidemiology* has produced some frightening and stark figures. It says that it would previously have expected 128 improvised explosive device fatalities in a 105-day period in Iraq. With the troop surge, it expected that number to rise to about 146, but the reality is that 188 allied servicemen and women have been killed by those devices since the beginning of the US surge in Iraq. There is no doubt that there has been a serious spike in enemy activity and a concerted effort to use weaponry with a sophistication and determination with which we are becoming horribly familiar.

It is worth considering Iran's foreign operations. We have already discussed Afghanistan and Iraq, and it is common knowledge that Iran supports Palestinian militant groups. We are familiar with the sayings of President Ahmadinejad and with Mr. Khamenei's description of Israel as a "cancerous tumour". We are also familiar with the operations of Hamas, Palestinian Islamic jihad, the al-Aqsa Martyrs Brigades, the Popular Front for the Liberation of Palestine and, of course, Hezbollah. There is little doubt that they are all supported by Iran.

Mr. Lee Scott (Ilford, North) (Con): The vile regime in Iran has no regard for its innocent citizens, who want no part in what is going on, and it continues to meddle in other countries' affairs and to threaten the very existence of other countries. Does my hon. Friend agree that the time has come when measures must be taken to show that the rest of the world cannot and will not put up with those actions?

Patrick Mercer: I am grateful to my hon. Friend; as usual, he makes a very good and articulate point. He

[Patrick Mercer]

underlines the fact that when we talk about this vile regime, as he described it, we must remember that it does not represent the majority of people in Iran—far from it. It is wrong to view Iran as one power block that is united in its efforts to destroy democracy and to impose its values on the world.

I would be interested to hear the Minister's views on Iran's tolerance or otherwise of an al-Qaeda presence in its country. I am sure that he is aware that for the past several years, a Shura of al-Qaeda, including one of bin Laden's sons, has been present inside Tehran. The Iranian regime will claim that those people are under close supervision—perhaps, indeed, in prison—and some will say that they are under house arrest. Others will say that they are free to come and go as they wish.

Clearly, the correlation of an alliance between al-Qaeda and the Iranian regime is an extraordinary one; the same applies to the Taliban. None the less, I would be interested to hear why, at the Senate foreign relations committee, the Under-Secretary of State, Nicholas Burns, accused Iran of breaching security resolutions 1267 and 1373, which demand that information on al-Qaeda be shared across international boundaries. What does the Minister have to say on that?

At a symposium yesterday, Mr. Claude Moniquet, a director of the European Strategic Intelligence and Security Centre in Brussels, made an extraordinarily chilling claim, which the Minister has probably seen in this morning's papers. He suggested that in the event of attacks on Iran and on her nuclear facilities in particular, it was highly likely that Iranian agents—he may describe them as he wishes—would attack European and British nuclear facilities inside this country. That rumour has been heard for some time—it is certainly not the first time that it has reached my ears—but for it to be stated so publicly is worrying. I would be interested to hear whether the Minister agrees or disagrees with it.

In July 2006, I asked the Foreign Secretary how likely it was that this country's streets would, or could, be visited by Iranian terrorism. She replied:

"As the hon. Gentleman says, there are indeed concerns about the scale and nature of terrorism in this country, and about whether some of that is inspired or funded in any way by forces in and around Iran."—[*Official Report*, 20 July 2006; Vol. 449, c. 518.]

I was surprised to receive that reply, because I had expected something much blander. I shall press the Minister to explain what he believes the threat to this country is from Iranian terrorists.

As I have explained, we now have the opportunity, provided by a new Prime Minister, of a clean sweep through which foreign policy can be redesigned to a greater or lesser extent. I implore the Minister to ask the Government to cease the inconsistency that we have had to endure for the past couple of years. I have no doubt that the Prime Minister is fully aware of the dangers that we face. He has said that

"there are elements...of the Iranian regime that are backing, financing, arming, supporting terrorism in Iraq".

Yet when the previous Foreign Secretary was asked about the possibility of any form of military action to confront what Iran is doing, he said something extraordinary:

"but in the real world in which we are living...we are trying to resolve this issue, I do not see that there is a place for military action."—[*Official Report*, 14 March 2006; Vol. 443, c. 1282.]

He expands on that, and this is something with which the Minister is familiar.

Nobody in their right mind can expect a full-scale military intervention against Iran—of course not. But what do we do about this? Do we say to Iran, "Carry on hitting us. Carry on killing our soldiers, sailors, airmen and marines, because any sort of military action is clearly unacceptable according to Britain's Foreign Secretary"? We are involved today in military confrontation with Iran whether we like it or not. I cite the officer from my regiment who said that we are in an undeclared war with that country. Shying away from this and eroding the words of our Prime Minister is dangerous. It also sends very mixed messages to a dangerous regime.

I have made this point to the Minister already, but I repeat that I simply could not understand Ministry of Defence and Government policy on issues such as boarding and not boarding foreign ships after the debacle off the Shatt al-Arab that took place about a month ago. If we are there under the terms of a United Nations resolution and we are told to board ships, we should continue to board them; we should not suspend operations and, when the dust has settled—that is a bad analogy at sea—decide that we will continue to board them. Such an approach sends out the wrong messages.

Irrespective of whether the decision on whether Prince Harry should serve in Iraq was right or wrong, by golly, it gave a tremendous public relations victory to our enemies. *[Interruption.]*

Mr. Bernard Jenkin (North Essex) (Con): I saw the Minister shaking his head in confusion at that last point, so will my hon. Friend expand on it?

Patrick Mercer: I am grateful for my hon. Friend's intervention. The messages that this country sent out were extraordinary. We sent the extremely powerful message that at the end of a dirty, lethal and extremely unpopular campaign, a member of the royal family was willing to risk his neck alongside the humblest private soldier or trooper from his regiment. The fact that that was then rescinded and that we went public on the decision-making process was a disgrace, and I find it extremely difficult to understand how, yet again, we fell into a well-organised and sophisticated public relations ambush. I hope that that answer proves helpful.

Why do we send delegations to Iran? Why do we treat Iran as if she is a friendly nation? We are content to stand up to nations such as Belarus; we do not send delegations there or receive its delegations. To underline the point made by my hon. Friend the Member for Ilford, North (Mr. Scott), why do we continue to be ambivalent with Iran about her human rights records? Why do we tolerate the way in which gender issues are handled inside Iran?

How can we begin to understand some of the EU's statements about the MEK or People's Mujaheddin of

Iran—a point recently made by the hon. Member for Thurrock (Andrew Mackinlay)? However one regards that organisation, we must deal with it even-handedly. The EU3 stated in November 2004 that if Iran were to comply with the demands of the EU and pull back from its apparent development of nuclear weapons,

"we would continue to regard the MEK"

—that is, the PMOI—

"as a terrorist organisation."

What is the PMOI? Is it a terrorist organisation or not? Can it be used as a pawn on this particular board? Do we treat the people involved as human beings? Why do we proscribe that organisation, whereas Hizb ut-Tahrir continues to be non-proscribed more than 18 months after the Prime Minister said that he would proscribe it? There is a terrible inconsistency, and I hope that the Minister will make it clear how he and the Government intend to deal with it.

Mr. Jenkin: May I draw my hon. Friend's attention to the fact that the US Administration are also split on the question of the MEK? The State Department is in favour of proscribing it, whereas the Defence Department is in favour of lifting the sanction against it. Does this situation not need to be sorted out urgently?

Patrick Mercer: As usual, I am grateful to my hon. Friend. I agree with what he says, and that was exactly the point that I was making about consistency. If we allow our enemies to see that the superpower in the west is taking one approach and we are taking another, and we allow the shameful and disgraceful statement that we have heard from the EU to gain popular appeal, what sort of message does that send? I ask the Minister to be clear with me about how we intend to deal with PMOI/MEK in the near future. It is a proscribed organisation, but do the Government intend that to be the case in the future?

Andrew Mackinlay (Thurrock) (Lab): Following our debate in this Chamber on 25 April, the Minister wrote to my hon. Friend the Member for Stockton, North (Frank Cook), who presided, in reply to some of the questions that I had raised. The question that was not addressed in that letter relates to the point that the hon. Member for Newark (Patrick Mercer) is making. It concerned the offer by the EU, with which the United Kingdom was complicit, that the PMOI would continue to be proscribed if there was compliance on the nuclear issue. In his letter, the Minister failed to respond to that point, so I hope that he will do so later this morning. Alternatively, if he writes to you, Mr. O'Hara, I hope that the position of the Foreign Office will be revealed, because on the issue that the hon. Member for Newark has just raised, the Minister fails to respond.

Patrick Mercer *rose—*

The Minister for Trade (Mr. Ian McCartney): I do not normally intervene, but I must put something on the record. The letter that I sent via the Chair of that debate was to all hon. Members who were present. I wanted to ensure that they all got it. It responded to the points that I had been unable to answer because of time constraints. The issue raised by my hon. Friend the Member for Thurrock (Andrew Mackinlay), was answered in the debate. He did not like the answer that I gave, but it is in *Hansard*. I also intervened on him on this very subject, because he was again making untrue and unfounded allegations about my connection to this organisation.

Patrick Mercer: I should say to the hon. Member for Thurrock that the debate in which he, the Minister and I took part was indeed very limited by time. I make no bones about the fact that I have taken up the hon. Gentleman's point so that we can get a proper answer. I do not know where I stand on this issue. I have not yet decided, so I want the Government to guide me and to give precise directions on where they are going, particularly vis-à-vis the United States Government, so that Iranian opposition groups can have it clearly in their minds where their future lies. We must have an answer to that point, and I am grateful to the Minister for intervening.

Mr. Roger Gale (North Thanet) (Con): Earlier in his speech, my hon. Friend said that many millions of ordinary, decent people in Iran are oppressed by a terrible regime, and he is absolutely right. Does he agree that the policy of appeasement—that is what it is—in Iran has failed? It has failed to control the development of nuclear weapons and failed to assist the people who want freedom and democracy in their country. Does he also agree that it is perhaps time to recognise that the People's Mujaheddin of Iran and the National Council of Resistance of Iran are not part of the problem, as Her Majesty's Government seem to believe, but part of the solution, and that if they were given the chance to play their part we might have a peaceful solution in Iran, rather than what lies ahead?

Patrick Mercer: I am grateful for my hon. Friend's intervention, and I agree with him entirely. That is precisely the point that I am trying to make. I need some guidelines from the Government on where we are going with Mujaheddin-e-Khalq and PMOI. I believe that we have the possibility of pulling a peaceful solution from the current morass, but let us not forget that whatever threats we see daily over the hill, our soldiers, sailors and airmen are being killed in Iraq and Afghanistan by Iranian weapons and Iranian evil.

What are the solutions? This will sound deeply counter-intuitive, but one reason why our troops are so exposed, particularly in Iraq, is because there are so few of them. The game is up, and there is no doubt that we intend to withdraw substantially in the near future. I guess that the Americans are thinking along similar lines, but they have taken a pragmatic military decision, which may or may not work: that if they are to withdraw in good order, they must do so from a position of strength. The situation is dangerous, and our enemies intend to make the summer even more dangerous, particularly in Iraq and Afghanistan. If we continue to run down the number of troops, fewer of them will have to cover larger areas in increasingly contained forms of transport: helicopters, armoured vehicles and so on. That means that they will be more vulnerable.

I shall not go through the technical arguments again, but if even our heaviest armoured fighting vehicles are vulnerable to weapons, that can only mean that fewer troops will result in proportionately higher casualties. I know that that is counter-intuitive, but would the Minister please assure me that in the dying days—a

[Patrick Mercer]

distasteful comment—of the Iraq campaign we will have enough troops left there to protect those who are trying to withdraw? I shall be extremely interested to hear his argument.

Can the Minister also make it clear how we intend to continue with the sanctions regime? Nineteen months after Iran was referred to the Security Council and 10 months after the Security Council decided that Iran's nuclear programme

"is a threat to international peace and security",

United Nations sanctions have not imposed much of a penalty on Iran. Similarly, the Security Council's resolutions are very limited. There are few concrete restrictions. They call for vigilance and restraint, but make no demands on Iran for which it can be held to account.

The United States' actions must be followed by the European Union and properly supported. In a moment, I shall go through one or two of the actions that we could impose. Above and beyond everything else, we must act as a sovereign nation to encourage dialogue between the United States and Iran. However, without Iranian compliance, we should be looking to impose much stronger United Nations penalties on Iran if she will not co-operate. When the UN meets to consider its next resolution on Iran in the last week of May and early June, the Security Council should either impose or raise the prospect of a number of different measures, such as a travel ban on individuals involved in Iran's nuclear and ballistic missile programme; a formal ban on the training of Iranians in nuclear disciplines; the designation of Bank Saderat Iran, which is said to be used by Iran to transfer money to terrorist groups; and adding leaders of the Iranian Revolutionary Guards Corps, which controls Iran's ballistic missile programme and is thought to orchestrate violence in Iraq, to the travel ban and assets freeze list. I could go on, and I am sure that my hon. Friend the Member for Mid-Norfolk (Mr. Simpson) will add to that list.

I have spoken for long enough, Mr. O'Hara, but while we are mesmerised by such eye-catching events as we have seen over the past two or three weeks and while we agonise over the potential development of nuclear weapons in Iran, our servicemen are being eviscerated by weaponry that comes from Iran to both Iraq and Afghanistan. We cannot allow that to continue. It is an undeclared act of war. Unless we seize this opportunity to harden Government policy, to propose concerted, orchestrated and coherent actions across the alliance, I suggest that the next few months will be bloody, hot and lethal for our troops who are trying to serve this country with all their courage.

Mr. Edward O'Hara (in the Chair): Order. I remind hon. Members that the Front-Bench contributions should start not later than 10.30.

9.56 am

Andrew Mackinlay (Thurrock) (Lab): I welcome this debate because during a half-hour debate in this Chamber on 25 April there were, as has been demonstrated, some unanswered questions, certainly from my perspective. I hope to explore those today, but I want to thank and congratulate the hon. Member for Newark (Patrick Mercer) on securing this longer debate because it allows us to examine more forensically the position of the Foreign and Commonwealth Office and Her Majesty's Government's inconsistent approach to our bilateral relations with Iran.

The Minister is somewhat testy and irritable, and obviously thinks I am unfair or unreasonable in my criticisms, but that is against the backdrop of Her Majesty's Government saying different things at ministerial level, and not being consistent in demonstrating their distaste for Iran's human rights record and the hon. Gentleman's central charge this morning that weaponry and ordnance are coming from Iran with the knowledge and acquiescence of the regime, which is obviously working against our interests both in Iraq and Afghanistan and putting our service personnel in peril.

That is broadly the charge and, as the hon. Gentleman effectively said, we are acquiescing, through our silence and inaction, in outrages outside Iran but emanating from there, and human rights violations in Iran to which we have an entirely different response from that to other regimes in other parts of the world that perpetrate the same actions.

Belarus is a pretty awful regime, but it does not export terror. Yet we do not entertain officials from Belarus and our relations are in deep freeze. As far as I am aware, we do not welcome to the United Kingdom formal delegations from the Belarus Parliament, although individuals may come, which is correct and appropriate. Yet we welcome parliamentary delegations from the Majlis and we send delegations there, which is absurd. Was there a recent visit by members of the Majlis with the acceptance and approval of the Foreign and Commonwealth Office? If so, it was done sneakily, and that does not make it legitimate.

Why do I say that Her Majesty's Government are sending inconsistent signals? If we look at what the Prime Minister has said as recently as 9 May in the House, we can see why. He said:

"What is happening in Iraq is essentially that al-Qaeda on the one hand and elements of the Iranian regime on the other are backing terrorism".

It is the Prime Minister who said that

"elements of the Iranian regime...are backing terrorism".—[*Official Report*, 9 May 2007; Vol. 460, c. 154.]

I did not say that; the Prime Minister said it. Yet, we have the kind of response that we had on 25 April, and which I believe we are likely to get today, implying that we must go softly on the Iranian regime. If the Minister says, "The hon. Member for Thurrock is wrong. We are not going soft with the Iranian regime," why do we continue to allow exports that have dual use?

Following our Westminster Hall debate, the Minister wrote to my hon. Friend the Member for Stockton, North (Frank Cook) on 18 May and referred to the EU agreed "Common Position" relating to

"restrictions on the supply of arms to Iran as set out in Resolution 1747".

The Minister went on to state that it

"covers all items on an agreed Military List",

but he then wrote that that

"does not include dual use chemicals such as zirconium silicate, which will continue to be"

available under export licences. I cannot understand why we do that. It seems to me to be bonkers to allow the export to that regime of things that are demonstrably of value in the development of nuclear energy or weapons. Zirconium silicate can contribute to many parts of the process. I use zirconium silicate only to indicate and illustrate our silliness.

The list of people who are not allowed—frankly, not made welcome—in the UK and the EU is not really effective. As I indicated, we host so-called parliamentarians—they are anointed by the regime rather than popularly elected—here in London. That sends a confused signal. On the one hand, the Prime Minister talks frankly and candidly, and I believe correctly, but in another part of the Government, the Foreign and Commonwealth Office takes, in my view, a completely different approach and, if I may say so, seriously misreads the gravity of the situation.

To buttress my case and that of the hon. Member for Newark, I noticed that a Lieutenant Colonel Simon Browne, commanding officer of the 2nd Battalion the Royal Anglian Regiment, told *The Sunday Telegraph*:

"I'm sure there is outside influence here and it is from Iran. It is clear the insurgents are getting supplied from somewhere. I would believe it comes from Iran, or at least comes from Iranian sources".

He was talking about the weapons that were putting his troops in peril in Iraq.

Reference has also been made to the fact that in a previous debate I put forward the proposition that the People's Mujaheddin of Iran should not be proscribed. Perhaps I have approached the matter in the wrong way. May I use this occasion to ask Her Majesty's Government to say what more the PMOI can do, or what they would like it to do, to demonstrate beyond doubt that it is not involved in terrorism in the United Kingdom, the European Union or anywhere? What more can or should the PMOI do?

The Government have moved the goalposts. They know that the PMOI is not a terrorist organisation, but they are frightened of the consequences of taking it off a proscribed list because of our bilateral relations with Iran. That is the truth. It is not sufficient for the Minister to scoff or dismiss what I am saying. It would be fair both to the PMOI and to Parliament if the Minister or another member of the Government—either this morning or on a piece of paper—were to list the PMOI's deficiencies and failings in demonstrating its good will and that it is terrorist-free.

Mr. Gale: Is it not the case that the PMOI and its associated organisations have never participated in any terrorist activity in or against the interests of the United Kingdom? Is it not a fact that the PMOI and its adherents in Iraq are providing succour, at great risk to themselves, to the allied forces in Iraq, and providing both the Americans and the British with intelligence that is being used by our forces in the cause for which we are present? Is it not shameful that the Government should lead the call in Europe for the maintenance of the proscription of the PMOI?

Andrew Mackinlay: I subscribe to those views. It is also interesting that the American commanders of the coalition forces that have jurisdiction over the part of Iraq in which PMOI members have been disarmed, Camp Ashraf or Ashraf city, have given the organisation consistently, on paper, a clean bill of health. We are talking about the United States of America, whose commanders are in Iraq. They have indicated clearly that the PMOI members in Ashraf city are not acting as terrorists. They are allowed bank accounts. One is bewildered as to why Her Majesty's Government maintain the proscription. I say that I am bewildered, but the only logical conclusion is that which I and the hon. Gentleman have come to: they do so to placate the Iranian regime. That is wrong and shameful.

In the letter sent to my hon. Friend the Member for Stockton, North, the Minister more or less says that I have misread the situation and the PMOI has been on a terrorist list for much longer than our negotiations with Iran on the nuclear issue have been going on. That is true, but I believe that it buttresses my view. The PMOI has demonstrably been disarmed since 2001, but nobody, including the Government, has produced one instance of a breach of the disarmament. The Government are frightened to alter the existing arrangements, because they have a fear of offending Iran.

In his letter to my hon. Friend, the Minister did not address the fact that the EU has subsequently said that it will continue to proscribe the PMOI if the UK collaborates. We will see that tomorrow in the *Official Report* because the hon. Member for Newark read out the offer. The Minister needs to deal with that issue, which I raised on 25 April, and which the hon. Member for Newark raised this morning, rather than the history of the matter.

The other issue that needs to be raised this morning is the fact that the PMOI has used the European Court of First Instance to secure some remedy. The Court challenged the European Union and, implicitly, the United Kingdom, to produce evidence of terrorism, but it has failed to do so. Neither Parliament, nor the European Court of First Instance have seen any evidence. The matter is becoming increasingly embarrassing and unfair, and it compounds the mixed signals that we are sending to Iran.

Many Members want to contribute to the debate, so I shall conclude by saying that I hope that the Minister recognises that he cannot be selective. When he sends a letter to you, Mr. O'Hara, or to your fellow Chairman, my hon. Friend the Member for Stockton, North, he must answer all the points raised in a debate, not just some of them.

10.9 am

Mr. Bernard Jenkin (North Essex) (Con): I congratulate my hon. Friend the Member for Newark (Patrick Mercer) on securing this timely debate. It is extraordinary that the issue of Iran, its role in Iraq and the causes of that role have been so underreported.

For the record, after I first visited Iraq as shadow Secretary of State for Defence, shortly after the invasion in 2003, one of the key issues that I raised with the then Secretary of State for Defence, both on and off the record, was the role that Iran was already evidently playing in Iraqi politics and in the violence in that country. The Government and the coalition as a whole have been asleep at the switch on the issue. They

[Mr. Bernard Jenkin]

have completely failed to confront the problem, which has resulted in the loss of perhaps many more lives than we should have lost.

The external involvement of Iran cannot be separated from its internal politics. I beg for a much deeper, more three-dimensional understanding of that amazing country, Iran. It was an extremely powerful and influential country, with its own empire. It has many diverse and proud traditions, and there is no reason why its strand of Islam should not be peacefully expressed, but Iran has suffered historic decline over the past 200 years.

I am afraid that the western powers have played a shameful role in the decline and humiliation of Iran over the past century, not least through some duplicitous treaty-making by our country and the overthrow of the flowering of democracy in Iran in the early years of the cold war. It was the western powers that installed the corrupt regime of the Shah of Iran, which led directly to the Iranian revolution, which has led directly to the situation that we face today. Not only that, but when the Shah was overthrown, we tacitly supported Saddam, in the containment of what we regarded then as a hostile power.

I am afraid that our record is deeply inconsistent and nothing to be proud of. We may find excuses for it, but we must recognise our failings in our engagement with Iran. It is hardly surprising that an irresponsible leadership in Iran can capitalise on the deep suspicions that many Iranian people feel about the role of the United States and the United Kingdom in their decline and misfortunes. Finally on that point, what interest does Iran have in stabilising Iraq, when it is in Iran's national interest, as the Iranians perceive it, to keep the United Kingdom and the United States in particular bogged down, instead of targeting this other member of the axis of evil? I believe that the Iranian regime is indeed part of an axis of evil, but that is the regime, not the people.

That relates to my second point, which is that we must understand the nature of Iran. As my hon. Friend pointed out, we are not dealing with the equivalent of Nazi Germany or with the monocultural police state that we overthrew in Iraq. We are dealing with a very much more diverse and relatively liberal society, where many strands of opinion are capable of being expressed and where there is even a semblance or pretence of democracy and elections. There are dissident movements operating in Iran with which we should be actively engaged, although I shall not revisit the PMOI/MEK issue, which is a subject for a whole debate. Our inconsistency in dealing with those questions underlines the immaturity of our policy and discussion.

Ahmadinejad is not just a deranged madman in charge of a whole country; he is part of a machinery. The religious leaders in Iran may not even have intended him to win his election, but it is important to see him as part of a machinery, rather than a rogue leader operating on his own. To underline that point, look at the sophistication with which the Iranian regime plays the international media and the way in which the British hostages were paraded in front of the cameras and encouraged to thank their captor for his munificence. Look at the timing of that operation, which skilfully removed from the public agenda the issue of UN sanctions, which should have preoccupied us over that period. That operation paralysed the international campaign of sanctions, stole a victory in the United Nations from the west and gave an unparalleled propaganda victory to Ahmadinejad and his regime at such a crucial moment.

As my hon. Friend pointed out, Prince Harry's deployment has unfortunately turned into another such debacle. I fail to understand why Ministers did not realise that the deployment of a member of the royal family was fundamentally a political issue. How they could ever have understood it to be merely a military decision beats me. The episode demonstrates that the Government have no understanding of the complexity and breadth of the campaign that they have to fight against Ahmadinejad's regime. That campaign has to be fought on every front. We are not just fighting a diplomatic battle, a counter-insurgency battle or a military battle in Iraq and Afghanistan; we are fighting a propaganda war. We are fighting for the hearts and minds of the Arab street, but at every turn we deliver Ahmadinejad and his regime the propaganda victory that he needs to be seen as the champion of the Islamic world against the perfidy of the western powers.

To underline that point, we need to acknowledge the failure of current diplomatic efforts. There was a period when the EU3 was given its head by the Americans to take the soft power approach towards Iran, as opposed to having the United States holding the big stick. However, neither the soft power approach nor the big stick can possibly work separately. The idea that the European powers could be Mr. Nice Guy or do a good cop, bad cop routine against a country as sophisticated as Iran was always moonshine. We must have a seamless policy with the US and the EU, involving all the other senior powers in the United Nations. We have been moving towards that, but my goodness it has been slow, because we are not treating the issue as the top international issue that it should be seen as. Even the outcome in Iraq is now of secondary importance to the outcomes that we face in Iran.

To conclude, Iran is the test case. If weapons proliferation succeeds in Iran, there will be a domino effect throughout the entire middle east. Every Gulf state will say, "Well, I will need one, too." Already we know that Israel has nuclear weapons. The Gulf states are prepared to tolerate that, but they will not be prepared to tolerate a rogue regime in Iran possessing nuclear weapons, while they remain defenceless. Furthermore, if we cannot confront this terrorism-exporting regime as forcefully as we did Iraq, we are inviting Hezbollah to become active in Europe and the west, in the same way that al-Qaeda is already.

My hon. Friend referred to the possible identity of interests between al-Qaeda and Hezbollah. We have already seen how incredibly effective and sophisticated Hezbollah has been in Lebanon. It is not widely known, but Hezbollah used unmanned aerial vehicles in its war against Israeli forces in Lebanon. We are dealing not with unsophisticated, ill-educated people but with serious forces.

To succeed in our diplomacy in Iran, not least in order to deal with the externalities, we must change the emphasis of our rhetoric. First, we must elevate the issue in our domestic politics and in European and

American politics, so that people begin to understand its urgency. Secondly, we must emphasise our good intentions toward the people of Iran. We must talk about the shameful human rights record of the Iranian regime—I do not have time to elaborate on it now, but it is a subject that will connect with the vast majority of Iranians. As Ronald Reagan and Margaret Thatcher raised the issue of the Soviet Union's human rights record in the 1980s to undermine support for that regime, we must do the same with regard to Iran. It will legitimise our campaign to contain Iran's terrorist activities and encourage Iran to expose its weapons development programmes.

There is no doubt that Iran seeks to obtain a weapons programme, but I emphasise again that a change of rhetoric might be helpful. We should acknowledge that if Iran wants an enrichment programme, albeit at utterly ludicrous expense to itself—if it really wants a domestic power generation programme with uranium enrichment on its own soil—we do not object in principle so long as it complies with the non-proliferation treaty to which it remains a signatory and accepts the comprehensive verification and surveillance necessary. It is demonstrably necessary, as the regime has clearly lied and lied and concealed and concealed what it is doing.

I commend to the Government the statement made earlier this week by my right hon. Friends the Leader of the Opposition and the shadow Foreign Secretary. They laid out a seriously thought out, comprehensive approach that the Government should be willing to adopt. I find it distressing that the Minister has sat through this debate without taking a single note; I fear that he will read out a text prepared for him by his officials. I hope that he will engage with the points raised, and that he will press his colleagues in Government to hold a full day's debate on Iran. We have held full-day debates on Iraq, and it is time that we had one on Iran. Otherwise, we cannot demonstrate that our Government are treating the matter seriously enough.

10.23 am

Mr. David Gauke (South-West Hertfordshire) (Con): I congratulate my hon. Friend the Member for Newark (Patrick Mercer) on initiating this debate. It is hugely important. My hon. Friend the Member for North Essex (Mr. Jenkin) was absolutely right to say how important the issue is and that it needs to be elevated. I do not think that a more important external issue faces this country, for four reasons.

The first is the Iranian nuclear programme. It is important, as was mentioned, because of the likelihood that it will result in much wider proliferation throughout the middle east. Also, given the nature of the Iranian regime, it is just possible that Iran will use its nuclear weapons. We cannot necessarily dismiss all the talk about wiping Israel off the map, for example, as mere rhetoric.

The second reason why Iran is so important is related; it has to do with the wider impact in the middle east. Again, I do not think that Iran's importance in the events in Lebanon last summer should be underestimated, as it frequently is. Hezbollah is largely a wholly owned subsidiary of the Iranian regime. My hon. Friend made the point that the capture of British sailors in Shatt al-Arab was a distraction. The same point could be made about the events in Lebanon—they could be seen as a distraction from what the Iranian regime is up to with its nuclear programme.

The third reason why Iran, this debate and the speech made by my hon. Friend the Member for Newark are so important is the question of what is happening to our troops in Iraq and Afghanistan. My hon. Friend eloquently described the case and how significant the threat is. It is surely outrageous, and this House should acknowledge it more often, that another Government are essentially killing our troops. That basic fact seems so astonishing that it should be causing outrage. It should be causing regular debates in this House and marches in the streets, yet we generally let it go as one of those things—"It's all a bit of a mess," "Lots of people say we shouldn't be out there anyway" and "It's all our fault." We rather dismiss it, and that is utterly wrong. It is a major issue.

The fourth important point, which was also made by my hon. Friend, deals with the threat in the United Kingdom. In considering external theatres, we tend to concentrate on the middle east, but the Iranian regime has been responsible for the murder of some 80 people in Buenos Aires, and the capability for terrorist action in the UK cannot be dismissed.

Why is the matter not debated more or discussed as much as it might be? Two reasons spring to mind. The first is perhaps that it is so big and so difficult that it is easier to ignore than address. Secondly—I speak as someone who initiated one of these debates 16 months ago—it is easier to identify problems than solutions, although my hon. Friend the Member for Newark and the hon. Member for Thurrock (Andrew Mackinlay) raised a number of important points.

In the time available, I do not have an opportunity to expand on that, but I have two points to make. The policy of engagement by the EU3, as we heard from my hon. Friend the Member for North Essex, failed. It gave the Iranian regime time to develop its nuclear programme. This is a slightly personal point, but whatever the qualities of the Leader of the House of Commons, the right hon. Member for Blackburn (Mr. Straw)—and they are considerable—he is closely associated with that policy of engagement. At the moment it is, if not likely, a distinct possibility that he might return to the Foreign Office as Foreign Secretary. On this issue, that would be the wrong signal to send the Iranian regime. I think that it would be a mistake, and I hope that the Chancellor, if he reads the report of this debate, will bear that in mind.

To reiterate points made earlier, I cannot understand the Government's policy on the PMOI. There may be something about the PMOI that I do not know, but the evidence that I have seen suggests that it is not and has not been for many years a terrorist organisation. As my hon. Friend the Member for North Thanet (Mr. Gale) made clear, it has never undertaken any activity that has damaged the UK or the west. The only explanation that I can see for why the Government are reluctant to de-proscribe the PMOI seems to be that it would upset the Iranian regime—the hon. Member for Thurrock made that point earlier. That is simply not good enough. It is not an acceptable reason, and if the Government cannot come up with a better one, it is time that they de-proscribed the PMOI.

[Mr. David Gauke]

We face an enormous threat. What we have presented to the Iranian regime time and time again has been weakness, whether it be in the policy of engagement, in dancing to the Iranian regime's tune as far as anti-regime movements are concerned or in military action in the middle east. I do not think that the whole Shattal-Arab affair was the finest hour for this country, by any means. It is time for us to send some firm signals to the Iranian regime. Others have given concrete examples of what should be done. I hope the Minister is listening, as it is about time that the Government took action.

10.30 am

Mark Hunter (Cheadle) (LD): I thank the hon. Member for Newark (Patrick Mercer) for securing the debate, especially in the context of the upcoming US-Iranian talks about Iraq later this month. His views have been interesting and enlightening, particularly in the light of his personal experience with and contribution to our armed forces.

Iran's conduct in the wider middle east has alarmed many countries, and rightly so. Just yesterday, an article in *The Guardian* reported that US officials believe that Iran is secretly forging ties with al-Qaeda elements and the Sunni Arab militias in Iraq in preparation for a summer showdown with coalition forces, with the endgame of further pressure on the US Congress to vote for withdrawal from Iraq. Although that report might or might not be true, it shows the level of fear that Iran's recent actions in the middle east have engendered.

I do not for one moment play down the destabilising effect that Iran might be having on the fragile situation in Iraq, but some of the rhetoric used in the debate is unhelpful. Calling any negotiation with Iran appeasement is, I think, particularly divisive. Not only is it untrue, but it seems deliberately to play on the historical context of that word in the UK. Dialogue does not mean appeasement, and it would be wrong to caricature it in that way. It is clear that the evidence seems to point towards Iran's encouraging the movement of both men and arms into Iraq and financing and training Iraqi insurgents. Iran is also known to have significant links to Shi'a groups in Afghanistan as well as Hezbollah in Lebanon and Hamas in the west bank. Iran's actions and its encouragement of insurgents and terrorists show that it is failing to use its significant influence in that arena to help to stabilise the region.

Any actions that endanger British lives are, of course, of the utmost concern. It is entirely right that any such action should be criticised by the international community in the strongest possible language and be met with a firm response from the UK Government. Endangering the lives of British servicemen and women should always have the gravest consequences.

Military action or the threat of military action is not the answer to the problem, however. The use of military force is not only unlikely to be successful, but would give succour and support to the hardliners in Iran and help to marginalise those internal forces—they do exist—that are sympathetic to the west. Furthermore, it would create chaos in the region. We would almost certainly see retaliation from groups supportive of Iran, and the escalation of violence in Iraq and the west bank, which would place UK and allied troops in even greater danger. East-west relations would crumble and the chance for peace in the region would disintegrate with them.

Whatever the provocation, military action against Iran would be counter-productive and could leave the UK and USA without the support of the UN and the wider international community.

Patrick Mercer: I absolutely take the hon. Gentleman's point and follow the direction from which his rhetoric comes. Does he not agree, however, that we have gone beyond that point? It is easy to talk about no military confrontation, but the fact remains that we are already in daily military confrontation with Iran, albeit at a low level. How does he square that with his earlier comments?

Mark Hunter: If the hon. Gentleman hears the rest of my argument, he will realise that I do not accept the current situation or that there is nothing much to be done about it. Clearly, there is a need for more urgent action, but as I have said before in this place, I do not believe that military intervention will help in any way, shape or form. It would also leave our country in questionable territory when it came to international law. I hope to develop the point, if he will bear with me.

The UK and the United States cannot afford to damage further their international reputations by acting without support from such sources. As I have said in past debates on Iran in this Chamber, such action would be irresponsible. Will the Minister reaffirm that our Government have ruled out that option and that they will place the greatest possible pressure on the United States to ensure that it is off the table?

To develop a foreign policy for the middle east that has a chance of success, we must accept certain facts. Iran is undoubtedly a major regional power; its influence over the area has spread so far that it has become almost impossible to envisage a resolution in Iraq, Afghanistan and the middle east without Iranian involvement. The west's policy of Iranian containment has failed, as the actions of the past years show. We need to re-think our strategy towards Iran, to encourage it to use its influence for peace in the middle east and to ensure that it fully understands that ever tougher diplomatic sanctions and isolation will follow if it fails to engage constructively.

America's meeting with Iran later this month on Iraq indicates that it has accepted Iran's influence in the region, but there is a danger that those talks will not go far enough. Comprehensive talks need to take place that deal not only with Iraq, but with the wider political, social and economic issues that divide east and west. It would not be the first time that the west has taken such action; the US adopted similar policies with both China and Russia, as we know.

Iran is at a critical turning point. Presidential and parliamentary polls will be held next year and, as we know from media reports, President Ahmadinejad's term of office has been cut short by the Iranian legislature. Importantly, we have also seen from Iranian politicians and religious leaders published comments

that were critical of the President's combative relationship with the west, and which acknowledged that his approach was harmful to the Iranian national interest. The current Iranian Government therefore do not speak for all Iran; there are voices that we need to encourage. The next few years will be a critical juncture in Iranian internal politics. The UK Government need to do all they can to encourage those groups that see the value and the sense of a positive relationship with the west. Does the Minister agree that dialogue and a new relationship with the west would help the pragmatists in Iran to tip the balance of power in their favour and sideline the radicals? We need to play the long game.

The UK has a critical role to play. The UK Government are in a position to influence the US and encourage it to engage positively with Iran. In return, Iran has influence in the region that the US lacks in many cases. If the US and Iran were to engage in open and frank dialogue, not only could negotiations on Iran's negative involvement in Iraq continue more successfully, but, in the longer term, Iran could be encouraged to use its influence to stabilise the region. Both sides need to come to the realisation that the only viable option left to them is that of dialogue, without the irresponsible quasi-religious rhetoric that is so often employed by both parties, which serves only to create mutual hostility.

Andrew Mackinlay: I am impatient to know how and at what stage the hon. Gentleman intends to demonstrate some criticism of the Iranian regime. I assume that he speaks for the Liberal party on the issue. We have listened to him for four or five minutes and he dismissed the charge of appeasement. What has he got in his armoury to demonstrate some disgust at the human rights outrages and gender discrimination in politics? What will he do—bang on the door with a wet sponge?

Mark Hunter: I thank the hon. Gentleman for that helpful intervention. He is well aware from the comments that my colleagues and I have made on previous occasions that the Liberal Democrats bow to no man in condemning the human rights abuses and the horrific regime in Iran. I am simply trying to make the point in the limited time available that there are forces within Iran that ought to be encouraged and that see the value of a positive relationship with the west. I was on my final point, but I am more than happy to engage with the hon. Gentleman on the matter on a future occasion.

For the US and Iran to work together in the region, they will both need to be willing to compromise, recognise each other's concerns and limit their expectations accordingly. They will also need to come to the negotiating table without any pre requisites and in the knowledge that negotiation is in the national interests of all parties.

10.40 am

Mr. Keith Simpson (Mid-Norfolk) (Con): Thank you very much, Mr. O'Hara, for the opportunity to reply on behalf of my party. I congratulate my hon. Friend the Member for Newark (Patrick Mercer) on introducing the debate with his central theme—that Iranian weaponry is helping to kill and injure British service personnel in Iraq and Afghanistan now, as shown by the quotation from a serving lieutenant-colonel that we are in an undeclared war with Iran.

The debate has been short but useful, and parliamentary colleagues have either kept to my hon. Friend's theme or gone off at tangents. The hon. Member for Thurrock (Andrew Mackinlay) spoke passionately about his belief that the British Government need to recognise or not, one way or the other, the role of the PMOI and highlight the lack of any real civil liberties in Iran.

My hon. Friend the Member for North Essex (Mr. Jenkin) spoke eloquently about the fact that we frequently address the Iranian problem in a completely unsophisticated way. We should recognise that Iran is a large regional power and that we need to use a wide range of diplomatic as well as economic and military levers if we are to have any hope of persuading Iran not to go down the path that it is currently on. My hon. Friend the Member for South-West Hertfordshire (Mr. Gauke) identified a series of issues connected with Iran, not least its threat to the wider region.

In the limited time available to me, I wish first to ask what we know about Iran, addressing the central question that my hon. Friend the Member for Newark put. I shall give three short quotations. The first is from John Negroponte, the director of national intelligence, on 11 January 2007. His view, and that of the United States Government, was that

> "Iran regards its ability to conduct terrorist operations abroad as a key element of its national security strategy: it considers this capability as helping to safeguard the regime by deterring U.S. or Israeli attacks, distracting and weakening Israel, enhancing Iran's regional influence through intimidation, and helping to drive the U.S. from the region."

The Foreign Secretary, at Foreign Office questions on 20 March, said:

> "We have long-standing concerns about Iran's support for terrorism. We assess that Iran continues to fund and arm extremist groups engaged in violence in Iraq. It remains a leading supplier of military and financial assistance to Lebanese Hezbollah, and it funds and retains close links to Palestinian Islamic Jihad and Hamas."—[*Official Report*, 20 March 2007; Vol. 458, c. 663.]

Finally, the Prime Minister, in front of the Foreign Affairs Committee on 8 February 2005—two years ago—said that Iran

> "certainly does sponsor terrorism, there's no doubt about that at all."

That is clearly the view of the United States and British Governments. That is fine, but the question must surely then be what we are going to do about it.

As my hon. Friend the Member for Newark asked—it may be unfair that the question is being asked of a Foreign Office Minister, as it should be put to a Defence Minister—what has the Ministry of Defence done about force protection in Iraq and Afghanistan? By that I mean how does it stop indirect Iranian attacks upon not just British but Iraqi and Afghan troops, which are the troops of the legitimate Governments? My second point should also be made to an MOD Minister. Under successive Governments, we have failed to put enough money into protecting our military personnel and their vehicles against the munitions that come in, as other countries, both America and Israel, have done.

[Mr. Keith Simpson]

But what do we not know? That is the Rumsfeld question. We are never absolutely sure who in Iran is directing policy at any given stage. My own conclusion is that we are dealing with a regime rather like the French revolutionary regime in the early 1790s—a complex series of coalitions of one kind or another. It sometimes suits them that we in the west, and for that matter their own neighbours, are never 100 per cent. sure how to deal with them.

As my right hon. Friend the Leader of the Opposition and my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), the Shadow Foreign Secretary, said in their presentation yesterday, we need to up our game in dealing with Iran. I do not believe that it is an either/or; it is perfectly legitimate for us to have discussions and conversations with regimes that we do not like. Ultimately, if they are a threat to international security and our security, we can end all diplomatic relations, which can lead to all kinds of other things. We have not reached that stage yet, but we need to up our game through a combination of incentives and penalties. The Iranians play hard-ball international politics, and I agree with my hon. Friends who have said that, in information policy, the United States of America and ourselves, who are supposed to have such a sophisticated approach, have all too often been caught on the back foot.

We should also bear in mind that the Iranian regime has not liked being placed in the international dock. It never believed that its nuclear programme would get as far as the Security Council position that has been taken in the past few months. The Iranian Government are capable of making the most horrendous mistakes. After all, the Russians have bent over backwards to help the Iranians at every possible opportunity. Usually, the Iranians have been stupid enough to spurn the Russians, so the Russians have finally fallen in behind the United Nations. We now need to link the attitude of the Iranians to their nuclear programme with their sponsorship of terrorism. The Government must not only make it clear to them that we are taking the matter very seriously and intend to publicise every possible detail of their links with terrorism, but work even harder to persuade our allies, particularly in the European Union, that the issue is of outstanding importance.

There is no quick fix and no final military solution, but I disagree with the hon. Member for Cheadle (Mark Hunter). As my right hon. Friend the Leader of the Opposition made clear, we can never take the military option off the table in international diplomacy, because it is something that can ultimately be done through the United Nations. We should not remove that option, and the Iranians should be made well aware that, if they continue to defy the international community and a series of sanctions and UN resolutions are gone through, the international community might ultimately decide to institute a series of military options. That might not happen, but we should not say that we will take the option off the table. No sovereign country will ever say, in dealing with another country, that there is not a military option if it feels that there is a threat. That is not to say that we advocate it, but we must make it clear to the Iranians that a range of diplomatic and military tools are available and that they are in the dock and we are not.

I thank my hon. Friend the Member for Newark for introducing the debate, and, as always, I look forward with pleasure to the Minister's response. I am happy that he is still in his place during this sensitive time of regime change. Like the Roman empire, we have an emperor of the east and an emperor of the west, and the Minister may or may not survive. Perhaps the Department for Work and Pensions will beckon in a month's time. I look forward to hearing his reply.

10.50 am

The Minister for Trade (Mr. Ian McCartney): I welcome you to the Chair, Mr. O'Hara. We had a debate on 25 April—my birthday, so there was at least one thing to cheer me that day—when much of the ground was covered, but today's debate has been more extensive and Members have been better able to make their points. I welcome this debate.

I want to put on the record the apologies of my hon. Friend the Minister for the Middle East, who would have taken this debate if his return from discussions in Pakistan and Afghanistan had not been delayed. As I always do with debates, whether on this or other issues, I shall carefully read *Hansard* tomorrow, and if there is a need to give further explanation or to take up a point that I do not deal with or do not deal with as adequately as I should, I shall write to all Members in attendance through you, Mr. O'Hara, and place a copy of the letter in the Library.

I thank the hon. Member for Newark (Patrick Mercer) for the way in which he introduced the debate. I know that he has a great interest in the subject—it is not something that he dips in and out of—and although we may not agree on some issues or use the same language, I fully accept where he is coming from and the genuineness of his case.

I thank my hon. Friend the Member for Thurrock (Andrew Mackinlay), the hon. Members for North Essex (Mr. Jenkin), for South-West Hertfordshire (Mr. Gauke) and for Cheadle (Mark Hunter), and my good friend—if I may say that—the hon. Member for Mid-Norfolk (Mr. Simpson), who is the Conservative spokesman. I am not sure what will happen in six weeks' time, other than that there will still be a Labour Government and a Labour Prime Minister. As to my going to the Department for Work and Pensions, I have been there and done that. However, one never knows one's luck in politics. All people know is that they never know how long they will be a Minister. It is the only profession in Britain in which one does not have to be qualified to get a job. All they have to do is be on the same side as the Prime Minister on the day of the reshuffle, so who knows? We will have to wait and see.

Hon. Members may be aware from the previous debate, from parliamentary questions and from comments by my right hon. Friends the Secretary of State for Defence and the Foreign Secretary, that the Government constantly review their overall bilateral policy towards Iran in the light of the recent detention of Royal Navy personnel, the continued concerns that the international community has over the behaviour of the Iranian regime and the comments of hon. Members on each occasion, whatever the language used. In the

end, we come to the same conclusion: there is a need for dialogue and for finding ways to continue the dialogue bilaterally and multilaterally, and for taking the international community with us at each stage of that dialogue. It was dialogue and the support of the international community that led to the personnel whom Iran had illegally seized being given back, with no deal and no apology from us. That happened because the international community stood four-square with us in the dialogue that took place. That is the way forward.

The hon. Member for Cheadle was right on that issue. I have heard him speak in other debates—he takes part in most debates on human rights issues. I am not known always to defend Liberal Democrats, but, in making his case this morning, he did not excuse the Iranians. He made an important intellectual point: there must be dialogue in the region's forums. He did not put that case in support of me as the Minister but took a common-sense approach. As he said, with international relations as complex and difficult as they are, there are no easy answers, but if we are to get the right answers, we will do it only through persistent bilateral dialogue with the regime itself and with those around it, and through multilateral dialogue.

Two things underpin our policy: first, our commitment to engagement, through diplomacy and dialogue, in encouraging Iran to play a constructive role on the international stage; and secondly, our work with international partners to maintain a strong line against unacceptable Iranian behaviour, including its support for terrorism and violence in the region. Those elements are important and complementary.

Engagement is not the same as appeasement. We will continue to put pressure on Iran to modify its behaviour. Colleagues who use the word "appeasement" are wrong to do so. We must co-operate on the matter, both internally in the United Kingdom and bilaterally and multilaterally with the international community. We must continue to put pressure on Iran to modify its behaviour, and we must continue to work with international partners to ensure that we send a clear and consistent message about the costs to Iran of its continuing poor behaviour.

A couple of days ago, the Leader of the Opposition called for the Government to take robust action on Iran because of its nuclear ambitions. Indeed, in his speech, the right hon. Member for Witney (Mr. Cameron) exactly described our policy of a twin-track approach that holds out the possibility of greater engagement but also includes co-ordinated international pressure to encourage Iran to modify its behaviour, and international action if it does not. That is precisely the description of what we continue to do. I welcome the fact that the Leader of the Opposition made such a speech.

Yesterday, my right hon. Friend the Foreign Secretary argued the case for incrementally increasing the pressure on Iran and giving it a clear choice between complying with the international community and facing further consequences. We would like Iran to play a positive role in Iraq and elsewhere in the region, and it could take that path if it chose to do so. That path would lead to Iran's greater engagement with the international community, which would benefit its people.

Instead, Iran is doing its best to reduce security, prevent reconciliation and undermine democracy not just in Iraq, but throughout the whole region. Many countries in the middle east already feel threatened by its increasingly malign role in Iraq, Lebanon and the occupied Palestinian territories. The hon. Member for Newark set that out in detail in his introduction, and I agreed with what he said. Continuation of such behaviour will lead only to increased isolation for the regime and greater economic difficulty for the Iranian people.

Iran is arming, funding and training extremists who are undermining security and stability in Iraq. That is totally unacceptable in all circumstances. There is evidence to show that armed groups in the south are using sophisticated weaponry and technology of Iranian origin, including in attacks on British servicemen in and around Basra. Iran is backing some of the groups that are conducting those attacks. We condemn such interference. There can be no justification, under any circumstances, for any country to encourage violence against our forces in Iraq, as they are there under a UN mandate. I cannot underline that any more than the hon. Gentleman did in his introduction to the debate. There are no circumstances whatsoever in which Iran should carry out such activities.

Furthermore, in addition to causing casualties among the multinational force and international security forces, Iranian support fuels sectarian violence in Iraq, which undermines attempts by the Iraqis and the international community to build the stable, representative and democratic Iraq that the overwhelming majority of Iraqis want.

Support for sectarian violence in Iraq is also against the interests of the Iranian people. After all, Iran has more to gain than most from the establishment of a stable, secure Iraq and a stable, secure region. It is vital that Iraq's neighbours support the Iraqi Government in their efforts to improve security and the economy, and to promote reconciliation. Prime Minister Maliki has made it clear that the Iranian region must stop its support for terrorists and armed groups.

We are committed to supporting the Government of Iraq, and we will continue to take steps to tackle anyone who undermines or attacks the legitimate Iraqi authorities. Furthermore, we are working to build the capacity of Iraqi authorities to tackle such groups themselves. I repeat that Iran could choose to play an important and constructive role in Iraq, but, instead, it chooses to carry on supporting terrorism and destabilising the region.

I shall write to hon. Members in detail. I will keep hon. Members and my hon. Friend the Member for Thurrock informed about the matter that he raised. There is a court case pending. As soon as that is concluded, I shall write in detail about the issue. I shall ensure that, in the next day or two, hon. Members get a full reply to their questions and the general points that have been raised today. I apologise once again that I am unable to give the time necessary to cover each separate point, but I hope that what I have said provides clarity on what our relationship should be with Iran and on why Iran should desist from supporting terrorism in the region, particularly in Iraq.

Farming (East Sussex)

11 am

Norman Baker (Lewes) (LD): I am pleased to have the opportunity to raise a matter of considerable interest to my constituents. Although I represent a south-east constituency, it is quite a rural area and the farming community is important not just to employment—in fact employment in farming has actually decreased, as it has across the country—but for other reasons that I am sure the Minister will be pleased to endorse. For example, farming makes an important contribution to the rural environment and to the landscape. What would the landscape in Lewes and elsewhere be like if there were no farmers to maintain it? That is often taken for granted by those of us not directly involved in farming; nevertheless, it is an important factor that should be considered. It should also be emphasised that farmers provide the glue for the rural area and economy. In recent years there has been a decline in the number of people involved in farming and consequently a reduction in the attention given by the Government to farming—the Ministry of Agriculture was, of course, abolished.

Farming is important and I will ask the Minister some questions that I hope he can answer. I welcome him to the debate and congratulate him on the way in which he has settled into his role as Minister for Climate Change and the Environment. We have had three successively good Environment Ministers and my only regret is that the role does not have more influence in Government. I hope that he might be able to correct that while he is in office.

The first issue that I wish to raise is food security, which might seem a rather old-fashioned subject. The Government have emphasised the need to make the farming community more economically viable. I agree with that and with many of the related issues that the Government have pursued. However, we should have a concept of what percentage of food we want to be able to grow ourselves in 20, 30 or 40 years' time. An energy White Paper is being published today that, among other issues, will rightly consider energy self-sufficiency. Food self-sufficiency is not being addressed in the same way, but it is an important issue. I made that point the last time that I initiated a debate on farming in my constituency. I said then that

"my view is that, in this uncertain world, we do not know where we will be in 20, let alone in 50, years' time. It would therefore be prudent for us to be more self-sufficient in food and energy than we currently are, in order to ensure that we are able to cope with potentially unstable geopolitical situations in the longer term."—[*Official Report, Westminster Hall*, 9 March 2005; Vol. 431, c. 501WH.]

That is still my view.

I had a detailed response to many issues raised in that debate from the then Minister, the right hon. Member for Cardiff, South and Penarth (Alun Michael), but he did not address that particular point. What is the Government's view on self-sufficiency in agriculture and how it can benefit the country in 20 years' time? What is the overall plan? Is there a target? I suppose that there is not, but what is the general view on that issue? *[Interruption.]* Well, such matters affect my East Sussex constituents in the same way as they affect the rest of the country. I hope that the Minister will accept the issues that I am raising, as farmers in my constituency have asked me to draw them to his attention.

Bovine tuberculosis is a national issue that particularly affects my constituency. The Minister will be aware of the serious concern in the farming community about incidents of bovine TB. There are hot spots in my constituency and herds are going down in the Cuckmere and Ouse valleys, which is a serious matter indeed in an area where livestock farming is predominant. The Government were edging towards taking some form of definitive action, but they appear to have moved back from that. In the meantime, the number of herds—and of badgers—affected by TB is rising and the rural economy is suffering. The situation cannot be allowed to drift for much longer; the Government need a clear policy to tackle the disease.

For nine or 10 years, I was the Liberal Democrats' animal welfare spokesman. Bovine TB is indeed an animal welfare issue. TB is not a pleasant disease for cattle, badgers or, indeed, humans and it is irresponsible to allow it to continue to spread without trying to take action to deal with it. Does the Minister agree with the National Farmers Union that it is necessary for steps to be taken in relation to wildlife control to remove badgers from particular areas? If he does not, are the Government considering a possible vaccination against TB? If not, what is the strategy for dealing with this most insidious disease, which, as I say, is an animal welfare matter? It is also an economic issue for farmers, and in some parts of my constituency there is a sense of despair at apparent Government drift on this most important issue.

I mentioned self-sufficiency and as the Minister will know, there is a strong movement across the country, including in Lewes, to support local farmers and to ensure that wherever possible, local produce is bought. That is of course an environmental aim as well as an economic matter. A farmers market has been set up in Lewes, which has been successful. Transition Town Lewes has also been created, the aim of which is to promote local produce and to ensure that communities are as self-sufficient as possible. I would be surprised if the Government did not support that. Part of such developments is to ensure that a fair balance operates in the market between the producer and supplier. The Minister will know that there are strong concerns among the farming community and others about the imbalance between the supermarkets and the farmers who supply produce. That is a big issue.

An answer to a written question that I received on 6 June 2005 said that the price paid to farmers for a litre of milk was 25p in 1996 and that it dropped to 18.46p in 2004. Over the same period, the price of milk in supermarkets has remained roughly the same, at 63p to 64p. Although the price paid to farmers has dropped, supermarket profits have increased, which is an unsatisfactory situation. The Minister will know that the supermarkets make gigantic profits. Tesco will make about £150,000 profit during the half hour in which we are speaking, yet most farmers live on less than that throughout the whole year. Tesco has launched an initiative to increase the prices paid to farmers in a selective way, and the Office of Fair Trading is also considering the matter, which is not before time. However, it would be useful if the Minister said something about that subject, and particularly about what he is doing to promote local markets. We do not want an environmentally wasteful arrangement

whereby food is produced somewhere, taken miles away to a depot by the supermarkets, a big mark-up is then added and the food is then sent back to where it came from. We need a better way of organising ourselves, and the Government have a role in promoting that.

On self-sufficiency, the Minister needs to recognise that there is a shortage of abattoirs in some areas, including in my constituency. That means that animals are transported further, which is bad for animal welfare and bad for farmers because of the cost of doing so. It is also bad for the environment because of emissions from lorry movements. We have lost many local abattoirs and it is important to reinstate some of them. I would welcome the Minister's saying something about that matter and whether the Government have a strategy on abattoirs.

Bluetongue is also of concern to farmers in my constituency. The Minister may have seen *South East Farmer* magazine, which has focused on that issue. The May 2007 edition has the headline:

"Disease could strike this month".

The magazine states that bluetongue is already found across the channel and "with a fair wind" could cross to Kent and East Sussex.

During the past 10 years there has been a succession of major body blows to the livestock industry, such as bovine spongiform encephalopathy and foot and mouth disease. Other health issues have also affected the economic viability of farming; I hope that bluetongue will not be the next problem. What assessment has the Minister made of the threat of bluetongue to farmers in my constituency and more widely? What plans are in place to prevent bluetongue, if that is possible, or to deal with it if it does occur? What will be the arrangements for—I hope that it does not come to this—livestock restrictions, culling or compensation if bluetongue does arrive?

I am conscious that I am asking the Minister lots of questions, and if he has to write to me subsequently, I will understand. However, it is important that my questions be answered for the benefit of those in my constituency who have asked me to pursue them with him today.

Another issue that concerns local farmers is environmental stewardship. Again, I welcome the direction of travel of the Minister and his colleagues—toward payments for environmental outputs—which I have supported strongly for many years. Indeed, we need further reform of the common agricultural policy to incentivise such actions. However, the Minister will be aware that East Sussex and my constituency in particular contain a large chunk of the south downs and, therefore, a large environmentally sensitive area. As ESA agreements come to the end of their term, there is no guarantee that the farmland will make it into the higher-level scheme replacing it, which means that good environmental work could be lost for ever.

Marginal livestock production is unlikely to survive when ESA or countryside stewardship schemes come to an end. Natural England, with its limited budget, will not be in a position to pick up the whole funding gap, which means that farmers will consider alternative cropping for that land. That could mean that some of the good work done to maintain the landscape to which I referred at the beginning of my contribution could be lost, which would be completely counter-productive and against the wishes of the local population. That would be a shame, given the good work that has been done with the ESA scheme.

What is the Minister doing to ensure that sufficient funds are available for environmental stewardship? The Royal Society for the Protection of Birds estimates that there is a 20 per cent. shortfall in England in the budget to deliver agri-environmental objectives. It says that the higher-level scheme is particularly affected by that shortfall. Does the Minister agree and if so, what is he doing about it?

As I said, livestock is important to my constituency. The Minister will be aware that farming is subject to regulation, as indeed is every other industry in the country. However, the livestock sector is particularly affected by the Government's proposals for animal disease cost-sharing and for funding the cattle traceability system, and by the compliance costs that are likely to follow the anticipated review of legislation on nitrogen-vulnerable zones in July. There is also the lack of fallen stock collection in the region. It is easy to see why livestock numbers are falling locally.

The Minister might like to know that in 1996 there were 383 dairy herds in Sussex, but that 10 years later, we are down to just 149—a 61 per cent. reduction. That is a pretty catastrophic reduction, and there is no suggestion that we have hit rock bottom. There will be further losses, undoubtedly partly owing to the added costs and regulations affecting the livestock industry in particular. Although I am sure that each of those burdens will have been assessed individually before being introduced, have the Government assessed the overall impact and collective consequence of imposing those burdens on a single industry at roughly the same time?

Field teaching and getting children out into rural areas are important issues in my constituency and elsewhere. The Minister will be aware that each year, more than 60,000 children enjoy out-of-classroom learning on RSPB nature reserves through its "living classrooms" scheme. It is important that we have a connection between those who live in towns, and practices that operate in the countryside. My constituency is a semi-rural area, and I find it shocking on visiting some of its schools that some children appear to be uncertain about the connection, if any, between a piece of meat on a tray in a supermarket wrapped in polythene, and where it comes from. We need a greater connection, through the education system, between those who live in urban areas and what happens in the countryside. That reinforces my earlier point about the need for localism and for communities to be as self-sufficient as possible. It is all one and the same thing. I very much hope that the Minister has something positive to say about that.

Finally, I thank you, Mr. O'Hara, for giving me the opportunity to make those points. I look forward to the Minister's comments. As I said, if he cannot answer all my questions in detail—I hope that he will have a good go—I hope that he will write to me with the answers.

11.14 pm

The Minister for Climate Change and the Environment (Ian Pearson): I congratulate the hon. Member for Lewes (Norman Baker) on securing this debate. He raises some important issues about the challenging period

[Ian Pearson]

that farmers have been through, and if I do not have time to cover all of them, I shall write to him, as he suggested.

UK farming contributed £5.6 billion to our economy in 2006. It uses 75 per cent. of the country's land area, and employs more than half a million people. One of the Government's major tasks is to help this vital industry operate as efficiently as possible, and our strategy reflects our key economic, social and environmental goals. Our economic goals are to support farmers in building a profitable, innovative and competitive industry that meets consumers' needs; to develop strong connections between farmers and their markets; to reform further the CAP; to strengthen links in the food chain; and to increase efficiency and competitiveness.

Social goals are focused on working to support farming's wider contribution to the long-term sustainability of rural economies and communities, and to public health. Then there is the crucial environmental dimension of seeing farming fulfil its unique role in the countryside, and of making a net positive contribution to the environment, while also meeting high environmental and animal health and welfare standards. Farming is on the front line of the environmental challenges that we face, including climate change. The net environmental cost of agriculture is around £400 million a year. Yet nothing can be more fundamental to the long-term success of farm businesses than the sustainable management of the land and the resources on which they depend.

There are big opportunities and big challenges here, and the industry, with our support, needs to think hard about its future direction, about diversifying and innovating, and about making money from a wide variety of new products, notably in the environmental field as it farms energy, water and carbon, as well as food. However, it also needs to think hard about diversifying within traditional sectors and using new technology to best effect.

Market drivers are also changing. Customers are much more interested in sustainable consumption and production. The market in local, seasonal and organic produce is set to grow, and there is a chance to show that modern innovative farming is really delivering for the environment and animal welfare.

We also need to see climate change as an opportunity, not just a threat. If UK farming prepares now for this future, it can get ahead. The UK can become a leader in green farming and in developing solutions to reduce the use of natural resources and to reduce pollution. For example, anaerobic digestion has significant potential as a renewable energy and in reducing greenhouse gas emissions. We will publish today the UK biomass strategy along with the energy White Paper, which will explain how we propose to work with stakeholders to facilitate the uptake of anaerobic digestion. That is an important way forward and will provide new opportunities for farmers in East Sussex and the rest of the country.

The hon. Gentleman raised the issue of food security. I can reassure him that the Government take that issue very seriously. In December 2006, we published a wide-ranging study of food security, which concluded that the UK, being a rich, open economy, has a very robust and diverse food supply. We want British consumption of British food to come from the skills, innovation, investment, branding and quality assurance of the farming industry, rather than from a policy that aims simply to maximise the level of self-sufficiency. Clearly, as I have said, British consumers are increasingly interested in local, seasonal produce, and we hope to see that pattern continue.

At the end of March, we announced a new £3.9 billion budget for the 2007-13 England rural development programme. Most of that funding will be allocated to agri-environment and other land management schemes to help farmers to manage the land more sustainably and to deliver important environmental outcomes on biodiversity, landscape and access, water quality and climate change.

In 2007-08, there will be a further health check on the common agricultural policy. The European Commission has already said that it will make proposals aimed at a further shift in emphasis from direct farm payments to rural development with more compulsory modulation. The Government will encourage the Commission to be ambitious—to provide more freedom to farm, less bureaucracy and less market distortion. I am sure that the hon. Gentleman will welcome that.

Concerns have been raised about the potential impact of CAP reform on tenant farmers. The Government are committed to maintaining a prosperous tenanted farming sector, and it is important that tenant farmers can take full advantage of the opportunities of CAP reform. The latest research is encouraging, in that 70 per cent. of tenant farmers surveyed are already diversifying. One of the great strengths of farming in the United Kingdom has been the ability and willingness to diversify in recent years. Diversification can make good business sense for many farmers, potentially increasing their incomes and providing stability for their farm businesses. In fact, 50 per cent. of farm businesses have diversified activities. In many cases, diversified income now accounts for one quarter or more of the total farm income.

We want to make the diversification process as easy as possible for farmers by tackling the barriers that stand in its way. The Government's barriers to diversification working group recently reported to Ministers. Planning issues and business skills are identified as key barriers for farmers who want to diversify. We are examining closely the recommendations made to us.

The aim is to create an environment in which our food and farming industries can flourish, and there are real areas of growth potential, in particular for non-food crops. Those can form the basis of renewable energy and fuels, and the feedstock for an increasing range of industrial materials that can make a positive contribution to sustainable development and deliver benefits for the rural economy, the environment, scientific innovation and industrial competitiveness. There are win-win-wins all around.

The Government are supporting that embryo industry with a package of measures to plant energy crops, develop supply lines and create end-use markets, but to reap the full benefits, farmers and industry will need to work together, and there are encouraging signs that more and more people are doing so. That is just one example of a range of work that is being done to deliver a more customer-focused, competitive and sustainable farming and food industry.

Last year, the Department for Environment, Food and Rural Affairs provided approximately £12 million to support industry-led initiatives, such as those involving English Farming and Food Partnerships, the Food Chain Centre, the Red Meat Industry Forum and the Cereals Industry Forum, which aim to improve the efficiency of the food chain and to contribute to the spread of best practice. Food from Britain is working hard to implement the Government's regional food strategy, which is aimed at helping to establish a flourishing quality regional food sector in England and to encourage more applications under the EU protected food name scheme.

The hon. Gentleman mentioned the dairy industry. The ongoing work of the dairy supply chain forum is another great example of what can be achieved. As we all know, the milk industry has experienced a particularly challenging period. The shape and structure of the forum has been revised to help it to focus on real priorities for the industry. It now has separate taskforces to work on sustainable consumption and production issues, and CAP reform. The forum is an important vehicle for the dairy industry and crucial players such as the supermarkets to come together and discuss collaborative approaches to challenges.

The hon. Gentleman referred to supermarket power, and I understand the concerns in the farming industry about the concentration of the buying power of supermarkets and about the effectiveness of the code of practice. Competition matters are, as he knows, the responsibility of the Department of Trade and Industry and the Office of Fair Trading. I am sure that he is also aware that, at the request of the OFT, the Competition Commission is carrying out an extensive investigation of the groceries market. I encourage people with views on that subject to make them known to the Competition Commission, but it would be wrong of me to speculate on any of its potential findings.

The hon. Gentleman did not refer to the single farm payment, but let me say something about it, because it has been a hugely controversial issue.

Norman Baker: I do not want to stop the Minister talking about the single farm payment, but could he also say something on bovine TB and bluetongue, which are major disease issues in my constituency?

Ian Pearson: I will endeavour to say a little about that. I might write to the hon. Gentleman with more detail.

The single farm payment is clearly an area in which further improvements are needed. As is well known, there have been big problems with the implementation of the single payment scheme, which has clearly had a major impact on farmers and the wider farming industry. A great deal of work is being done to improve performance, and I think it right to put on the record the fact that we are working on that very hard indeed. We are working to improve the timing and accuracy of payments, and the results are starting to come through, but more needs to be done. There are challenges, but there is also determination to ensure that we deliver a stable and reliable payment system for the future.

Of course, we face many other complex challenges, including the need to improve access to affordable housing for people who live and work in rural areas. That is a particular issue in East Sussex, given the high property prices there. The recent publication of a new planning policy statement on housing is a big step forward on that important issue, encouraging local authorities and regional planning bodies to take greater account of affordability pressures and the need to sustain village life by promoting and providing additional housing that is sensitive to the area and its environment. I hope that that goal will be boosted by initiatives such as the fresh start scheme. That is about bringing new entrants into farming, identifying new business opportunities for potential young farmers and giving rural communities a boost. The Sussex fresh start academy and the East Sussex young farmers club are vigorously supporting that approach.

Clearly, there is a strong business dimension to the better regulation agenda, which is an issue that many people feel passionately about. Regulation should be effective, transparent, proportionate and cost-effective, and we should try to use alternatives to regulation wherever possible.

The hon. Gentleman referred to animal disease and, in particular, bovine TB and the possibility of the introduction of bluetongue into the United Kingdom. I am particularly concerned about the latter. As a result of climate change, we are potentially likely to see new diseases in the UK, and we need to take into account the issue that has been raised. On the specifics of bluetongue and where we are in terms of preparedness, it is probably best that I write to the hon. Gentleman to set out some of the detail.

As for bovine TB, it is localised in its effects, but its level overall remains unacceptably high, imposing significant costs on the dairy and beef food supply chains, with real consequences for individual farmers and their families. Despite a 15 per cent. increase in testing in 2006, the overall numbers are down, which is positive, but it is not clear at the moment whether that is a cyclical development or there is something more behind it. However, we do know that more than 93 per cent. of British herds were officially bovine TB-free at the end of 2006.

That does raise, however, issues about vaccination. The Government have invested £10.5 million in the past seven years in vaccine development and associated research, and progress has been made. I understand that candidate vaccines have started to be tested in naturally infected cattle and badgers, and novel vaccine delivery systems are being developed. The hon. Gentleman mentioned badger culling. As he will be aware, that has not been ruled in or out, and there is no current timetable for a decision. The Government believe that it is important to make the right decision, not a quick decision.

There are big challenges and shared challenges. The Government have a role and responsibilities, and farming has a role and responsibilities. To make the system work as a whole, we need to bring those together. I welcome the enthusiasm, engagement and co-operation that I increasingly see and I thank the hon. Gentleman for raising the issues that he did. I agree to write to him about the comments that he made to which I have not been able to provide answers.

11.30 am

Sitting suspended until half-past Two o'clock.

Coal Health Claims

2.30 pm

Mr. Kevan Jones (North Durham) (Lab): I am pleased to have secured the debate, which is our third or fourth in Westminster Hall on coal health claims. I am proud of what Labour Governments have done to bring in those claims. The Prime Minister said today that more than £3 billion has already been paid out. I was astonished to find that there has been a £10 million increase in what has been paid out in my constituency since our last debate on this issue. Some £33 million has been paid out in North Durham to date. We should be proud of Labour for that record.

We cannot be proud, however, of the way in which solicitors, claims handlers and, sadly, some trade unions, have raided victims' compensation. There has been a feeding frenzy as they have taken money for their own greed. As I have said before in this Chamber, if those events had taken place in the leafy suburbs of Surrey or in middle-class England, it would be a national scandal and would be in the headlines of every newspaper. I was pleased that the report of my noble Friend Lord Lofthouse got some national publicity when it was finally published a few weeks ago. We should congratulate him on highlighting the unscrupulous way in which certain solicitors firms have raided and plundered victims' compensation.

I shall focus on two issues today, the first of which is the deductions that are still being taken even though this issue has been well publicised in this Chamber and elsewhere. The second issue is the poor standard of service that some solicitors are giving to miners and their families.

I congratulate the Under-Secretary of State for Justice, my hon. Friend the Member for Lewisham, East (Bridget Prentice), on pressing hard for the introduction of the Solicitors Regulation Authority, which is a move in the right direction. For the first time, there is independent control over the regulation of solicitors. I also congratulate the Legal Complaints Service on finally getting its act together and responding to the complaints that my hon. Friend the Member for Bassetlaw (John Mann) and I have made in large quantities. It is dealing with those cases very effectively and with some gusto.

The good work of those two organisations is marred, however, by the culture of denial in the senior echelons of the Law Society. I had the privilege, or honour, of meeting Fiona Woolf, the chief executive of the Law Society, at the launch of the SRA a few months ago, and I must say that her attitude told me everything that is wrong with the Law Society. There is a culture of denial and a belief that this issue does not affect the society. It thinks that its members have done nothing wrong, but that culture of denial needs to end.

We are seeing some signs of that culture ending. Peter Williamson, the chair of the SRA, gave an encouraging response to Lord Lofthouse's report last week, when he said that he was ashamed that solicitors whose costs were being met by the Government were doing such things. There are moves to clean up the legal profession's act in this regard, but there is a long way to go. We must insist today that the Law Society and individual solicitors pay back the money that they deducted from people's compensation.

The scam—I have called it a scam before, because that is what it is: deluding people and taking payments from their compensation—could not have gone on without collusion between solicitors, claims handlers and some trade unions. I shall use as an example a firm that I have mentioned before: Thompsons Solicitors. I had a lot of dealings with Thompsons in my former life as a trade union official, and I greatly admire the work that it has done for asbestos victims and on behalf of trade unions, but its relationship with the Durham area National Union of Mineworkers does not cover it in a great deal of glory.

Durham NUM and Thompsons operate a system whereby 7.5 per cent. of people's compensation is taken by Thompsons and passed on to Durham NUM, even though all their fees are paid by the Government. Durham NUM has reluctantly realised that the system is unsustainable and now says that it will be voluntary in future.

Mr. Denis Murphy (Wansbeck) (Lab): The federated structure of the NUM still exists, and I am still a fully paid-up member of the Northumberland area NUM, which operated a system of purely voluntary contributions from day one. That system was very successful, and those contributions were used to continue the very good work that it does in fairly remote communities and to maintain a service that is greatly appreciated by many people.

Mr. Jones: My hon. Friend pre-empts what I was going to say next. By way of contrast, I was about to compliment the Northumberland area NUM. It has been very good at ensuring that miners and their families get access to justice, but without taking a fixed fee. Instead, it asks for a voluntary donation, which is very defendable. Comparisons between those systems lead us to ask why Durham NUM has continued to deduct 7.5 per cent.

Mr. David Anderson (Blaydon) (Lab): Is it not true that during the period that we are discussing, Northumberland NUM had a number of working miners paying subscriptions into the union, whereas that was not the case with the Durham miners?

Mr. Jones: That is an interesting point, but I ask my hon. Friend to wait while I expand on what Durham NUM is doing with the money.

Mr. David Hamilton (Midlothian) (Lab): The amount that has been paid to the legal profession is obscene, as is the agreed sum of £1,800 per lawyer per case. The Department of Trade and Industry should have done much more to challenge those sums. Payments of £1,800 were also made in cases that were fast-tracked. I know that they went to court, but does my hon. Friend not agree that the DTI should have challenged those payments in instances where the recipients were doing nothing for that money? Is not that an obscenity?

Mr. Jones: I agree, but I do not want to pre-empt what the Minister is going to say. Those payments were challenged in a court case last week, in which the court ruled that £100 million has to be paid back to the DTI.

I have asked the Durham area NUM, even though it refuses to meet me, to write to every claimant it has worked with to say that the contribution system is now voluntary and that if people wish to have their money back, they can. Thompsons agrees with me on that point, but is reluctant to write to everyone concerned. We had tortuous meetings earlier this year, in which the NUM produced a long-winded two-page letter that would be difficult for anyone to understand. What is needed is for a simple letter to be sent to people telling them that they can have their money back if that is what they want. It could be as simple as that.

It is mind-boggling that the certification officer's accounts for Durham NUM show that it has 15,000 members, of whom 5,000 are women. The vast majority of those people are not full but associate members. I tried to find out what rights they get as associate members, and the quick answer is none. They pay a £20 fee to access the so-called legal services of Thompsons Solicitors through the Durham area NUM. I have asked what rights they get to decide the structure of the regional NUM, and they do not get any. They have no voting rights. If one of them forgets to pay the £20, they get an interestingly worded letter from Mr. Hopper and Mr. Guy at Durham NUM saying that if they do not continue to pay their legal case will be withdrawn. First, that is wrong. Secondly, it questions the nature of the relationship involving Thompsons.

Does Thompsons, or the Durham area NUM, represent the best interest of the client? My constituent, Mrs. Clark, challenged the NUM by asking whether she could have back the £60 that she had paid. She wrote and then rang the NUM only to be told, "We haven't got any notification of your letter. Anyway, why are you complaining?" We are talking not about a membership fee, but about an access fee that one would pay to a claims handler to get the case put forward.

Great claims are made in Durham that the deducted money is being used for the promotion of other health claims, the protection of the mining community and in supporting welfare work. I question that, because I do not see much evidence for it on the ground in Durham. I thought that I would see what the Durham NUM does. What I shall now say is happening to the money would amaze many of the people who have paid the 7.5 per cent. My information is not made up; it comes from the Durham area NUM's accounts, lodged with the certification officer for the past two years.

The president, Mr. David Guy, and the general secretary, Dave Hopper, are paid £6,034 by the Durham area NUM. In addition, they receive £16,000 in car and other benefits. One then notices a figure in the accounts of £120,000, which is transferred to something called the north-east area NUM. That body's accounts for last year show that two of its employees are, lo and behold, Mr. Hopper and Mr. Guy. Mr. Guy is paid £51,000 and also receives £5,000 a year in pension benefits, while Mr. Hopper is paid £50,000 a year and a further £5,700 in pension benefits.

Unless one traces the Durham area NUM's accounts to the north-east area NUM, one cannot discover where the money is going. It clearly pays two individuals very well. I have asked for the north-east area NUM's accounts for this year, but I am told that the body has now been delisted as a registered trade union, so it does not have to produce accounts. Why is that? The interesting point that lifts a veil is that the north-east area NUM has just 30 members. I am also told that not only are Mr. Guy and Mr. Hopper employed; the new Mrs. Guy is too, although one cannot see that in the accounts.

I am told that all this activity is going on, and that is what the money is being paid for. However, I thought that I had better check to see what is being said in the returns to the certification officer. I have the details here. All trade unions have to put in these returns. They contain a number of self-explanatory headings that have monetary figures next to them.

The return for the representation of employment-related issues was nil. The figure for representation of non-employment-related issues—that obviously relates to welfare, disease cases and so on—was nil. The return for communications was nil. The figure for advisory services—giving advice to people—was nil. The figure for dispute benefits was nil. The other cash payments were nil. The figure for education and training services was nil. The negotiator discounts totalled nil. The salary costs were nil. Interestingly, the figure for other benefits or grants—that is specific—was nil. The figure for death benefits was £1,280. That is all the activity that was being paid for. Given that two individuals are earning a hell of a lot of money, what is the union doing? By its own admission, the answer seems to be very little.

Mr. Alan Meale (Mansfield) (Lab): I must enlighten my hon. Friend a little. I know those two gentleman and the organisation well. I do not represent a constituency in the north-east of England, but I know about their activities, as do many hon. Members who are present. I have no financial connection with the organisation, but I must tell him that he is not blind and he is well aware of what the NUM does in the north-east of England. It is heavily involved in welfare activities, in representation activities and in the communities in the north-east. He cannot hide away from that fact. I hope that he is not intimating that the NUM in the Nottinghamshire area is in any way involved in these issues. It is a separate organisation, and is not involved in the ways that he has described.

Mr. Jones: Not at all. I am raising a specific issue. My hon. Friend the Member for Wansbeck (Mr. Murphy) referred to the Northumberland area, and its returns show what it does. I am sorry to tell my hon. Friend the Member for Mansfield (Mr. Meale) that that is not the case in this example.

This 7.5 per cent. has been taken off people's compensation. Many people feel that they have to pay it and they still think that they are legally obliged to do so. It generates £5.5 million for the Durham area NUM, which sits in its bank accounts. It was news to me when I found out that the accounts show that £680,000 is in an offshore bank account. What is a trade union doing with an offshore bank account that has more than £500,000 sitting in it?

If the organisation was doing the welfare work to which my hon. Friend refers, I would have no problem, but it is not. I shall cite an example. It paid out just over £1,000 on death benefits last year. I understand

[Mr. Kevan Jones]

that its death benefit is now a £20 to £30 payout. I understand that Durham Mechanics, a less wealthy organisation, pays out more than £600 in that regard, and I know that other areas do too. So we need to ask what has happened to the money.

The clear solution would be if Thompsons was to write to every person who has had their 7.5 per cent. deducted to ask whether they know whether they were legally obliged to pay it. If people want the money back, it should be paid back. In all of the cases that I have put forward so far, the money is being paid back, and unless that is done, this situation will continue.

If people wish to give their money—the 7.5 per cent.—to Durham NUM, that is up to them, but many of these people do not know about this. It is all very well Mr. Guy and Mr. Hopper condemning me for being an attacker of the trade union movement, but I am not—I want rights for my individual constituents—and if they have nothing to hide, why do they not write to people? Every time that I raise the issue, more constituents say to me, "I want to claim my 7.5 per cent. back." That will doubtless happen when this debate appears in the local press. This matter needs to be cleared up.

The other issue that I should like to raise is the relationship between solicitors and claims handlers. I want to raise the case of Watson Burton solicitors in Newcastle. It purports to be a major commercial law firm, but it clearly could not resist getting involved in miners compensation. It had a relationship with an organisation called P and R Associates of Sunderland, which is another one of those claims-handling companies that does nothing for clients apart from getting them to fill in a form and then passing it over to the likes of Watson Burton. That firm has deducted £325,000 from miners compensation victims.

On 27 February 2006, a complaint went to the adjudication panel of the Law Society, which found that the named partners in Watson Burton had breached solicitors' practice regulations. One might expect that some action would have been taken, but was a fine imposed on Watson Burton? No. Were the partners struck off? No. Were they suspended from practice? No. There was merely a reprimand, which Watson Burton was able to trumpet in its press releases as being the lowest form of reprimand that the Law Society put forward.

I have still not received an answer from Watson Burton about its relationship with P and R Associates. Did it buy these cases? Its defence and argument is that it was legally obliged to pass the money over because people had signed a legal contract, but did it advise clients that they did not need to pay the money? No, it did not; it just passed the money over anyway. We are talking about a firm that has taken £325,000 of victims' money. I understand that one senior partner earned £850,000 last year, so I would challenge the firm to pay back the money, because the clients were clearly being ill advised; they were not being advised that they did not need to pay the money to P and R Associates. That goes to the nub of a lot of relationships, and such disgraceful activity could not have happened without collusion between solicitors, claims handlers and others.

I first became involved through a case concerning a firm in Newcastle called Mark Gilbert Morse, which would unscrupulously charge 25 per cent. in the early days, but I am told by the Law Society that it no longer does so and has paid the money back. I want to highlight an issue about the service that clients receive. A constituent of mine—I shall call her Mrs. X because I do not want to name her—went to Mark Gilbert Morse via a claims handler whose advert was stuck on her door. She was a miner's widow and last year Capita offered Watson Burton £42,000 to settle her claim. Mark Gilbert Morse did not even inform her that that offer had been made but rejected it saying that it could get a higher offer. However, lo and behold, when Capita made another offer six months later, it was considerably less than the £42,000. I complained to the Law Society, and it shamed Mark Gilbert Morse into paying the original figure of £42,000. However, I am worried about how many other cases are being handled by firms, such as Mark Gilbert Morse, that are giving a poor or substandard service.

Mr. Mark Todd (South Derbyshire) (Lab): Will my hon. Friend comment on the lessons that we can learn, because there are likely to be similar claims for damages to industrial workers? The mechanism for meeting such claims is wholly inadequate and subject to exactly the sort of problems that he has outlined. How can we avoid the problems happening again? My hon. Friend may want to reflect on the pneumoconiosis scheme that the Government introduced and which bypassed all that.

Mr. Jones: There is one short answer: keep the solicitors out of it. If there is to be a scheme for beat knee sufferers, we do not want another feeding frenzy for lawyers. We need a clear scheme that is simple for people to understand and does not need representation.

I have said before that many of the people who come to see me with such complaints have never dealt with solicitors. They are elderly and sometimes without a high degree of literacy. They are in awe of solicitors and believe everything that they say. The Law Society should check those firms to see whether the advice that they give is correct.

The level of claims is revealing. I pay credit to Thompsons who do a good job in ensuring that the claims that it takes on are worked through properly. However, the average figure that Thompsons obtains compared with those obtained by some other firms raises the question: why does one firm obtain more than others? Are the claims different? They cannot be, and often they are very similar. The issue is that firms, such as Mark Gilbert Morse, raise thousands of claims and deal with them like a sausage machine, as they come along. In some cases, I doubt whether a solicitor ever goes near them.

Mr. David Anderson: Perhaps one reason why Thompsons has better results is that they work closely with the NUM and people such as David Guy and David Hopper who have a hands-on relationship in the villages that they come from. They put the work in and get witnesses to come forward, so better cases are put to the Department of Trade and Industry and the courts. That is why they win more money.

Mr. Jones: I wish that were the case, but why is it that firms in North Durham, such as Mark Gilbert Morse, and the claims handlers have so many cases if they do such a good job? They were not doing a good job in those areas. My parliamentary neighbour, my hon. Friend the Member for Blaydon (Mr. Anderson) suggests that, somehow, they were out there actively doing such work, but they were not. In North Durham, for example, claims handling companies, Mark Gilbert Morse and others have a large number of claims from people who have gone not through the union but to claims handling companies. The worst thing about that—it gives me no pleasure to say this—is that there is clear collusion between former NUM officials and unscrupulous claims handlers, such as Industrial Disease Compensation Ltd.

Mr. Todd: I thank my hon. Friend for giving way again. The misclassification of vibration white finger claims into groups 1, 2 and 3 is an example of the differential quality of solicitors. A huge number were incorrectly placed in group 3 by Government contractors and only a certain number of solicitors pursued them. Many people accepted as gospel that their claims had been rejected and that they should forget about them. It was only pressure, partly from Members of Parliament but also from well-informed solicitors, that led to many rejected claims being looked at again.

Mr. Jones: I totally agree with my hon. Friend. Some solicitors give correct advice and press claims, and I have no problem in saying that Thompson do that, but I am sorry that they are dragged into the matter by an agreement that they should not have had in Durham. There was collusion, and I do not blame individuals for being confused.

A working men's club in my constituency has a long tradition of being associated with the NUM, and I found out that IDC Ltd. was holding a surgery there. I asked the club secretary why he had let IDC Ltd. in, and he said that a certain individual, who used to be a trade union official, had said that it was okay, again giving the impression that such organisations have some legitimacy with the trade union movement. Some of those people should, frankly, hold their heads in shame for their relationships with some claims handling companies.

Mr. David Hamilton: I give no credit to collusion between ex-trade unionists and a filing company, but that has always been the case with ex-trade unionists who move across the floor to management.

My hon. Friend refers to Thompsons and solicitors in England. There is also an issue in Scotland, and Thompsons is picking up hundreds of cases because English solicitors made themselves available to try to make a cheap trick, but did not realise that Scots law was different from English law, and just left people high and dry. Thompsons and the NUM in Scotland—I should emphasise that the NUM is a federal union—is picking up those cases.

Mr. Jones: I make no bones about it. The NUM has a federal structure, and it amazes me that Thompsons and others have allowed a relationship that is not correct to develop in Durham. My hon. Friend the Member for Wansbeck (Mr. Murphy) mentioned the situation in Northumberland, which I commend.

My hon. Friend the Member for Midlothian is correct, and that comes back to the Law Society. Under the Legal Services Bill, there must be an onus on the Law Society not to try to educate—that is too patronising—but to ensure that solicitors tell claimants if they may not be the best firm to deal with a case and that another, more specialist firm would be better.

My hon. Friend raises a legitimate point. There was a feeding frenzy and people wanted to get in, so small high street firms of solicitors with no expertise in industrial disease work became involved, and gave bad advice. That is why we should tell people to go to a solicitor by all means, but that they should make sure that they go to someone who knows what they are talking about.

Mr. Meale: My hon. Friend has paid tribute to Thompsons and is also critical of them. Can we move on to other solicitors who had their hands in the till, or their snouts in the trough, such as Beresfords of Doncaster, who have earned hundreds of millions of pounds from such cases?

Mr. Jones: I agree, and I am sure that my hon. Friend the Member for Bassetlaw will add more names. I could read a long list of shame, and it saddens me that Thompsons is associated with that list of shame. They should try to sort that out.

Many hon. Members want to speak, so I shall draw my remarks to a conclusion. Unless the Law Society instructs its members to pay back the money that they have deducted themselves and kept or passed on to a third party, whether a trade union or claims handling company, the matter will not go away. Today, I am challenging the Law Society to instruct every solicitor to pay the money back. It is no good saying, "We are waiting for people to come forward and complain," because most people do not know whether they have a complaint. In most cases, people have signed a bit of paper with a claims handling company, which they think is a legal obligation. In some cases, as my hon. Friend the Member for Bassetlaw knows, people have been threatened when they have not paid.

Mr. Denis Murphy: Although I agree 100 per cent. with my hon. Friend's comments about many firms of solicitors, does he agree that there are also decent firms of solicitors that have acted honestly, pursued claims diligently and recovered a lot of money for their clients? One such firm is Browell Smith and Company. Northumberland miners use that company and have had some great success with it.

Mr. Jones: I know Browell Smith and Company well from when I was northern region legal officer of the GMB, and I commend it. As I have said to Durham NUM and to Thompsons, what people do with the compensation they receive is up to them. If people want to give it to the NUM, fine. It is entirely up to them if they want to give a portion to a cats home, but people should not be given the impression that they have to give a certain percentage to an organisation.

Mr. David Hamilton: Will my hon. Friend accept the distinction between claims handlers and the NUM? He has criticised the NUM in Durham. The claims handlers take all the money that they get for the company's profit, but the NUM in Durham is one of four regional branches that put by £1.2 million to try to lodge a claim on knee litigation. The regional branches are Scotland, Derbyshire, Durham—or the north-east NUM, I am not sure what it is called—and south Wales.

Mr. Jones: My hon. Friend's loyalty to ex-colleagues is admirable, but what he said is not the case. *[Interruption.]* Well, let us just take beat knee, or miners' knee. Until I raised the issue, there was no situation in which Durham NUM would have contributed money, and it still has not put any money in. I am sorry, but the Durham NUM is not different from claims handling firms. The union is acting as a claims handler, and two individuals are quite clearly doing well out of it. Indeed, Mr. Guy's wife is now also employed by the organisation. It has acted exactly like a claims handler. If the money were genuinely going back into communities and people had a choice about it, I would have no problem; however, that has not been the case. I say to my hon. Friend that I accept long friendships and loyalties, but I ask him to look at the facts and not to be blinded by his past loyalties.

A challenge has to be made. Every single law firm that has deducted money from people's compensation and kept it themselves should pay it back, and if they have deducted the money for a third party, whether a trade union or claims handler, they should also pay it back now. Otherwise, I will not give up on the matter, as I am sure other hon. Members present will not.

Mr. Edward O'Hara (in the Chair): May I ask hon. Members to bear in mind that wind-ups must start no later than half-past 3?

3.3 pm

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I will keep my remarks brief because I know that other hon. Members wish to speak. First, I congratulate the hon. Member for North Durham (Mr. Jones) on his tenacity in pursuing the case. He has not come to it lately; he has been working hard on it for months if not years, for which I pay tribute to him. I shall say something that will probably not endear me to the Chamber: I was a solicitor for 20 years. After that, I reformed, and became a barrister, which is probably even worse. I do not know where that puts me exactly.

In the few minutes that I have to speak, I wish to refer to knee injuries, as the hon. Members for Midlothian (Mr. Hamilton) and for North Durham did. It is common knowledge that many miners suffer from cartilage damage, osteoarthritis and other complaints. Those are serious injuries, which often result in surgery or the need for surgery such as knee replacements and so on. They are crippling injuries, which onset at a relatively young age. Sufferers often have to have second knee replacements, which is frequently impossible because of the general health of miners. In my way of thinking, compensation is absolutely vital.

As far as I am concerned, what the hon. Member for North Durham said about solicitors is absolutely right. Some of the behaviour that he described is in breach of practice rules, and I cannot for the life of me understand why those solicitors are not brought to book. The hon. Gentleman, and others in the Chamber, will pursue the matter until they are, and he is right to do so.

On the question of compensation, I hope that the Government have learned from the lengthy and expensive legal battle fought over miners with chest illnesses. The National Association of Colliery Overmen, Deputies and Shotfirers is pursuing knee injury cases, and it had hoped that such cases would not have to go to the High Court. Some time ago, it seemed that the Government were in favour of avoiding a long trial and that they were committed to mediation, an approach with which all of us would agree. Echoing the hon. Gentleman, we should keep the solicitors out, which is fair enough. On 30 April, at a county court hearing in Leeds, the barrister leading for the Government, Robert Jay QC, said:

"Realistically, these cases will go to the High Court."

It seems that the last thing that will happen now is that the lawyers will be kept out of it. Worse still, even with the Woolf reforms, we are looking at a two or three-year wait—perhaps even longer with a class action—before any decision is reached.

In February, Bleddyn Hancock of NACODS wrote to the Minister to ask whether he would meet the claimants to see whether a scheme could be devised to avoid the expense and delay of a court action. The Minister replied that there was not enough evidence to convince him to do so. However, there was sufficient evidence to convince a judge to allow trial on the issues, which is absolutely right. I have tabled parliamentary questions asking the Minister to reconsider meeting NACODS and miners' representatives to see whether we can come to a fair and reasonable arrangement.

I realise that there is not an endless amount of money. I realise also that in any legal case, there must be due deference to the question of liability; that is common sense. However, for the Minister to say that to date,

"liability has not been established."—[*Official Report*, 14 May 2007; Vol. 460, c. 480W.]

to quote him again, is I am afraid representative of something like a denial culture. I hope that we can all get around the table and talk about the issues without recourse to costly and time-consuming litigation.

I have written to the Secretary of State for Wales asking if he will consider contributing his efforts, because as late as November last year, he said about the miners:

"It became a personal crusade for me, I knew that so many sick miners had suffered so grievously. This is why it has been so important for me to work continuously, and I will work for all former miners and widows wherever they live and this Government will honour our debt to the men who sacrificed their health to deliver prosperity for the rest of us."

Hear, hear. The case under discussion is one to which we should apply that rationale.

The right hon. Member for Cynon Valley (Ann Clwyd) said last week that one of the highlights of the Prime Minister's tenure was the introduction of

compensation. Fine; I agree with that point. However, let us not forget that compensation came about after a lengthy court process, which I hope we can avoid this time around. It can be done. The money would not—in my respectful submission—amount to a king's ransom, and there is the money that could be utilised for that purpose.

There will have to be proper medical reports and liability will have to be considered, but please, let us not drag the process out for two, three, four or five years, because even though we may reach the High Court and eventually find that there is liability, in the meantime, some people may be crippled, or even worse, they may pass away. In the best possible way, I ask the Minister to look at the issue urgently to see whether we can avoid a debacle.

3.9 pm

Mr. Don Touhig (Islwyn) (Lab/Co-op): I congratulate my hon. Friend the Member for North Durham (Mr. Jones) on securing the debate, which is important for my constituents and many others who have worked in the pits and suffered great illnesses as a consequence. I join others in recognising the Government's proud record in developing a compensation scheme that has paid millions of pounds to miners and their families. If anything demonstrates the Government's commitment to those who gave their health, and in some cases their lives, to build the coal industry and this country's prosperity, it is that compensation scheme.

However, no amount of compensation will restore the health of a miner or bring back a loved one who has died. My staff and I have helped more than 500 constituents with claims, and more than £49 million has been paid out in Islwyn to those suffering chronic obstructive pulmonary disease or vibration white finger. However, it is not only the money that is important, but securing justice and putting right a wrong.

I knew a miner called Bob James, whom I could visit only in the afternoons. He told me not to come round in the mornings, because he was on oxygen and had difficulty getting off his bed. One of the Minister's predecessors, Helen Liddell, visited Bob with me; indeed, he charmed her, and they got on very well. When Bob finally got his compensation, he said, "You know, Don, when the grandchildren come now and say, 'Granch, lend us a tenner,' I'll say no—I can give them one. When my own children were growing up, I didn't have two ha'pennies to rub together. Now, my health has gone, and the money is no good to me. My pleasure in life is giving it to my children and grandchildren." He added, "I did get justice in the end, didn't I? They did recognise what I had gone through."

Of course, too many miners never live to see justice. I work closely with an ex-miner by the name of Nat Thomas, who helps miners and their widows make compensation claims. I have no doubt that my hon. Friend the Minister met him when he met the NUM in Cardiff recently; indeed, he would not have been able to get away from Nat terribly easily. Only last week, however, Nat wrote to me about another chap whom we had been helping, but who had died without receiving compensation.

My own father worked underground for 42 years. He developed a brain tumour, but, thank God, he lived for several more years. However, the last two years of his life were hell and he was suffering—gasping for breath and having to manage on gulps of oxygen from an oxygen cylinder. He worked for 42 years at Blaenserchan colliery, and when the National Coal Board finished him on health grounds, it wrote to him thanking him for his services. It gave him a pension of £1 a week, but told him that that would go down to six shillings and eightpence if he got another job.

For me, the campaign to compensate miners is not over, and it will not be over until we agree a compensation scheme for surface workers. As is the case with many colleagues, my pride in the Government's commitment to the miners knows no bounds, but it is tinged with sadness. I share with them a sense of disappointment and frustration at the fact that the Government seem intent on diminishing their outstanding record on delivering justice to miners by refusing to recognise the legitimate claims of surface workers. There are men who worked on the surface, at the screens or at the coal preparation plants whose disabilities are as great as those of any miner who worked underground, and those surface workers suffer just as much.

My disappointment is all the greater given that we are having to debate this issue today. Had the Department of Trade and Industry followed through on a minute that it laid before Parliament on 10 July 2000, when it agreed to accept liability and to compensate surface workers, we would not be debating this issue today. Paragraph five of that minute clearly says:

"The DTI proposes to accept that British Coal did not fully meet its responsibilities towards certain categories of workers in dusty jobs on the surface."

Paragraph six states:

"In accepting liability"—

those are key words—

"the DTI would propose to miners' solicitors that compensation for surface dust exposure be handled within the current agreement for underground exposure."

Unless anyone disagrees, I would say that that makes it clear—it is set out in plain English—that the Government accepted liability at that time for the illnesses caused by some surface jobs. Sadly, it seems that we were all mistaken, and not a penny has been paid out in compensation in nearly seven years.

In a parliamentary question on 8 January, I asked the Minister what proposals had been put to claimants' solicitors regarding compensation for surface workers. I was told that the claimants group was

"in favour of further joint studies and the House was informed in March 2001. As a result of these further studies and developments over the next four years, the Department's position is now that 'it cannot scheme compensation' to surface only workers."

"It cannot scheme compensation" to surface workers—what a wonderful phrase. I wonder who sat up burning the midnight oil thinking up that answer.

On the same day, I also asked on what date Ministers were informed that medical advice had been sought about compensation for miners exposed to surface dust. I was told:

"Ministers were informed on 5 June 2000 that medical advice was being sought on compensation for miners for exposure to surface dust."—[*Official Report*, 8 January 2007; Vol. 455, c. 297W, 298W.]

[Mr. Don Touhig]

That was one month before the DTI put the minute to Parliament accepting liability and agreeing to compensate surface workers.

In an Adjournment debate on 7 February 2006, my hon. Friend said that further studies, which had come about following negotiations,

"confirmed the Department's view that incidence of COPD disability was...very small."

I have to tell him that that felt like a slap in the face to all the surface workers and families whose hopes had been raised when the Department's minute was laid before Parliament. The DTI raised hopes of compensation, but immediately dashed them. Does the DTI's view now mean that the medical advice that it sought and brought forward was flawed in some way? I do not know. Such behaviour is not good enough for those living with respiratory diseases that have been caused by surface dust from their time in the mining industry.

Whatever grounds the DTI has for rejecting claims, one simple fact remains: dust—that killer dust—did not distinguish between a miner working underground and one working on the surface. Are we to tell the families of men who have become used to the sight of oxygen bottles in their living rooms that the dust that their fathers and grandfathers inhaled on the surface did not have the same terrible effect as the dust inhaled by men underground?

In that debate on 7 February, my hon. Friend said:

"The clear way forward is for those who feel that they have a good case to receive compensation is to put claims on the usual common law basis."

Is my hon. Friend seriously asking surface workers, some of whom are in their 70s or 80s, and some of whom are extremely ill, to put their homes and life savings at risk to hire a lawyer to go to court and challenge a Government whom they have helped to put in power not once but three times over the past 10 years? Asking claimants to take part in expensive and lengthy litigation will benefit only the lawyers, not benefit the taxpayer or the claimant.

Last year my hon. Friend said that he did not believe that

"the cost should be borne by the...taxpayer."—[*Official Report, Westminster Hall*, 7 February 2006; Vol. 442, c. 222-24WH.]

Does that mean that the DTI would prefer to spend millions on legal costs in the courts? Compensating the surface workers would cost far less than the millions of pounds that the lawyers will end up being paid. As a member of the Public Accounts Committee, I know that the National Audit Office is investigating the compensation scheme. I look forward to the occasion when the Committee assembles, and the permanent secretary at the DTI comes before us to justify, on value-for-money grounds, wasting money on lawyers, rather than introducing a scheme that could compensate miners.

The number of former surface workers who are affected is very small—it is 3,000 or perhaps 5,000. In a report on coal health compensation, the Select Committee on Trade and Industry said:

"We hope that a solution can be found which allows ex-surface workers to be admitted to the COPD scheme. While we recognise that the DTI's current position may be legally watertight, it does not seem to us to be just."

Of course it is not just, and nor is it defensible. Here we are three years on, and nothing has changed.

The Committee asked whether there was a solution, and there is a simple one: let the surface workers go through the medical assessment procedure test. If they do, the number of claims will be significantly reduced. Those who fail the test would have no claim; those shown to qualify for compensation should be compensated.

I know that my hon. Friend is an honourable and decent man and a good Minister. I say to him, "Ignore the siren voices behind you at the DTI, which are urging you to take these matters to court." The best thing that he can do to those who say such things to him would be to arrange an exchange of jobs for them and send them down the pit for a year or two. I guarantee that they would give him different advice after that.

Delivering justice for surface workers is the right thing to do. In a month or so, we will have a new Prime Minister, and perhaps my hon. Friend will have a new job. While he still has this one, however, I hope that we can award him the accolade of being the Minister who finally delivered justice for miners, and surface workers in particular.

When he comes to reply to the debate, in all humility I urge him to tear up the notes that his officials have given him, to speak from the heart and to give the miners the justice that they deserve.

3.20 pm

John Mann (Bassetlaw) (Lab): I have a few quick questions for the Minister. First, some of the earlier discussions rather missed the point in dealing with the question of knees and who should pay for the litigation. The absurdity, aside from the issue of moneys being paid to the NUM and others, is that there should be any suggestion of miners funding future litigation out of their industrial injury compensation, when the solicitors have made £500 million—a sum which is going up. Thompsons is meant to be the great trade union solicitor. The firm has made more than £100 million—it looks likely to go up to £200 million—out of the scheme that we are discussing alone, so why does not Thompsons pay the Scottish NUM's money, and more? Indeed, I wonder, on the basis of a rough calculation, why it does not donate £5 million to the Scottish NUM. That would be a pro rata kind of sum from its vast profits. This is the fundamental issue. We should not tie ourselves in knots about how the funding is handled.

We could go through the other solicitors, such as Rayleys, with more than £50 million, and Graysons, with more than £25 million, or Beresfords, whom I suspect will be more reluctant than others to fund anything, with more than £200 million. Those people have done rather well, and, frankly, will do rather well again if a knee litigation case is won. It is a supreme irony that they refuse to fund something from which they will benefit, and that they make up excuses to suggest that elderly miners and widows should fund it. That is the true scandal and the scale of the disgrace of the legal profession—including those who purport to

be on the side of the labour movement. Let them put their money where their mouth is.

I have only one point to make to the Minister about surface workers. He is clawing back £100 million from the solicitors, thanks to the fast-track money from the court action that he has won. That is a significant sum, and a tiny proportion of it would sort out the surface workers issue, which, as he knows, is not going away. One of my constituents has, through me, put the Minister on notice, and we have offered mediation, which has unfortunately been rejected. However, my surface worker constituents will have their day in court to argue their case, one way or another, even if we must do it case by case—even if we lose every one. The case, and the justice, is indeed more important than the money, although to someone seriously ill with a chest disease the money is important as well. There is no avoiding the issue.

I have a question about industrial deafness. Why were 11,000 cases given to a claims handler, Vendside, without solicitors, in the knowledge that there were no consumer rights and that for that reason, the individuals concerned could not use the Law Society regulations, which are not voluntary but statutory, to obtain their files and see whether their cases had been properly dealt with? No challenge can be made in the Vendside deafness cases, or in the vibration white finger and chronic obstructive pulmonary disease cases that went only through UDM/Vendside and not through solicitors, because those concerned cannot even see the files. The Minister is legally entitled to give access to those files as the defendant employer. Will he allow access for those individuals who want to see whether, among other things, the medical reports were properly analysed, the services claim was dealt with properly and the group three issue was properly dealt with?

That seems to me to be a basic consumer right for that group of claimants, and the absurd decision to allow a claims handler to enter into its own agreement and to take cases separately from solicitors has led to a loss of consumer rights. The Minister could be very helpful by giving further details about his officials' meetings and dinners at the Rubens hotel and elsewhere, during the past eight years, with representatives of UDM/Vendside. Were minutes taken at those dinners? If not, why did officials go to such dinners and not produce minutes? If there were minutes, can they be produced for Members of the House to see?

The issues of probate that come before all solicitors are vexed and complex, and almost by definition more and more issues are beginning to emerge out of that complexity. Will the Minister issue a clear and coherent advice note on probate, both for solicitors and, more crucially, for Members of the House and our constituents, to enable understanding of the principles of and issues behind probate? It is an aggravating factor, causing splits in families in my area, and, I suspect, elsewhere, because of disputes about who owns the minuscule amounts of money from a deceased miner's claim.

Will the Minister investigate the scale of speculative claims? They are claims for deceased miners, whereby a claim is put in, but, strangely, no one seems to own it. I shall cite one that the Minister could examine specifically. It is the case of a John Mann, from Nottinghamshire. I was contacted by Avalon solicitors, who rang me up about my claim, which they then treated as my deceased father's claim. Neither I nor my father has a claim. We did not work in the industry. The firm was happy to tell me what had happened. There was a claim owing, which it had put in, and it was trying to find the family. The family had not put in a claim; the solicitors had done it, and they were seeking the family—and obviously would be getting significant costs for it if they could find the family. This is a wide area of activity that needs investigating, and which is possibly beyond the remit of the Department of Trade and Industry. However, will the Minister specifically study the case that came from the firm of Avalon, of John Mann of Nottinghamshire, to examine in detail whether it was a speculative claim?

My final question to the Minister is about double charging and has been raised before. I shall give one example, concerning Union and General Services and Frank Allen Pennington of Doncaster. About £3,000 is deducted per case. Many of the relevant cases are outside my area—in fact, the vast majority are. I am certain that there are people who do not realise that £3,000 has been wrongly deducted in their case. Will the Minister ensure, in the case of those claims handlers, that everyone concerned is written to as a matter of urgency explaining the consumer rights that they have through the Law Society, so that those vital sums—large amounts of money—can be put back in the pockets of the people who deserve them?

3.27 pm

Jeff Ennis (Barnsley, East and Mexborough) (Lab): I am conscious of the time, Mr. O'Hara, and will try to keep my contribution to a minimum. It goes without saying what a difference is being made by compensation money to the lives of miners and their families in my constituency, which has the highest number of individual claims; there is talk now of compensation for former miners there being well over £100 million.

There are two issues that I want to raise, which have not yet been covered. I raised the first in my Adjournment debate in February 2004 and in the consequential Adjournment debate in the House in September 2004. I think that my early-day motion 666, tabled on 22 February 2004, puts my point in perspective:

> "That this House notes with sadness that solicitors dealing with Miners Compensation Scheme cases for chronic bronchitis and emphysema are currently receiving an average fee of £2,143 per case whilst at the same time almost half the former miners so far compensated have received final settlements of less than that amount; and that over 3,100 former miners have received less than £200; and calls upon the Secretary of State for Trade and Industry to undertake an urgent review to consider implementing a minimum compensation payment to former miners suffering from CBE of £1,500."

At that time we had a large number of claims. In fact 21,500 former miners had then already accepted full and final settlements of less than £1,000. Indeed, 9,500 miners accepted less than £500 and 3,400 accepted £200, at the same time as solicitors were claiming an average of £2,140. Since then, substantially more

[Jeff Ennis]

miners have settled for less than £500. In fact, between 2004 and 2006, another 17,500 miners have settled for less than £500.

In response to my Adjournment debate of September 2004, the Minister's predecessor, my hon. Friend the Member for Edinburgh, South (Nigel Griffiths), said that the claimants' solicitors were trying to set up a scheme to pay a minimum of £500 back to their clients. I am pleased to say that the scheme got off the ground in February 2007. It is a bit disappointing that it has taken so long for that to happen, but I am pleased that the scheme is now up and running. The obvious question to which I would like the Minister to respond is this. We have already talked about the global figures for the fees that the solicitors have received—which, incidentally, amount to nearly £1 billion—but, given that 20,000-odd miners have already accepted less than £500, does the Minister agree that we should consider paying out for them, too, now that the scheme is off the ground?

The other issue that I want to raise briefly—I promised Mrs. Riley from Grimethorpe that I would raise it with the Minister—is compensation for former canteen workers and cleaners under the Equal Pay Act 1970. I am sure that the Minister will be aware that some 2,500 former canteen workers and cleaners have still not received compensation, because they unfortunately did not get their claims in on time under that Act. That was very much the fault of certain union officials at certain pits. I wonder whether the Minister can offer any advice that I can pass on to Mrs. Riley, because the issue is one of social justice and fairness. The situation is that some canteen workers and cleaners have received up to £20,000 in compensation, while other canteen workers and cleaners, who put in exactly the same amount of time working at the other pit, have not received anything.

3.32 pm

Mr. Roger Williams (Brecon and Radnorshire) (LD): It is a pleasure to serve under your chairmanship, Mr. O'Hara. It is useful to have these debates regularly, because they give us a chance to be updated on the progress of the scheme. Indeed, I found the regular meetings that we used to have with the Minister helpful in that regard, too. I am not sure whether they take place now—perhaps I have been left off the invitation list or otherwise been unable to attend.

It is good to reflect on a scheme that has brought compensation to people who worked in terrible conditions and suffered as a result, and on whose backs the nation thrived for many years. It is a great shame and a pity when I see former miners in my constituency who have had difficulties establishing their claims and who have not been paid becoming more ill and more dependent on their wives and families, yet still not receiving the benefit of compensation. Many of them tell me that they would be satisfied to know that even if they died before receiving compensation, at least their widows would receive it. They could then be confident that their widows would have no difficulties after their days.

The scheme has basically worked reasonably well. A great amount of compensation—well, the right amount—has gone out to communities that have been devastated by illness. However, there have been difficulties, some of which have been mentioned today. I commend the hon. Member for North Durham (Mr. Jones) on pursuing the issue. As far as I am concerned, the legal profession has been well rewarded for the work it has done in connection with the scheme. To then take extra money out of the compensation was entirely wrong. The hon. Member for Bassetlaw (John Mann) has campaigned on the issue as well.

I might be corrected by the right hon. Member for Islwyn (Mr. Touhig) if I am wrong about this, but we do not seem to have had so many of those complaints in south Wales, although complaints about the efficiency with which the solicitors have dealt with claims have certainly been quite common. Indeed, I had a case where just threatening the solicitors with a complaint to the Law Society led them to pay compensation immediately, because they had bungled the application so much. I am sure that the contributions that the hon. Member for North Durham and other hon. Members have made today will bring some recompense to those former miners who have had their compensation reduced.

There are a number of miners suffering from diseases other than COPD or vibration white finger whose cases have been raised today. The hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) raised the case of those with osteoarthritis in the knee. I am sure that we would all like to work together to ensure that progress is made on that issue.

The other outstanding issue concerns the cases of the surface workers, which the right hon. Gentleman has been prominent in pursuing. There are cases in my constituency of surface workers who have undoubtedly suffered as a result of their working conditions. I met the Minister recently and he suggested that I write to some of the legal firms that have been involved in pursuing such claims, to see whether they could use the money that they have received—obviously the sums have been quite substantial—to pursue the cases of surface workers through the courts. It would be better if we could come up with a scheme for what would not be a huge number of claimants. If the £100 million that is to be returned to the DTI as a result of payments to legal firms on the fast-track scheme could be used for that, that would be very helpful indeed.

The other group of mineworkers that has not been mentioned, but which certainly causes me considerable anxiety and work, is workers in small mines. Such cases are difficult to sort out, because it is sometimes difficult to track down the exact employment history of some of those former miners, because it can go back over a very long period. Even if those miners have good memories, it can be very difficult indeed to establish evidence to substantiate their claims. If a miner has finished work early in a small mine, compensation for loss of wages and loss of pension can also be a difficulty. However, we should introduce a system to make some payment as soon as possible and thereby bring some consolation to that class of workers, even if it is difficult to work out the exact balance of compensation between those in small mines and those who worked for British Coal. I know that the situation is very difficult indeed. The Minister advised me to write to some of the insurers for

the small mines, such as AGF. I have done that and hope to meet its representatives.

This has been a worthwhile debate. We look forward to the Minister coming forward with some solutions, tearing up his advice—he is being handed another piece at this very moment—as the right hon. Gentleman suggested, and bringing some happiness to those miners and their families who have suffered so sorely with such injuries.

3.38 pm

Mr. Jonathan Djanogly (Huntingdon) (Con): I begin by expressing our support for those miners still seeking compensation and congratulate the hon. Member for North Durham (Mr. Jones) on securing this important debate. I also acknowledge the local expertise that many hon. Members have shown this afternoon and welcome their input.

In disclosing any interests that I may have as a solicitor—albeit not one who practises in the personal injury or litigation sectors—I feel that the situation, involving relatively small numbers of solicitors, has left a black mark against the standing of the legal profession. As Peter Williamson of the Solicitors Regulation Authority on 25 April said:

"The row over solicitors making deductions from the compensation to sick miners has seriously damaged the reputation of the profession",

and thus public confidence in both the profession and the legal system itself. He has urged the partners of 515 firms that dealt with miners' compensation to return to all clients any additional charges that they made in those cases. That was a key point made by the hon. Member for North Durham, and I should be interested to know which firms have refused that plea. Perhaps the Minister could advise us of the position.

One sad aspect of the situation is undoubtedly the length of time that it has taken for individual miners to receive compensation for the harm that they suffered. It has, after all, been some 10 years since the High Court found British Coal negligent in respect of miners suffering from vibration white finger. As has been mentioned, some 225,000 claimants given money for chronic chest conditions were paid less than £2,000—less than the scheme allows in legal fees for each claim handled—and 13,000 received less than £200. In fact, two thirds of claimants have received less than it cost the Government to handle their claim. By contrast, more than £800 million of public money has been paid in legal costs to the 30 highest earning solicitors' firms involved in registering and settling claims.

The Government, and specifically the Department of Trade and Industry, have spent too much time debating claimants' legal costs and not enough time examining their failings in controlling their own legal costs. According to an estimate in *The Lawyer*, the DTI's legal costs are expected to reach £2.4 billion once the compensation scheme ends, over £1 billion more than has been paid out to claimants' solicitors.

Finally, there is the issue of clawbacks against solicitors, claims handlers and trade unions. We are glad to hear that some money may yet be clawed back. The SRA has gained refunds of £2.5 million from some of the law firms involved, and the Government have stated that they will reclaim almost £100 million in legal costs. I should be grateful if the Minister clarified how much has been reclaimed from solicitors so far, how much has yet to come and how much will be written off. Of those totals, how much will be allocated to those miners or miners' families who lost out because their compensation was reduced by so-called administrative deductions?

What can we learn for the future? We are all keen to learn from the mistakes made and see that compensation schemes for miners and their families are completed successfully. We are also eager to ensure that future complaints handling schemes, particularly those relating to personal injury claims, are handled more fairly and without excessive charges or pressure being brought to bear on claimants.

The Trade and Industry Committee in its 14th report concluded:

"We feel that better and more direct regulation would have curbed the worst behaviour exhibited by such companies in respect of the coal health compensation schemes."

In light of that statement, the then Parliamentary Under-Secretary of State for Constitutional Affairs, the hon. Member for Tottenham (Mr. Lammy), said:

"When we produce our legislation...colleagues will be keen to ensure that it contains the principles and language that provides that professional conduct."—[*Official Report, Westminster Hall*, 22 March 2005; Vol. 432, c. 237WH.]

The Minister promised in a written ministerial statement on 15 December 2005 to follow up with the Law Society the extent to which claimants would be made fully aware in future that they were free to use solicitors who do not make deductions. I hope that he will confirm that those discussions have resulted in specific Law Society recommendations and let us know what they are. Judging from the comments of the hon. Member for North Durham, the Government have clearly failed in that regard.

The conduct of a few solicitors has negatively impacted on the legal profession's reputation, but the smell of inefficiency, waste and mismanagement permeates much further than to a handful of solicitors. It goes to the top—to the DTI and its Ministers, who must now account for their mismanagement. Other parties must be reviewed as well—one union has pocketed millions through just one firm of solicitors, another has been subject to a Serious Fraud Office investigation and new revelations about union activities were made earlier today.

The Conservatives agree that there should be firm regulation, but we think that it should apply to everybody involved in the business of claims management and to unions, not just to lawyers, and that it should include accountability to the regulators. At the start of this debate, I sat back, somewhat bemused, as Labour Members debated among themselves solicitors' practices versus Durham NUM practices versus Northumberland NUM practices, and then the north-eastern NUM practices versus DTI oversight. Frankly, rats in a barrel come to mind, falling over each other in what the hon. Member for North Durham called a feeding frenzy. Very few come out of this cleanly. The Legal Services Bill will come before the House shortly, and we hope that it will address the concerns raised by hon. Members about the regulation of the legal profession in the future.

Mr. Denis Murphy: Does the hon. Gentleman agree that for all the faults pointed out this afternoon, had it been left to his Government, no miner would have been paid any compensation whatever? It was an absolute disgrace—not just the Conservative party's position on the closure of the industry, but how it treated sick miners.

Mr. Djanogly: Considering the nature of this debate, I do not think that the hon. Gentleman does himself much credit in making an overtly political point.

Having heard today's evidence, we need to reconsider the position of unions acting as claims handlers. As for the DTI, the National Audit Office will report in late summer on the planning, implementation and run-down of the two schemes. I do not wish to pre-empt the NAO's findings, but we shall review them carefully once they are published. A huge amount of public money is being spent, and the Conservative party remains to be convinced that it is being spent appropriately.

3.45 pm

The Minister for Science and Innovation (Malcolm Wicks): This has been an important debate. With the exception of the last contribution, it has been based on a great deal of experience of the coal mining industry and a great deal of knowledge. It has been informative, not least for the opening remarks of my hon. Friend the Member for North Durham (Mr. Jones), who raised some important issues deserving further investigation.

Mr. David Anderson: Will the Minister give way?

Malcolm Wicks: I am trying to make a point first. Let me come to the end of my first paragraph, as it were—not one written for me, but one of my own.

It has been a passionate debate at times—rightly so, given the debt of gratitude, as many describe it, that we owe to the mining community and the terrible, debilitating health effects suffered by so many coal miners. I do understand that, but I also wish to put it on the record that I pay tribute to my officials, who do a remarkably good job. They have presided over a scheme that has already paid out some £3.5 billion and made a big economic impact on communities. Throughout a number of recent meetings—I shall make sure that the invitation list is revised; I apologise if there has been a problem—there has been a good relationship between my officials and Members of Parliament.

Mr. Anderson: The Minister said that my hon. Friend the Member for North Durham (Mr. Jones) made some informative points. If the debate had been longer, some of us might have challenged those points in much more detail than we could in interventions.

Malcolm Wicks: Yes, I got the impression that a debate had started rather than concluded. As a London MP, I shall leave it there.

Several hon. Members *rose—*

Malcolm Wicks: I had better not give way now, as there are a number of points that I want to answer. If I do not answer them all—I suspect that I shall not have time—I will, of course, write to colleagues in the normal way.

Before I deal with the particular issue of double charging, I shall use this opportunity to put something on the record. Reference has been made to the High Court's decision in April that a coal miners' law firm should pay back about £99 million in legal costs to the Government. That sum is the difference between the tariff for claims for which medical examinations are being performed, which was applied pending resolution of our appeal, and the level set by the judge for handling respiratory disease fast-track cases.

Of that £99 million in cost savings, £74 million has been paid to solicitors and is to be recovered. The remaining £25 million is an anticipated amount that would have been paid on settlement of the outstanding fast-track claims. It has taken a long time to achieve, but it is a significant step in ensuring that solicitors' costs are fair and relevant to work necessarily undertaken. Administrative arrangements for recovery have commenced, and a further discussion in court in July will resolve outstanding matters.

To return to the issues raised today, it is important that we continue our endeavours to ensure that claimants receive their full compensation as paid by my Department. I am confident that all Members will wish to join me in utterly condemning what can only be described as the shameful behaviour—we have heard about it already today—of that minority of solicitors involved in the delivery of the schemes. Solicitors who have made those deductions think that they are untouchable; indeed, many have an outstanding arrogance. Are they greedy? Yes. Are they untouchable? No. That is the view not only of Members of our Houses of Parliament. Peter Williamson, who has already been quoted, has said:

> "Solicitors are supposed to put their clients' interests first, and that is a fundamental, professional principle."

My noble Friend Lord Lofthouse of Pontefract and Members of this House must be applauded for their determination to ensure that justice is done in respect of solicitors who double charge. The Department pays solicitors' costs in full, some might argue quite generously, for advising and processing their clients' vibration white finger and respiratory claims under the schemes. In our view, there is no need for such deductions by solicitors. We expected that the fees paid for successful claims would cover those that are ultimately unsuccessful.

I met Lord Lofthouse on 17 April, shortly before he published his recent report. At that meeting, I explained the actions that we have taken in the past five years in response to some solicitors who have charged miners in addition to the fees received by the Government, or who have deducted referral fees for trade unions or for claims farmers from coal miners' compensation. Since then I have met the Under-Secretary of State for Justice, my hon. Friend the Member for Lewisham, East (Bridget Prentice), who is responsible for legal services, on 17 May to discuss the matter in some detail at the meeting of coalfield MPs. That meeting was helpful. There was much common ground between us. We were at one in acknowledging that the new Legal Complaints Service and the Solicitors Regulation Authority board have made good progress in seeking to tackle the issues. They have recovered £2.5 million so far, but much more needs to be done.

To address further the ongoing concerns, today I can announce two initiatives that we will take forward over the coming weeks. First, my hon. Friend and I will send a joint letter to all solicitors involved in handling claims under the schemes to remind them of their obligations to repay deductions, whether they be success fees for themselves or payments on behalf of a union or claims farmer. That will follow up a previous exercise undertaken by my predecessor, my hon. Friend the Member for Edinburgh, South (Nigel Griffiths), when he was responsible for the schemes.

Secondly, my Department, in conjunction with the Ministry of Justice, is working with the Legal Complaints Service and the legal services ombudsman to help claimants better to understand their rights and the mechanism for investigating service complaints. I welcome the commitments that the Legal Complaints Service made in its recently launched service improvement agenda. To build on that, we will take forward a pilot exercise in the constituency of my right hon. Friend the Member for Rother Valley (Mr. Barron).

Mr. Djanogly: Will the hon. Gentleman give way?

Malcolm Wicks: No, I shall not. I mean no discourtesy, but I have to reply to the debate.

We will take forward our proposals carefully, in order not to panic elderly claimants who, in the main, will probably not have been affected by the issues raised. We will want carefully to assess the impact of the pilot before judging the merits of a wider roll-out. I hope that colleagues have already received my Department's May 2007 edition of the "Compensation for Miners" newsletter, which contains helpful advice. I am sure that many Members will want to make use of the information in their own constituencies, to ensure that the full benefit of the compensation schemes goes to those for whom we intend it.

I shall now turn to other issues that have been raised, of which there is a large number. My hon. Friend the Member for North Durham started an important debate on his concerns about the Durham NUM. We all listened carefully to his speech—offshore bank account and all. As he knows, the union certification officer has powers to investigate the affairs of a trade union in certain circumstances. The officer has powers to appoint an inspector to investigate the financial affairs of a union, for example, but only in restricted circumstances and if there is evidence to suggest financial irregularities. I am sure that the officer might be approached about the matter that my hon. Friend raised.

We have rehearsed the important issue of knee injuries a number of times. Liability is not yet proven in respect of such injuries, and it is only right that the Government should follow the appropriate legal requirements to establish it. The DTI is taking the issue seriously and is doing everything that it can to follow the directions of the court in managing the issue. I am happy to provide colleagues with further details about that. We have discussed a number of times—rightly so—those who worked on the surface of mines. My right hon. Friend the Member for Islwyn (Mr. Touhig) spoke with a great deal of passion about them, and I listened to what he has said. The court has issued an order with which the Department will comply and with which solicitors should be encouraged to comply to ensure that the position on such cases is advanced, as I want it to be. It is important that colleagues support the terms of the order to ensure that matters progress. Essentially, we need to ensure that we have a number of test cases in court. The financial onus to fund the cases should be on the solicitors who have done so well out of the scheme, and perhaps on some trade union branches. We will then see what the court says, reflect on the outcome of the cases, and try to take the matter forward as sensitively as possible. That is where we now stand.

There are many great champions of miners, of which my hon. Friend the Member for Bassetlaw (John Mann) is certainly one. He referred to access to Vendside files. On receipt of a file access request from a compensation claimant, the Department would decide whether to disclose it, taking account of its legal obligations. My hon. Friend and I have corresponded about that and I am happy to talk to him again. He also raised an important point about probate; we recognise that probate is a key challenge for the settlement of many claims in the scheme. Advice on such matters is clearly a matter for the claimant's solicitor, but I shall consider my hon. Friend's request and offer further advice to him in writing.

My hon. Friend the Member for Barnsley, East and Mexborough (Jeff Ennis) talked about the minimum payment scheme. I know that solicitors have implemented their own version of such a scheme, which he acknowledges. I note what he said about payments that have already been made; I can see the merits of his suggestion and my officials will ensure that it is brought to the attention of the co-ordinating group of solicitors at the most suitable opportunity.

I do not have time to go into detail on the issue of small mines, but in most cases, small mines claimants should be able to move from interim payment to full and final settlement. I take a good deal of interest in that issue, and I may write to the hon. Member for Brecon and Radnorshire (Mr. Williams) about it.

The hon. Member for Huntingdon (Mr. Djanogly) referred to an article in *The Lawyer*. I am advised that it was wrong about what we have spent on our legal fees, and we are seeking a correction.

Mr. Djanogly: Will the Minister give way?

Malcolm Wicks: No, I shall not.

Mr. Djanogly: How much is it?

Malcolm Wicks: It was wrong.

Mr. Djanogly: How much is it?

Malcolm Wicks: There have been important contributions today; the hon. Gentleman's was not one of them. I am replying to them.

Mr. Djanogly: Will the Minister give way?

Malcolm Wicks: No. *[Interruption.]*

Mr. Edward O'Hara (in the Chair): Order. The Minister will not give way.

Malcolm Wicks: I have only a few seconds left. On the implications for the future of the scheme, we set up an inquiry into the scheme under Mr. Boys Smith, which I am sure that the hon. Gentleman has read. It made some important points, and said that if we have such a compensation scheme again, it will be sensible not to pursue it through an individual, legal, court-based process, because of the sheer cost involved. As a former social security Minister, I understand the implications of that, should we have such a scheme again.

I failed to mention only canteen workers. That is not quite my province, but I can understand why my hon. Friend the Member for Barnsley, East and Mexborough raised the issue. I shall do my best to advise him in writing. It has been an important debate, Mr. O'Hara, and we are grateful for your chairmanship.

Household Water Charges

3.59 pm

Mr. Andrew Smith (Oxford, East) (Lab): I requested the debate because I think that it is wrong that many thousands of people, especially pensioners but also many residents of tower blocks and one-bedroom flats, are paying over the odds for their water in my constituency and across the country. That scandalous situation has been drawn to my attention by pensioners in housing association accommodation in Lucas place and Remy place in Iffley village, Oxford, and by residents of one of our tower blocks. In both cases, constituents felt that they had had poor service from Thames Water, and that—

4 pm

Sitting suspended for a Division in the House.

4.15 pm

On resuming—

Mr. Smith: I was saying that the constituents who drew to my attention the position on household water charges felt that they had received poor service from Thames Water, and that advice given to them was inaccurate and incomplete.

One of the residents whose case I took up applied for a meter in May 2005 and was refused in July 2005. It was not until I took up her case in March this year that she was put on the average household charge. Her own telephone calls to Thames Water did not result in her being given clear or accurate information. Now she is on the average household charge, which saves her a bit in comparison with the water rates, but she is still paying over the odds, because the average household charge operated by Thames Water is the average of all non-business metered users and does not reflect the lower consumption that is typical of someone in her circumstances.

My review of my constituent's case and many others points to several things that need to be done. First, much clearer, more consistent rules on the operation of the water charging regime are required throughout the country; secondly, clear advice should be given to residents on the options that are open to them; and thirdly, for those who cannot have meters fitted, there is a need to have a charging regime as of right that takes account of their household type.

People who cannot have a water meter installed, whether because it is technically not possible or because their landlord will not agree to it, are eligible to choose to go on an average household charge. In most cases, that will save them money on their water charges compared with standard water rates. The savings can amount to a pound or two a week or, in some cases, more. The problem is that they have to apply for a water meter first, and then Thames Water tells them that they cannot have one but that they can go on to the average household charge.

The average household charge is badly publicised, so many people do not know about it. Water companies and landlords should be obliged to advise customers and tenants of their rights. People should be put on the household charge automatically if they cannot have a

meter but would be better off not paying standard water rates. Hundreds, if not thousands, of residents in Oxford are losing out, and there must be hundreds of thousands losing out across the country.

The water regulator has responsibilities as well. I looked on the internet for the Ofwat briefing sheet on Thames Water charges—I have a copy with me that I will gladly leave with the Minister afterwards. There is no reference in it whatsoever to people going on to the average household charging scheme if they cannot get a meter.

As the experience of my constituent illustrated, the situation is especially unfair to Thames valley water customers who are pensioners. Even if they get on to the average household charge, no account is taken of household size, so they still pay over the odds. The residents of Lucas place and Remy place in Iffley village whom I mentioned earlier do not have their own washing machines, for example, but they still pay the same average household charge as much larger families in bigger properties.

It is not just pensioners who lose out. A letter was written to *The Guardian* "money" page last year by someone living in a one-bedroom flat in London. Their water bill, which was based on rateable values, came to £246.68 for the year. They asked for a water meter to be installed and were told that that was not possible. They were put on the average household charge of £244.78—a grand saving of £1.90 a year. However, as they pointed out, the Thames Water website said at the time that the metered charge for a one-bedroom flat would be only £148 for low consumption or £175 on average, so the complainant reasonably felt that they were being done out of at least £70 and possibly £107 a year. When challenged by *The Guardian* adviser, Thames Water said that any change would be too bureaucratic and costly to administer. Some other water companies, for example Anglian Water, do adjust the charge according to the type of property. If some companies can do it, why cannot Thames Water?

The water regulator Ofwat approved the charging policies for the water companies, so it too has let down pensioners and people in small flats. To be fair to Thames Water, it obviously realised that its position was unsustainable and in an e-mail sent to me after I called this debate, it told me that it will introduce a tiered system of average household charges from 1 April next year. If that fairly addresses the situation of pensioners and others in small properties, it is to be welcomed. However, for many customers of Thames Water, the system will be qualified by the knowledge that it is an admission that they have been overcharged for years. The new charging regime must be approved by Ofwat, but given that it approved the previous manifestly unfair regime, it will need to make an extra effort to show that it is insisting on a fair system for low-consumption customers who cannot get meters.

Section 142 of the Water Industry Act 1991, a copy of which the Library has provided—I am sure that the Minister keeps a copy close by him at all times—states that, under the terms of their licences, water companies must ensure that

"in fixing or agreeing charges…no undue preference is shown to, and that there is no undue discrimination against, any class of customers or potential customers".

I am not qualified to say whether the practices of Thames Water and the other four companies that operate a fixed assessed charge at the average metered level have breached the letter of the law, but they have infringed its spirit. Pensioners in shared blocks are the class of customers who have systematically lost out. Ofwat information note 20 explains the duty that section 142 of the 1991 Act refers to in these terms:

"Any charging method should be fair. The Director has a duty to protect the interests of customers by ensuring that there is no undue discrimination or preference in a company's water and sewerage charges. This means that a customer's bill should, as far as practicable, reflect the costs which that customer imposes on the water and sewerage systems for a supply of clean water, disposal of dirty water and draining surface water from the property and the highways".

That makes it surprising to me that Ofwat has accepted the undifferentiated average household charge for as long as it has.

First, I should like my hon. Friend the Minister to provide an assurance that he will personally look into these matters and use every power at his disposal to obtain a clearer, fairer and more consistent system of entitlement for those who cannot have water meters, so that pensioners do not pay over the odds. Secondly, I urge him to find a means, and to legislate for one if there is none to hand, for water customers to have the right to get accurate information on the charging options open to them, with redress where that does not happen. Thirdly, I should like him to discuss with his colleagues who have responsibility for housing what obligation there is on landlords to inform their tenants of their rights in respect of water charges. After all, this is quite a complicated issue and someone only has to say the words unmetered average household water charge and most people's eyes will glaze over.

Lots of pensioners, tower block residents and one-bedroom flat tenants have been overcharged by hundreds of pounds for their water consumption over many years-money that many people on modest incomes can ill afford. Unlike other utilities, water is a local monopoly, so people cannot go somewhere else for their water, which places more of a duty on the Government and the House to ensure that unfair charging practices are ended and justice is done.

On an entirely different matter, I could not complete a speech today without wishing Liverpool every success in the football this evening.

4.25 pm

The Minister for Climate Change and the Environment (Ian Pearson): As always, my right hon. Friend the Member for Oxford, East (Mr. Smith) makes a powerful and eloquent case, and I congratulate him on securing a debate on this issue. We all have to pay for our water and sewerage services, and I agree that it is important we have a fair system for doing so. Assessed or averaged charges are a small but significant part of the wider issue of water charging policy, and I am grateful for the opportunity to highlight what the Government are doing in that respect.

I will briefly set out the background to why the assessed charge exists—some of that background was outlined very well by my right hon. Friend. About two thirds of properties in England and Wales are unmetered and a third are metered. That figure is

[Ian Pearson]

growing at around 2 per cent. a year, mainly through customer choice. The Government believe that metering is a fair way to charge for water, and it is the norm in most of Europe. Since 2000, all domestic customers have had the option of paying their water and sewerage bills according to the volume that they use. Thus the majority of households can have a meter fitted at no cost to themselves. Many customers would pay significantly lower bills if their property was metered, especially small and single-person households, which include many pensioners. It is important that customers know that the option is available to them, and companies should regularly publicise it.

During the parliamentary passage of the Water Industry Act 1999, we were at great pains to ensure that tenants and owner-occupiers could take advantage of the right to a meter. If a tenant is responsible for paying the charges, they are the consumer and have the right to a meter. Under the 1999 Act, tenancy agreements cannot block the right to a meter.

There is a separate issue of who the consumer is and who pays the bill, and my right hon. Friend raised that. Clearly, if someone is not paying the bill, they do not have the right to pay it in a particular way. Where the landlord is responsible for paying the bill and they recover their costs from the tenant, perhaps as part of a service charge, the landlord is the consumer. The landlord has the relationship with the water company and is the party who can apply to have a meter fitted. That can apply to various tenancies, including sheltered accommodation. I hope that has clarified who pays and who has the right to have a meter fitted.

However, as my right hon. Friend clearly said, in some homes, the cost of installing a meter would be unreasonable and it would be unpracticable to fit one. Ofwat is the economic regulator of the water industry and defines what it believes to be an unreasonable cost to be met by customers. Meters are generally installed at the boundary of a property. However, where companies need to split supply pipes between properties, excessive costs can arise—for example, in homes with shared water supply pipes or in flats. Therefore, in many cities, including Oxford, a number of households are currently unable to have meters fitted.

I hope that the number of households affected will come down as new technological solutions are developed; but in the meantime, we believe that customers who are affected and who have asked to change should not have to stay on their current unmeasured charge. The assessed charge was developed for those customers. Under current legislation, it is only those customers who are eligible, and the assessed charge is very much a fall-back option. None the less, as my right hon. Friend has clearly said, there are issues to be addressed and I recognise that.

Companies must state what their assessed charge is in their charges scheme, which is a public document available directly from companies or on websites. As my right hon. Friend said, those schemes are approved by Ofwat every year. Companies must charge their customers according to their charging schemes. The Secretary of State can give guidance on matters that Ofwat should take into account in approving charging schemes.

In 2000, we issued guidance stating that different companies may put forward different proposals for charges in specific circumstances, depending on local views, priorities and concerns. The guidance gave examples of charges that could work, that are in line with the average measured charge for a company or that bear as much relation as possible to the volume of water that a customer is likely to use. However, it is for individual customers and Ofwat to decide how they set those charges. I am aware that the types of assessed charges differ from water company to water company.

Mr. Andrew Smith: In my contribution, I questioned the variability to which the Minister is referring, because I think that there is a case for consistency, especially where pensioners are concerned. However, does not that variability make clear publicity all the more important? Residents have a right to redress and to know what they are entitled to. Often the experience of my constituents and others is that they do not get clear and accurate information when they use water company helplines, and they are therefore losing out.

Ian Pearson: I agree with my right hon. Friend that there is an issue about consumers having the information to be able to make choices. In this case, I concur that more ought to be done. Certainly, I expect Ofwat to ensure that charges are fair, and as has been outlined, its policy is that, in setting assessed charges, companies should use a reasonable estimate of the quantity of water that a type of customer is likely to use.

Ofwat used to believe that an assessed charge could be set according to the average metered charge. However, that is no longer deemed acceptable because Ofwat believes—rightly, in my view—that customers who want a meter but are unable to have one fitted will generally have a lower consumption than the average metered household.

In 2006-07, five companies set their assessed charges equal to the average metered bill. Ofwat asked those companies to review their charges, and I am pleased to say that all five companies are addressing the issue. In Thames Water's case, the assessed water charge has been based on the average metered household bill. However, this year, it has been held at the same level as last year, while the average metered bill has increased to £254. I should add also that average unmetered bills remain highest, having increased by £14 to £281.

I understand that, from 1 April 2008, Thames Water will introduce a tiered system of average household charges, which was referred to by my right hon. Friend. We all hope that that will address the issues that he raised in his speech. It should give the company increased flexibility, and allow it to reflect more accurately in its charges the average consumption of different types of household. I accept that, of course, anomalies exist in this system—there will be winners and losers—and we need to look at ways to minimise the impact of that, particularly on vulnerable customers.

Once again, I am grateful to my right hon. Friend for raising this important subject; I agree that it is worthy of further discussion. I want to reflect on the questions

that he raised in his contribution and, certainly, I would be happy to raise his points directly with the economic regulator when next I meet Ofwat in June. I agree that it would be beneficial to make the public—particularly, vulnerable pensioner households—more aware of the potential benefits of an assessed charge if they are unable to have a meter fitted.

Mr. Smith: I am grateful for the Minister's commitment to raise those matters with the regulator. I stress that, as well as pensioners—of course, they are a key priority—a lot of people in tower blocks and single-bedroomed flats do not necessarily follow such matters as closely as he does. Will he raise specifically with the regulator the question of how we get information, across the board, to those who might benefit? Obviously, in many cases, if the tiering of the unmetered charge is done properly, the gain from getting on it as of next April will be even greater. It is important that people have access to that.

Ian Pearson: There is a case for more publicity in general about the benefits of metering, particularly for a lot of single-person households, including flats, and for households where individual meters cannot be fitted. There is a case also for publicising the assessed charges regime. I am very happy to look into that, to see what more can be done to ensure that better information is out there, so that pensioner and other lower-user households can benefit.

In general, I believe that metering is the fairest way of paying for water, because customers pay only for what they use. We are looking to accelerate the rate of metering in areas of serious water stress if there is a clear resource case for doing so. We consulted recently on a proposal to do just that. In the meantime, however, two thirds of households still have an unmeasured basis of charging. In 1997-98, we reviewed methods of water charging and tariffs, which resulted in the Water Industry Act 1999, which provided, for the first time, protection against disconnection and the free meter option, but I repeat that we can do more to publicise that option.

We remain open to new ideas on charging methods and tariffs, particularly to help vulnerable households and those who struggle to pay their bills, as well as to discourage profligate and excessive use. A project is under way looking at the scope for redistributing among customers a company's burden through tariffs and charges. We are working with water companies to develop a model that will look at the distributional effect of tariffs—in particular, at the winners and losers who would be created among households. The model is looking at the effects of a wide range of measured and unmeasured tariffs.

We have set up a working group that will look at the results of that work and advise on how lower income groups might be affected by any change to the current charging system. The members include representatives from the Treasury, Ofwat, the Consumer Council for Water and water companies themselves. The group is considering how tariffs might distribute the total burden of a company's charges in ways that might address affordability and promote water saving. Both are important objectives for the Government, and we hope that that work will provide ways forward.

The Government appreciate the importance of a fair, cost-reflective and transparent charging system; that is one of the issues that will feature in the new Government water strategy, which we intend to publish later this year. It is now five years since our last review of water policy, "Directing the Flow", was published. We are as committed to its action points today as we were then, and the new strategy will ensure that those commitments are met in a way that helps us to mitigate and adapt to dangerous climate change, and to protect and enhance our natural asset base.

Our previous assumptions about an old wet Britain need to change; "predict and provide" will no longer be enough. We are moving to a new dry Britain, where we need to be smarter and more flexible about our water use. Our preconceptions and policies need to change. The new national water strategy will offer the space for that change, setting a long-term vision for 2030 and onwards. It will provide the water industry, Ofwat and the other water regulators with a timely, high-level steer on the Government's water priorities, as they embark on the next periodic review of water company price limits.

In developing the strategy, we are working closely with key stakeholders, including Ofwat. The strategy will set out a coherent and forward-looking policy framework to underpin our commitments on water availability and quality, thus ensuring that water policy can deliver the required outcomes in the short and long term.

I have no doubt that many lessons will be learned from the ongoing work on charges and charging policy. My right hon. Friend raised specific points about unmeasured charging; I accept fully that we need to get that right. It appears to me that there is room for improvement, certainly in the level of information that can be provided to households to give them the choice of whether to opt for the assessed charge. In addition, we can do more to publicise the advantages to certain customers of moving to a meter and the right to have a meter installed for free.

I assure my right hon. Friend that I am actively engaged in this issue. I shall continue to work closely with stakeholders, and I certainly intend to raise the issue with the economic regulator, Ofwat, when we next meet, which is next month.

Cycling

4.40 pm

Willie Rennie (Dunfermline and West Fife) (LD): I am grateful for the opportunity to raise this subject today. Cycling debates are becoming a bit of a habit in this Chamber. Only two weeks ago, the hon. Member for Battersea (Martin Linton) led an excellent debate on rail-bike integration. Although I do not plan to focus on that issue today, I lend my support to the campaign on it run by the Cyclists Touring Club, which is the UK cyclists organisation. It wants better standards for rail-cycle integration, including access to and within stations, parking, hire and storage facilities where appropriate, cycle carriage facilities on trains, better customer-focused reservation and ticketing systems, and better information and publicity. We need a commitment on those issues for the forthcoming rail franchise negotiations. I hope that the Minister will consider the CTC's campaign, because it would mean a significant step forward in rail-bike integration.

I am an occasional cyclist. Before I entered the House, I regularly chose to cycle in and out of Edinburgh to work. I tried various methods, sometimes going on the cycle paths and sometimes trying the main road, and often I would beat my fellow travellers who were going by car. I do have a word of warning, however. Often, those trips were not for the faint-hearted—in fact, a ride on the Oblivion rollercoaster at Alton Towers would be less scary than some of the journeys that I made into Edinburgh.

I recognise that, over the years, there have been improvements in the provision of facilities throughout the country. The national network of paths is a good development. However, some developments have been no more than tokenistic. Let us take, for instance, the local towns roundabout where I live. Lines painted down the side of the road, with no parking restrictions for those lanes, are less than useless, unless someone is particularly good at weaving in and out of the cars. However, a statutory duty on local authorities to have a cycling strategy would not be tokenistic. Perhaps such a duty could be included in the draft Local Transport Bill, which was published yesterday. It could require local authorities to acknowledge the role of cycling in delivering not only transport benefits, but benefits for the environment, health and tourism. Councils should also incorporate cycling in highway planning and design.

Yesterday, I received a picture from a constituent from the local town of Inverkeithing. It shows the new traffic island that has been built on the main road. For a bus to get past that traffic island, it has to go well into the cycle lane, which is extremely dangerous for cycle users on that busy road.

I am also grateful to the Warrington cycle campaign, which has a particularly entertaining website. It has a crazy cycle facility of the month, and there is a variety of examples, which I encourage hon. Members to have a look at. They include the 5 m-long cycle path in Manchester. In Greenwich, pedestrians are advised to look left where cyclists are coming from the right. In Lincoln, those members of the cycling community who are of the tree-hugging variety are encouraged to sweep round the side of a tree that is plonk in the middle of a cycle lane. Another example is the lane in Gateshead that is even narrower than the smallest possible tricycle that my three-year-old son would ride. There are many more examples and again I urge hon. Members to have a look at that entertaining website.

Local cycling strategies should include road safety policies that support, rather than undermine, efforts to increase use of bikes. Too many authorities think that cycling is dangerous and should be kept out of the way. Cycling strategies should also set standards for cycle parking, access, showers and other facilities in new housing developments. The strategies should be all encompassing; they should be holistic. They should encourage schools, health services, businesses and others to encourage cycling. I hope that the Minister will consider that for the Local Transport Bill.

I will briefly mention representations that I have received from the Guide Dogs for the Blind Association, which is concerned about the increasing integration of pavements and cycle lanes, which is often dangerous for people with sensory impairment. I hope that the Minister will enter a dialogue with that association and others to explore possible solutions to that problem.

When I visited Dunfermline cycling club last year, I heard a number of comments about measures that could be taken to support cycling. Maintenance cropped up several times. The members of that club were fed up with overgrown vegetation, rubbish and debris on cycle paths, as well as the recurrent issue of potholes at roadsides and on cycle paths, which can often cause a puncture and pose a danger to the cyclist.

Mr. Andrew Pelling (Croydon, Central) (Con): Is not another important consideration, particularly when we suffer very long dry spells, drains in cycle lanes? There is insufficient space and quite often drains have fallen because of the dry weather. That can pose a great danger to cyclists, particularly when some of the lanes are very tokenistic and are probably not much wider than the drains themselves.

Willie Rennie: Absolutely. Having travelled in and out of Edinburgh, I have come across many drains that have sunk. As well as having to watch the cars on the road, cyclists have to watch out for potholes, which is extremely dangerous on a busy route.

Mr. Andrew Smith (Oxford, East) (Lab): This is a very important issue. I receive many representations on it from constituents and I congratulate the hon. Gentleman on securing the debate. In the meetings that he has had with cyclists, has he taken up, and is he coming to in his speech, the question of the new version of "The Highway Code" and the concern that rules 61 and 63 in it could, if passed, enable a driver who hit a cyclist to claim contributory negligence if that cyclist had not been using a cycle lane or other designated pathway? Does the hon. Gentleman agree that further consultation of cyclists is essential before those and other parts of the code could be adopted?

Willie Rennie: The right hon. Gentleman makes an extremely important point. Indeed, he has great

foresight: I am coming to that issue later in my contribution. It has wound up a number of cyclists, who are extremely concerned about the shift in "The Highway Code" in favour of motorists and against cyclists. We need to resolve that issue.

Andrew George (St. Ives) (LD): I do not want to heap too much responsibility on my hon. Friend to deal with further issues in his comments, but research that was released only a month ago by Transport for London shows that cyclists who jump lights are safer than those who abide by the law, and as a regular cyclist in London as well as in Cornwall, I can confirm from my own experience—without giving too much away—that following the law can put one in much more danger. When my hon. Friend addresses the issue, could he bear that in mind, because research seems to be confirming that following the law makes cyclists less safe?

Willie Rennie: Of course, I would not encourage cyclists to break the law, but my hon. Friend makes a very important point. People have to be extremely streetwise when using their bike and have to have a certain form of aggression when they are cycling in order to ensure that they are not pushed off the road. Yesterday, I saw a cyclist running right through the middle of a red light when there was no need at all to run through the red light. That gives cyclists a bad name, but I recognise that abiding by all the laws makes it extremely difficult.

Ian Condie, a member of Dunfermline cycling club, made the point to me that we need to ensure that there are alternatives in place that work. He said:

"In 5 successive weeks, I suffered no less than 6 punctures due to broken glass, bits of wire, and thorns. If these paths were swept periodically, this wouldn't be a problem. For this reason, most of the cycling club members avoid the cycle path unless they are on a mountain bike, even though they'd much rather get off the main road."

The issues that stirred up the greatest emotion at my meeting with the cycling club were the relationship between cyclists and the motor vehicle, and the highway code.

Mr. Jim McGovern (Dundee, West) (Lab): Many of my constituents are also concerned about "The Highway Code". The Minister has informed me that the word "possible" was used instead of the word "practicable" in rule 61 of the draft code because it is clearer. Does the hon. Gentleman agree that the word "practicable" has a completely different meaning from the word "possible", and that it is not a particularly complex word to have in the code?

Willie Rennie: I do not think that the main point of the debate is whether the word "possible" or "practicable" is used in the code. The problem is about cycle lanes and facilities being included. The guidance used to be about routes, which are signed roads for cyclists that may or may not have facilities on them. We need to focus on the fact that cyclists are now being encouraged—almost forced—to use those facilities when they may not be appropriate. However, I take the hon. Gentleman's point that the wording is extremely important and that we must get it right.

Hon. Members will remember the deaths of Thomas Harland, who was only 14 when he died, Maurice Broadbent, Dave Horrocks and Wayne Wilkes. They were all members of Rhyl cycling club and were out for a Sunday morning ride in January 2006 when they were killed. The tragedy of their deaths stirs powerful emotions within the cycling community, and cyclists are extremely sensitive about the attitudes of some irresponsible road users towards their leisure activity. They bitterly resent reckless drivers who kill and maim but often receive only a small fine in court.

In that case, the court determined that the driver's bald tyres were not a contributory factor and that the ice on the roads was the reason for the accident. As a result, the driver received only a £180 fine. I realise that the changes in the Road Safety Act 2006 moved us in the right direction, but there are still concerns that people who are convicted of careless driving when a death is involved can receive up to five years in prison, whereas dangerous drivers who do not cause death can receive only up to two years. We are addressing and penalising the outcome of behaviour rather than the behaviour itself, and I am keen that we should address the behaviour.

Cyclist deaths were up 10 per cent. in 2005 to 148—those are the most recent available statistics—compared with 134 in 2004 and 114 the previous year. Cycling was the only mode of transport in which an increase in deaths was recorded in 2005. That is why cyclists are so infuriated by the proposed changes to "The Highway Code". They fear that the changes will do nothing to change the attitudes of reckless drivers.

The main point of contention concerns the wording in the consultation draft of the new version of "The Highway Code" that was published last year. The advice regarding cyclists was changed from saying that they should use cycle routes "when practicable" to saying that they should use

"cycle routes where practicable and cycle facilities...where they are provided".

After much protest the wording was changed to "wherever possible" in the version that was laid before Parliament on 28 March, but cyclists are still extremely concerned for the reasons that I have given. They protested in their thousands to Members of this House and to the Government, and they want further changes.

The issue is not about the wording "wherever possible", but about the fact that cycle facilities have been included, even though they might not always be the safest route for cyclists. The new code must make it clear that the use of cycle facilities such as cycle tracks is discretionary. Governmental guidance in "Cyclecraft" and in the national standards for cycle training advises cyclists that it is often safer to use the road. The Department for Transport highway engineering guidance, the "Manual for Streets", states that cycle tracks

"can be more hazardous to cyclists than the equivalent on-road route."

Hon. Members need only refer to the Warrington cycle campaign's website to see how unsafe some of those facilities are.

The new wording could lead to drivers using "The Highway Code" to make claims of contributory negligence against cyclists whom they have hit if the

[Willie Rennie]

cyclist had chosen not to use a nearby facility. The effects of the proposed changes could be significant for cyclists. Under criminal law, they could be more at risk of arrest and conviction for offences such as inconsiderate cycling. Hon. Members might know that last year Daniel Cadden was charged with inconsiderate cycling for using the road instead of crossing three lanes of fast-moving traffic to use a cycle track. His conviction was overturned in a retrial, but the revised wording could lead to more cyclists being charged and even convicted in similar circumstances.

The proposed changes could also make it easier for drivers to avoid civil law compensation payouts to cyclists whom they have injured if a cycle facility of whatever kind or quality was nearby but was not used. In such cases, it will not matter how culpable the driver was or how serious or permanent the injuries that they have caused; their insurers will be merciless in using the new wording to claim contributory negligence, as the right hon. Member for Oxford, East (Mr. Smith) said. The situation is different in the Netherlands, Denmark, Belgium, France and Germany, where motorists who injure cyclists must pay compensation unless the driver shows that the injured person did something illegal.

I am pleased to learn that there has been a constructive dialogue between the CTC and the Minister's officials and that new draft wording is being considered. I hope that a successful conclusion can be reached in time for the next edition of "The Highway Code", and I seek the Minister's assurance that the wording that is eventually adopted will not be based on the assumption that it is normally safer to use cycle facilities, because that assumption is contrary to all the evidence; indeed, the opposite is true in many situations. Not making that assumption will give cyclists the necessary discretion to make reasonable decisions not to use such facilities where appropriate.

I would appreciate the Minister's thoughts on this very important subject. This is not just about a few words; it is about our attitudes to road safety and particularly towards those who cycle.

4.56 pm

The Parliamentary Under-Secretary of State for Transport (Mr. Tom Harris): I am delighted to respond to the debate and I am grateful to the hon. Member for Dunfermline and West Fife (Willie Rennie) for securing it. I shall start by responding to some of his comments and to the comments of my right hon. Friend the Member for Oxford, East (Mr. Smith) and my hon. Friend the Member for Dundee, West (Mr. McGovern).

The hon. Gentleman said that the proposed changes to "The Highway Code" will shift the balance in favour of motorists and away from cyclists, but nothing could be further from the truth. We must remember that what we say and what we are interpreted as saying in this House carries a lot of weight. It is bordering on irresponsible to claim that the proposed changes are doing something as dramatic and as damaging as that when it is clear, as I shall set out later on, that that is not the case.

The hon. Member for St. Ives (Andrew George) came close to justifying cyclists running red lights.

Andrew George *indicated dissent.*

Mr. Harris: If the hon. Gentleman checks *Hansard*, he will see that someone reading his comments might take from them justification for running red lights.

Andrew George: Let me be clear: the fact that the Transport for London research implies that what I said is the case raises certain questions. The Government and local authorities need to look carefully at road design, because they are putting cyclists' lives in danger, particularly those cyclists who follow the law scrupulously. It is those who follow the regulations on the road who find themselves in the greater danger. Surely, the Minister must share my concerns about the conclusions in the research.

Mr. Harris: I certainly share concerns about danger to any road users, including cyclists, but I do not agree that the research suggested that it would be safer for cyclists to go through a red light on any occasion. Good practice is that cyclists should wait behind lorries, not on their inside left.

Mr. Pelling: The Mayor of London has campaigned strongly regarding irresponsible cyclists going through red lights. Does the Minister agree that pedestrians are important road users and that they can be put at risk by cyclists who do not obey the rules of the road?

Mr. Harris: The hon. Gentleman is correct. Before I continue, I want to make it clear that the Government can justify their position as being in favour of cyclists' greater use of the road network, but cyclists must be responsible.

I must remind colleagues that cycling on the pavement is also an offence under section 72 of the Highways Act 1835, as amended by section 85(1) of the Local Government Act 1888. The police will enforce the offence as appropriate, either by way of prosecutions or by the use of fixed penalty notices. Similarly, local police forces have the discretion to enforce in respect of the too-common practice of cyclists going through red lights, where they deem that approach appropriate.

My right hon. Friend the Member for Oxford, East and other Members have expressed concern about the proposed changes to "The Highway Code". However, for the hon. Member for Dunfermline and West Fife to claim, as he did, that the draft highway code forces cyclists to use cycling facilities is patently untrue. I shall discuss that later.

The benefits of cycling are well known, but they are perhaps worth repeating all the same. It not only benefits the cyclist in the form of improved health and cost saving; it has positive implications for the community in the form of reduced congestion and reduced pollution. To that end, we set up Cycling England in 2005, which has a remit to work with local authorities and others with an interest in cycling, to encourage more people to get on their bikes.

A broad range of key organisations is represented on the board of Cycling England, including Sustrans, the Cyclists Touring Club, to which reference has been made, and British Cycling. The board also includes experts in health and sustainable transport, as well as

representatives from local authorities. It has developed a programme of work to make the most of its initial annual budget of £5 million, in order to deliver its aim of

"more people cycling more safely, more often".

That aim will find unanimous support in this Chamber.

The recently published "Manual for Streets" approaches local planning with a focus on community, safety and the environment. With that in mind, it places pedestrians and cyclists at the top of the user hierarchy to ensure that their needs are considered. In addition, the Department issues a number of local transport notes and traffic advisory leaflets, and some time ago it published "Cycle-Friendly Infrastructure", which we are in the process of updating. All of those offer local authorities advice on how best to cater for cyclists.

Before I come on to "The Highway Code", may I offer some words of agreement with the concerns of the hon. Member for Dunfermline and West Fife about the maintenance and design of cycle facilities in local areas? He will accept that I do not have a remit over such matters and nor does this House. Local authorities are responsible for the design and maintenance of particular facilities. I am sure that he and his local authority are working to ensure that the decisions on design and maintenance are taken where they ought to be taken: at local level.

We also provide information on safety in "The Highway Code". I should clarify that the purpose of the code is to give sound advice and guidance to all road users on safe use of the roads, as well as to explain where the law applies. The code is intended as general guidance only, and cannot provide road users with detailed instructions or cover every eventuality. More detailed guidance can be found elsewhere—for example, through the driving test and supporting materials for car drivers, and through Bikeability for cyclists.

May I take this opportunity to emphasise that the advice on using cycle facilities in both the current and the proposed revised version of "The Highway Code" is not a legal requirement? It places no compulsion on cyclists to use cycle facilities, and it remains their decision whether or not to follow this advice. The distinction between legal requirements and advisory rules is made clear in the introduction to the code.

We consulted on proposed changes last year, and the version that has now been laid before Parliament includes many revisions following the consultation process. More than 40 changes relating to cycling were made to the draft, in response to representations made by cyclists and cycle groups. These include removing the words "where they are provided" from the rule on cycle facilities. I acknowledge that cycling organisations, particularly the CTC, still have concerns about some of the proposed wording in the code. As the hon. Member for Dunfermline and West Fife said, we have been discussing these concerns with them. I am confident that those discussions will result in a form of words that is acceptable to all sides.

The hon. Gentleman also mentioned bike and rail integration, which was the subject of a debate in this Chamber on 8 May. We continue to encourage all train operating companies to provide facilities at stations to promote more bike and rail journeys. Apart from anything else, such an approach makes good business sense. According to the Countryside Agency's bike and rail good practice guide, which is a joint publication with the Department for Transport, cycling to a station can increase its catchment area by 15 times. That assessment is based on a journey time of 10 minutes.

In addition, we are also encouraging train operating companies to work with local highways authorities to promote easier and safer access to stations. Some highways authorities are also assisting with cycle parking at stations. This is an important point, because increasing the number of cyclists who are able to cycle to the station can increase passenger numbers and revenue for the train operating companies, and help local authorities to reduce local traffic congestion.

The hon. Gentleman is right to suggest that I have signed a large number of letters to parliamentary colleagues, including him, on the subject of bikes on trains. I might have even signed one to you, Mr. O'Hara. I have signed so many that I cannot remember them individually. I believe that I have signed letters to about 646 colleagues.

We continue to encourage train operating companies to carry bikes on trains where possible. Having said that, it is important to recognise that during peak hours, when capacity is under pressure, there might be circumstances—I suspect that this is inevitable—when it is in the interests of the majority of passengers not to permit non-folding cycles on trains. I accept that that message will not be palatable to certain cycling organisations and to individual cyclists, but it would be understood by anyone who has stood cheek by jowl on a busy commuter service into London Victoria.

Willie Rennie: Will the Minister consider the CTC's proposal of having differential fare rates to encourage cycle users to use trains outside peak times and making them pay a premium if they have to use one during a peak time? That might discourage them from doing so. Would that not be a possible consideration?

Mr. Harris: I am loth to disappoint the hon. Gentleman, but it is entirely up to train operating companies to set their unregulated fares at a commercial level in order for them to exploit their own commercial market. If they wish to offer reduced fares for a particular group, that is up to them as far as unregulated fares are concerned. However, should we offer wealthier cyclists the advantage of taking their bikes on to a train where there is standing room only? We might be talking about carriages in which the number of passengers really is in excess of capacity. We would be allowing such people to take their cycles on to trains because they happen to earn more than someone along the road who cannot take their bike on the train at that particular time. If that is Liberal Democrat policy, I am delighted, but I suspect that it is probably not.

Willie Rennie: Is the Minister arguing for getting rid of all differential fares, even at peak hours, for normal passengers?

Mr. Harris: Absolutely not. It is up to train operating companies to decide on a commercial basis

[Mr. Tom Harris]

what differential fares they want, but as the Minister with responsibility for railways I am certainly not going to instruct them to introduce a set of fares to accommodate people with bikes. If I did, a wide range of other people with particular interests and requirements would look for the same sort of reductions in fares. To make a special case for cyclists would simply not be politically acceptable and not acceptable to the vast majority of train users of commuter networks.

Mr. Pelling: Before the Minister concludes, will he tell me whether it would be safe to advise my constituents who cycle that he is moving towards drafting "The Highway Code" in such a way that there would not be an increased liability on them if they were not using cycle lanes?

Mr. Harris: The hon. Gentleman may inform his constituents that the Department is confident that in the very near future we will arrive at a form of words that is less unacceptable to cycling interests than the current draft. However, we will not move from the principle that "The Highway Code" will continue to be advisory to cyclists on this matter, and that where it contains legal information, it will clearly specify that it is legal advice and a legal requirement. This unexpectedly controversial passage in "The Highway Code" is clearly advisory.

The hon. Member for Dunfermline and West Fife said that there had been a prosecution. He knows—he said so himself—that it was overturned, so the principle that this is advice and not a statutory measure was upheld in court. *[Interruption.]* Does the hon. Gentleman want to intervene again? As it is his debate, I am happy to give way if he wishes.

Willie Rennie *indicated dissent.*

Mr. Harris: I have little time left, so I shall try to make some progress. The train operating companies are best placed to know where and when pressure on services exists and they must be free to impose accordingly. However, I very much hope that any such restrictions will be carefully considered and kept to a minimum.

Last year, we gave Cycling England a remit to investigate what else we can do to investigate bike and rail journeys, and I look forward to seeing its report later this year. Part of the CTC campaign is to encourage me to include a section on cycling in our 30-year strategy for the railways. I confirm that such a passage will be included.

Question put and agreed to.

Adjourned accordingly at eleven minutes past Five o'clock.

Westminster Hall

Thursday 24 May 2007

[JOHN BERCOW *in the Chair*]

Human Trafficking

[Relevant documents: 26th Report of the Joint Committee on Human Rights, Session 2005-06 HC 1127 and the Government's response thereto, Cm 6996.]

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Alan Campbell.]*

2.30 pm

Mr. Andrew Dismore (Hendon) (Lab): Given the number of Members here, I think that this afternoon may have something of a Friday feel about it; it is the last before the Whitsun recess. However, that should in no way detract from the importance of the subject that we are to debate.

Mr. Anthony Steen (Totnes) (Con): I shall not make intervening like this a regular occurrence. However, is it not right that the Government had planned a main debate for 3 May on the Floor of the House on the slightly different subject of the trafficking of women and children? Then they changed the date; now they have changed the title. Does the hon. Gentleman read anything into that? Is it that the Government do not really want to discuss the issue, so they push it into Westminster Hall so that nobody will notice?

Mr. Dismore: Absolutely not. The debate was moved to ensure that Members had the opportunity to debate human trafficking. Owing to the impact of the local elections on the rest of the country, the debate on 3 May was changed to one about London, where there were no local elections. That is why the change took place. As far as the title is concerned, the debate was in the gift of the Liaison Committee because it is about a Select Committee report. I see nothing untoward in those changes, although they have not generated a greater number of Members than would have participated anyway—but there we are.

I am grateful for this opportunity to debate the Joint Committee on Human Rights report on human trafficking, which we published last autumn. It is particularly apt that we should do so this week, when Parliament has opened its exhibition on the abolition of the slave trade. Although the trade in people is illegal—it has been for 200 years—it continues. The problem has become more serious in recent years, and we need to do much more to stamp it out.

Before I get to the detail, I should like to pay tribute to my hon. Friend the Minister, who has engaged constructively with us on the issues; we still have a long way to go, but I do not necessarily hold him to account for that. Behind the scenes, he is working hard and along the lines that we would all like to see.

In our report, we drew attention to the scale and urgency of the problem of human trafficking, explained how it is a gross violation of human rights and made recommendations on how it can and must be stopped. Even more importantly, we made recommendations about the recognition of victims and their subsequent care. For us, the care of the victim was an even higher priority than enforcement.

I want to be clear from the outset about the nature and scale of human trafficking today. Trafficking brings to this country victims who are conned, coerced or kidnapped so that their labour or services can be exploited—often, but not exclusively, in the sex trade. Some trafficking victims travel voluntarily and are exploited on arrival. Some 40 per cent. of victims have come perfectly legally to the UK, often on the promise of a job in the service industries, for example. They find themselves in a very different form of service when they get here.

Human trafficking is far more serious than people smuggling. Although the latter is always illegal, it is voluntary on the part of the smuggled person and does not involve exploitation after arrival.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): The hon. Gentleman said that 40 per cent. of victims were here legally. Where does he get that figure from? I thought that part of the problem was that we did not know the scale, and so we did not know the proportion within it. I suppose that such figures are best guesses.

Mr. Dismore: I shall come to the question of research and information later, but that figure was among the more reliable ones that we were given as part of the evidence. I should have to work back through to find the particular reference for the hon. Gentleman. I am sure that we can sort that out after the debate if he wants.

Human trafficking is run by organised gangs and is a serious global problem; it is the second most serious international crime after the drugs trade. Its consequences can occur in virtually any community in the country and are often unknown to most of the population. My local newspaper ran a report about a

"sex trafficker from Brent Cross who kidnapped a Lithuanian mother"

who had been

"lured to the UK under the pretence that she was going to work as a cleaner in Chelsea Football Club. But after...one shift, she was snatched by sex traffickers and forced to work for a pimp in a dingy west London brothel."

The report is somewhat salacious, so I shall not read any more. The trafficker was sentenced to two and a half years in prison.

Mr. Steen: This strikes me as a suitable time to make one other comment; I should be glad of the hon. Gentleman's advice. Is he aware that, according to a parliamentary answer given by the Home Secretary, only 30 traffickers have been convicted in the past four years? What does the hon. Gentleman say about that? Is something wrong with the police, the law or the priorities? If thousands upon thousands of women have been trafficked here and there are a large number of criminal gangs, yet only 30 traffickers have been convicted, is the hon. Gentleman not slightly concerned?

Mr. Dismore: I shall come to the issue of enforcement later. The Committee's overall conclusion was that enforcement is improving significantly. Certainly, there have been more prosecutions, but I would not like to say how many are still in train.

[Mr. Dismore]

Although the media and, unfortunately, politicians sometimes focus on the prurient side of the sex trade when talking about trafficking, we should not overlook the other victims of trafficking. Children are frequently trafficked for domestic service through a family or community link. In some African countries, it is a cultural practice for families to place their children with better-off relations who provide food and education in return for domestic chores. Children are now sent to the UK on a similar basis, but they are woefully and brutally exploited. Some are used for benefit fraud, while others are enslaved in the catering business. Some children are sent as a result of the debt bondage of their families in the source country. Children are trafficked from Vietnam to till the plants in cannabis-growing houses. Perhaps worse, some arrive underage for forced marriage or other forms of sexual exploitation.

Trafficking for labour can be for domestic servitude or agriculture, for example. The evidence from Kalayaan, an organisation that works for migrant domestic workers, paints a graphic picture of violence and abuse. It told the Committee that "well over half" the migrants that it had seen

"had had their passports withheld by their employer".

Kalayaan said that the migrants are subject to psychological abuse

"and they are constantly being told"

that

"they are an animal and they are stupid, and they cannot escape".

They are often detained in a house for years. Kalayaan's evidence went on to state:

"More than one-third were not allowed to leave the house, and over half...did not have their own room...which meant they were sleeping in a public space...sometimes in the children's bedroom"

and sometimes

"under the kitchen table".

That is a pretty horrific picture, but the new visa rules will make things even worse, because they will prevent migrant workers from changing employer. That will tie them to abusive employers and leave them with no realistic hope of escape. I urge my hon. Friend the Minister to talk to the Minister for Immigration and Asylum to see whether that pernicious, so-called reform can be urgently reviewed to deal with the problem.

Bizarre stories emerge from the agricultural sector. The TUC told one story about Portuguese workers who are legally in the UK pretending to be illegal Brazilians, who were themselves pretending to be legal Portuguese so that the Portuguese workers could be exploited by an agriculture employer by working for rather less than the minimum wage. That was a rather bizarre series of events, but it is not necessarily unusual.

The UK is principally a destination for the victims of human trafficking, but trafficking does occur within the country too. The point is that the true scale of the problem is unknown. In 2003, it was thought that there were some 4,000 victims of trafficking for prostitution in the UK. That number is generally now accepted to be far too low an assessment. Ten years ago, one estimate showed that 85 per cent. of women working in brothels were born in the UK; it is now suggested that 85 per cent. are from overseas. There are no reliable numbers at all as to the extent of children trafficking or trafficking for labour exploitation. Victims might come from eastern Europe or, especially as regards children, Africa and south-east Asia.

Save the Children and ECPAT—End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes—uncovered what they described as the tip of the iceberg: 80 cases involving children in only five of the 400 local authorities. Of those 80, no less than 48 had disappeared from local authority care, where I hope that they had been rather better looked after. Whatever the numbers, each victim is a real life and represents a vulnerable person who has been subjected to a serious and repeated crime of the most brutal and inhumane kind.

The United Kingdom has obligations under the European convention on human rights and international treaties to prohibit and prevent trafficking and related acts, to investigate, prosecute and punish traffickers, and to protect the victims of trafficking. On enforcement, the Committee was impressed by the growing effectiveness in tackling organised crime and the establishment of the UK Human Trafficking Centre last year. That built on the success of Operation Pentameter and was a major step forward. Between February and June last year, Operation Pentameter resulted in 232 arrests and the rescue of 84 victims. The work of the Metropolitan police's clubs and vice unit, through Operation Maxim, is also to be commended. Operation Paladin Child, which was involved in identifying and rescuing unaccompanied minors at Heathrow, was also successful. It is clear that the Serious Organised Crime Agency also has a key role to play in tackling organised crime.

Since we published our report, the Government have published their human trafficking action plan—an initiative that I welcome. The publication is a positive development, although, as one would expect, I want to press my hon. Friend the Minister on a number of points that arise from it. The action plan recognises that all forms of human trafficking will be part of core police business. The Government recognise that they need to do much more, both on research and in the provision of services to forced labour victims. The plan includes a pilot project.

A commitment has been made to introduce a national identification and referral mechanism, in line with Organisation for Security and Co-operation in Europe guidelines. Trafficking for sexual exploitation is recognised as a form of gender-based violence. Services for trafficking victims will be expanded; they will be provided by existing service providers experienced in supporting vulnerable women.

There is a "but", however. The action plan, like the draft plan, lacks a degree of detail, particularly with regard to the vital issue of reflection periods and residence permits, to which I shall refer later. It also lacks definitive commitments on funding for support and accommodation, beyond the current limited provision for victims through schemes such as the POPPY project. The action plan continues to focus on immigration control measures as a means of preventing trafficking. That concern was also raised by the Joint Committee with regard to the draft action plan. We said:

"Trafficking should be seen not merely as an organised immigration crime, but also as a grave violation of fundamental human rights. The human rights of victims should be at the core of the UK response".

The timetable for the implementation and ratification of the convention—I shall refer to it later, too—has not been made public through the action plan. To ensure that the victims of trafficking are guaranteed their convention rights, those rights must be made legally binding, so that authorities can be held directly accountable for their operation.

Research is important. We urged the Government to conduct in-depth research on the nature and extent of trafficking in the UK. The extent of trafficking for labour is particularly hard to gauge, so I welcome the Government's acceptance that more research is needed. Several agencies are likely to be in a position to gather information on human trafficking, including the Human Trafficking Centre, SOCA, the Child Exploitation and Online Protection Centre, the Gangmasters Licensing Authority, and the Executives of the devolved Governments. There might well be others.

I should be grateful if my hon. Friend the Minister could tell us who will co-ordinate the required work. When does he think that we will have a reliable estimate of the scale of the problem? Most importantly, will the research be published, as we recommend?

The Committee also argued that the Government should work closely with the countries from which victims of human trafficking are drawn. We need to reach out to those who are at risk of being trafficked, as well as to members of civil society in those countries, who could effectively prevent trafficking in the first place. The work that the Italian Government are doing in that respect is very much worthy of study, as it appears to be successful in the prevention of the trafficking of victims from Albania and Romania, for example.

The Government action plan states that the UK supports a number of projects aimed at tackling trafficking at source. Perhaps my hon. Friend the Minister will explain how that work is co-ordinated in government and how its effectiveness is assessed. A piecemeal approach is unlikely to be successful. The Committee also recommended an increase in development projects to tackle the root causes of trafficking; the Government agreed. Will my hon. Friend outline how that work will be taken forward, and what steps the Government propose to take to work with our international partners, such as the International Labour Organisation?

We stressed the importance of reducing the demand for trafficked people in the UK. The Government have acknowledged that, and have asked the Human Trafficking Centre to conduct more in-depth research and work to raise awareness of the demand for trafficked people in the sex industry as well as other industries. Legislation to punish those who hire migrants illegally—particularly the Immigration, Asylum and Nationality Act 2006—has recently been implemented. Does my hon. Friend think that enough is being done to reduce demand for trafficked labour? Will the Government report regularly to Parliament on the success of those measures? They might report the number of employers who are penalised for hiring illegal labour, for example. Will they pay particular attention to the fate of those domestic workers who are hidden from view and any enforcement action that is taken?

We called for employers of trafficking victims to be named and shamed. Will my hon. Friend confirm whether the Government have reached a view on that? What are his ideas on dealing with demand reduction, particularly regarding trafficking for sex and the trafficking of children?

Mr. Edward Garnier (Harborough) (Con): Did the hon. Gentleman's Committee conclude that most of the illegal employers of those who had been trafficked were British citizens about whom the police and other authorities had good information, such as addresses? Alternatively, were a number, if not the majority, of those illegal—or immoral—employers themselves in breach of this country's immigration and working rules?

Mr. Dismore: The short answer is that we simply do not know. We did not form a particular view on that point, primarily because we know so little about the extent of trafficking for labour in the first place. One can form a view from anecdotes that one reads in the newspapers, but all Members of the House accept that newspapers are rarely accurate on issues related to immigration, migration and so on. One has to take what they say with a pinch of salt, and one certainly cannot draw any statistical conclusions from them. That is why we recommended urgent research to establish the scale of the problem. That research could examine issues such as those that the hon. and learned Gentleman raised, and consider who the perpetrators, as well as the victims, of such crimes are, and the scale of the problem.

The thrust of our report was concerned with the victims and the need for a victim-centred approach to rebalance the way in which we deal with the issue. We saw inconsistencies around the country, and a lack of training and knowledge among enforcement agencies. Victims are all too often seen as criminals themselves or illegal migrants, not victims of horrific crimes such as multiple rape and slavery, which they are. Far too many were taken straight to removal centres for deportation. The discretionary, case-by-case approach operated by the Home Office gives no guarantee against arbitrary removal. Indeed, removal could take place while the victim was deciding whether they were able to, or wanted to, support the prosecution of their trafficker. The fear and trauma suffered by victims is underestimated.

During the course of our inquiry we visited the POPPY project, not one of whose clients had been given asylum on the immigration authorities' first decision, although many appeals succeeded. At the project, I met a Ukrainian woman whose trafficker had been convicted, served a lengthy jail sentence and been released, yet the victim was still awaiting a decision on her asylum claim. That cannot be right. We identified a poor standard of support for children and a lack of training and knowledge among local authorities, which we felt was in urgent need of review.

We recommended a series of proposals to provide the victim-centred approach that we advocate. The scale of the problem must be researched and the research published, as I have said. There must be better training

[Mr. Dismore]

of the police, the immigration service and local authorities in the identification of victims and potential victims. We need better warnings posted in airports. Much more work needs to done to identify unaccompanied minors at risk, because they are often unaware that they are actually being trafficked. A more consistent approach is required. We have to stop treating the victims as criminals or immigration offenders, and end the risk of arbitrary removal that comes from the case-by-case approach.

Non-governmental organisations such as the POPPY project need much more in the way of resources. We think that they should have double the number of bed spaces, rising from 25 to 50. They need long term-security of funding, which is of equal importance. Basic support and advice, especially legal advice, is required by victims to pursue effectively applications for residency.

Mr. Steen: The hon. Gentleman mentioned "more beds". It is unfortunate that when we talk about the trafficking of women, we talk in terms of beds. We need more places, perhaps. Does he agree that we need more places not only in London, but all over Britain? Does he also agree that the women in such places need some form of identification—not a passport, but papers—to give them legitimacy? I think that the report mentioned that.

Mr. Dismore: The hon. Gentleman makes a fair point, and I will deal with such additional issues later. He is right that we need support throughout the country; I will make a couple of recommendations in that regard shortly.

Cultural mediators, who have been so successful in Italy, provide a clear role in helping to bridge the gap between the victim, the NGOs and the authorities. We need to see more of that here. We must help victims reintegrate in their source countries to overcome the risk of re-trafficking, if they wish to return. I am sad to note that some 20 per cent. of POPPY project clients have been re-trafficked. We heard of one poor woman who had been re-sold by her family within only three days of her return to the source country. Vietnamese children are at particularly high risk of re-trafficking, and much more work must be done on the education of potential victims, who are extremely vulnerable. We must provide arrangements to enable victims to come to terms with what has happened to them, through counselling and support of that nature.

The main conclusion of our report was that the Government need to focus more on the victims of trafficking. Legislation should treat trafficked labour as victims of crime, not as offenders under immigration law. I welcome the Government's confirmation that victims of trafficking should not now be charged with immigration offences and that the Crown Prosecution Service can discontinue cases where appropriate. I hope that that translates into practice. Will my hon. Friend the Minister say whether any such cases have been discontinued, and whether since that announcement any people have been charged?

There have been some improvements to the law to help deal with human trafficking, most recently those proposed in the UK Borders Bill, but much more can be done to protect victims more effectively through legislation. We recently considered the Bill and proposed amendments that would help the victims of trafficking. They included, where there are reasonable grounds to believe that a person is a victim of trafficking, not removing that person until the process of identifying whether they are a victim is completed. We recommended a recovery and reflection period of three months for victims, during which time no immigration enforcement measures should be taken against them. That repeated the recommendation in our report.

On a point that the hon. Member for Totnes (Mr. Steen) raised, we recommended that renewable residence permits of up to six months' duration should be granted to victims of trafficking. Will my hon. Friend the Minister confirm whether the Government share our view that more needs to be done protect victims? Does he agree that such changes to legislation could make a big difference, and will the Government take on board our proposals for amendments to the UK Borders Bill as it proceeds through Parliament?

The new UK Human Trafficking Centre has the potential to play an important role. It provides a 24-hour contact point for front-line staff to help identify victims. We would welcome more information about how it is operating in practice, particularly on victim protection.

Approximately 25 per cent. of the Serious Organised Crime Agency's activities are devoted to organised immigration crime, including trafficking. However, we expressed concern about the lack of adequate training for front-line staff in dealing with human trafficking, and there is also an urgent need to improve the rate of prosecutions, as the hon. Member for Totnes indicated in an earlier intervention. Will my hon. Friend the Minister indicate how the Government are dealing with those problems, and in particular how they will turn the large number of arrests last year into prosecutions?

The voluntary sector has a key role to play. The POPPY project, which I have mentioned several times, helps with accommodation, counselling, medical assistance and education for women trafficked for prostitution.

Mr. Steen: I cannot promise that this is my last intervention, but it will be very nearly the last. The hon. Gentleman might be able to help me and the Chamber. Am I right in thinking that the POPPY project, good work though it does, is virtually the only non-government agency that gets public funds for its work on victim protection? I think that ECPAT gets a bit, but am I right in thinking that the Government do not give very much for victim protection, outside what they do themselves?

Mr. Dismore: I believe that some work is being done in Scotland, to which I shall refer later, but perhaps it is not through an NGO. As far as interventions are concerned, the hon. Gentleman has paid a huge amount of attention to the subject and has a huge interest in it, so I am happy for him to intervene whenever he wishes. He has a lot to offer the debate.

The Government's action plan states that they have provided the POPPY project with an additional £2.4 million so that it can continue its work until 2008.

That is only next year, so what will happen afterwards? Can it and any similar projects be funded more securely in the future?

We thought that the criteria for accessing the POPPY project were somewhat strict—I shall return to that point later—as a consequence of the way in which it was set up, funding restrictions and other rules to which I shall refer. What help can my hon. Friend the Minister offer to other victims of trafficking, and will the Government seek to broaden the scope of the POPPY project or help to establish a broader range of projects? I ask that particularly in the context of the remainder of the UK. The Scottish Executive now work with Glasgow city council to support a similar project, but I am aware of no plans for implementation in Wales or Northern Ireland. Will my hon. Friend say what is being done to assist victims there?

The Committee recommended that the Government sign and ratify the Council of Europe convention on action against human trafficking, which will help to ensure that our determination to stop human trafficking is matched by a commitment to meet the highest international standards, especially for the protection of victims. The convention is a comprehensive treaty and recognises trafficking to be a grave violation of human rights. It focuses mainly on the protection of victims and the safeguarding of their rights, and it embodies the relevant international human rights standards and applies to all forms of trafficking.

Article 10 of the convention deals with the problem of identifying victims, with special reference to child victims. Article 10(3) states that if the age of a person is uncertain, the state should proceed as if that individual were a child and they should receive the special protection of the convention on the rights of the child. Article 10(4) refers to the need to appoint a legal guardian in the cases of children to act in their best interests, to ascertain their identity and nationality, and to identify their family in the source country.

Article 12, on assistance to victims, requires the provision of secure accommodation, medical assistance, interpretation, counselling, assistance with judicial proceedings and, for children, education. Article 13 requires a recovery and reflection period of at least 30 days—we think that that is far too short and recommended that it should be longer—to enable the victim to decide whether she wants to co-operate with the prosecution. No deportation should take place during that period. Article 14 provides for renewable residence permits, which should take account of the child's best interests if the victim is a child.

To meet our obligations under article 10, the Government should adopt a UK-wide system of mandatory procedures for the identification and referral of trafficked persons, in line with the recommendations of the OSCE. To comply with article 12, the Government should ensure that all trafficked persons receive access to appropriate safe and secure accommodation, with 24-hour help available. Support is also needed from staff who are trained to work with victims of violence against women, and from experts in child protection. Such support and services should be given by registered providers, who should be screened through a Home Office accreditation scheme to ensure compliance with minimum standards for the provision of care, and should be subject to monitoring.

There should be a prohibition on the detention of vulnerable people, including those who are suspected of being, or have been, trafficked. On article 13, we recommend that the UK Government provide trafficking victims with a three-month reflection period. We should also research the medical needs of victims of trafficking and best practice. To meet article 14, the Government should grant renewable six-month residence permits not linked with co-operation with law enforcement efforts against traffickers, in line with best practice such as that in Italy, where trafficking victims are granted such permits.

The CPS should expand current guidance on non-prosecution for all victims of trafficking in relation to any unlawful entry or residence, documentation offences or unlawful activities that are a consequence of someone's situation as a trafficked person, to comply with article 16 and to ensure that victims are not punished.

I think that my hon. Friend the Minister was rather embarrassed when giving evidence before the Committee about the Home Office's concerns about the pull-factor, suggesting that if victims were cared for properly it would encourage them to come to the UK illegally. He did not really look me, as the Chairman of the Committee, in the eye when he made those statements. We were not particularly impressed by them, and stated in the report:

> "It is not credible to suggest that a woman would voluntarily submit to indeterminate sexual slavery of the most brutal kind for the purpose of obtaining UK residency."

I suspect that most people would not dispute that. I am pleased that since then my hon. Friend seems to have overcome his embarrassment, and that my right hon. Friend the Prime Minister has expressed his intention to sign the relevant convention, joining the other 29 Council of Europe member states that have done so. Will my hon. Friend confirm whether the UK has now signed on the dotted line and, if so, the date when it did so? That is still not clear.

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): I can confirm to my hon. Friend that we signed the Council of Europe convention on 23 March. I hope that that is of help to him.

Mr. Dismore: It is and I am grateful for that intervention, but it brings me to the next question, which is, when are the Government going to ratify it?

Mr. Steen: I say to help the Minister and to assist the record that the convention was signed by the Home Secretary on that day.

Mr. Coaker *rose—*

John Bercow (in the Chair): Order. We cannot have an intervention on an intervention.

Mr. Dismore: I am grateful for that intervention. I give way to my hon. Friend the Minister.

Mr. Coaker: I say to the hon. Member for Totnes (Mr. Steen), through my hon. Friend the Member for Hendon (Mr. Dismore), that I know that, because I was there.

Mr. Dismore: I am pleased that that is all cleared up, but it brings me to the question of when the Government will ratify the convention. Obviously, ratification is rather more important. Only three more ratifications are needed for the convention to come into force throughout Europe, and I hope that before too long this country's ratification will be one of those three.

Finally, I turn to child trafficking. Much more needs to be done to identify victims of child trafficking who come into the UK. I welcome the Government's intention to ratify the optional protocol—it deals with the sale of children, child prostitution and child pornography—to the UN convention on the rights of the child by summer 2007. It will enhance international co-operation on extradition, for example, and ensure that child victims are given appropriate support during and after criminal proceedings. Can my hon. Friend the Minister confirm when the Government expect to ratify the optional protocol?

The UK has entered reservations against the convention in respect of immigration and nationality issues. The Joint Committee on Human Rights has repeatedly called for those reservations to be withdrawn because they have the potential to weaken our focus on the protection of children, including child victims of trafficking. I urge my hon. Friend to reconsider the Government's position and to discuss the issue with his colleagues.

The Government should withdraw the exemption of immigration services from section 11 of the Children Act 2004 as well, thereby ensuring that both the UK immigration service and the Home Office immigration and nationality directorate are included under that section, which places a statutory responsibility on Government agencies to take responsibility for the safeguarding and welfare of children while discharging their duties. Immigration services are the only significant statutory body to be excluded from the duty to safeguard children.

Operation Paladin Child, which dates back to 2003, has given some scoping information on the problem. It identified the issue of unaccompanied children, to which I have already referred. There is a need for a multi-agency response to child protection. The airlines' code of practice is a good example of how that can be done. There is a general obligation on local authorities to promote and safeguard the welfare of children under the 2004 Act, but children under 18, for example, are not eligible for the POPPY project under the present rules. There needs to be a more consistent and centred approach.

West Sussex county council operated a safe house for 16 and 17-year-old trafficked girls, but by April 2004—after a few weeks—it had closed due to lack of referrals. Presumably there were not enough trafficked girls in Sussex, but I suspect that there would have been enough throughout the country. It might have been better, for example, if the girls had been able to attend the POPPY project, which is not allowed to take people under 18, as I said. Support for trafficked minors is generally of a poor standard, and young women can disappear without receiving any support.

Trafficking can have a devastating impact on children. They are separated from their families and are in danger of losing all contact with them. They are at risk of losing their identity, as traffickers often destroy their papers and change their names. On arrival, they are likely to experience violence, abuse and dangerous working conditions that are harmful to their health and well-being. They are at risk of long-term damage, including from HIV/AIDS. Their immigration status means that they receive little or no protection under the law and may have difficulty accessing basic education, health care and social services to address their specific needs.

There is a general lack of recognition of trafficked children's special needs, particularly in the immigration and asylum process. There is a need for an urgent review of the issue. Generally, local authorities have not developed the necessary expertise to deal with the problem. The hon. Member for Totnes has taken a particular interest in the matter and may say a little more about it later, so I shall not develop that theme now.

My Committee's report on human trafficking sets out the work that is now required to tackle this insidious international crime and, in particular, to help victims. Of course the Government must pursue the criminal gangs that organise trafficking, but the need to help and support victims, and to treat them with compassion, must not be overlooked. I am sure that all of us in the House are united in our abhorrence of human trafficking.

In his statement marking the 200th anniversary of the abolition of the slave trade, my right hon. Friend the Prime Minister called the bicentenary

"a spur for us to redouble our efforts to stop human trafficking and all forms of modern slavery."

I commend his recognition of the fact that while we reflect on the past, we must also acknowledge the unspeakable cruelty that persists in human trafficking.

The Government have responded positively to our report, but much more work still needs to be done. My Committee will continue to scrutinise the Government's policies and action on human trafficking, and we expect to report to the House again in due course on the progress in implementing the action plan. This is a serious issue that requires serious consideration and debate. I compliment my hon. Friend at the end of my contribution, as I did at the beginning, on the positive response that we have received so far from the Government. While I am pressing him for more, as he would expect, I would not like that to detract from the positive contribution that he has made.

3.4 pm

Mr. Anthony Steen (Totnes) (Con): It is a pleasure to address the Chamber with you in the Chair, Mr. Bercow, on the Thursday before the Whitsun recess. I know that this is a subject in which you have taken particular interest. I do not know what the rules of Westminster Hall are, but if we have a bit of time when we run out of speakers, I would be happy to take the Chair for a short while so that you could make an address from the Floor. That would give you an opportunity to say the things that you would like to say but cannot say from the Chair.

This is not a party political issue. Hon. Members in this Chamber today work very well together—they work as a team. I particularly wish to pay tribute to the hon. Member for Hendon (Mr. Dismore), who has worked tirelessly on the issue. If I am interested in it; he is very much an expert on it. We all pay him considerable tribute for his continued efforts in this field.

I would also like to thank the Minister for being such an agreeable Minister. It is always a pleasure to deal with him. I do not make much progress, but it is always a pleasure.

I wish to concentrate on children, child trafficking and child asylum seeking. The hon. Member for Hendon kindly indicated that I would speak on those matters. We agreed that it would be appropriate for me to do so. My focus is on one specific point to do with children in the report of the Joint Committee on Human Rights on the treatment of asylum seekers, which was published on 30 March 2007.

The UK has been transfixed by the horrific disappearance of three-year-old Madeleine in Portugal. Millions of pounds have rightly been offered by way of a reward to find her, and thousands of police all over Europe are looking for her. She has a devoted family who provide dedicated round-the-clock support for each other. There are lawyers involved, and everyone is desperate to find her.

In contrast, ECPAT, which works to end child prostitution, child pornography and child trafficking, and which co-ordinates work done by Anti-Slavery International, Save the Children UK, UNICEF, the Children's Society, World Vision, the Jubilee Campaign and the Body Shop Foundation, in a report published in January highlighted the fact that in three regions of England—the north-west, or Manchester; the north-east, or Newcastle-upon-Tyne; and the midlands, or Birmingham, Coventry and Solihull—48 victims of child trafficking disappeared last year from social services care. They just disappeared. Sadly, not only did they disappear, they have never been found. Not one Madeleine but 48 children. No massive rewards have been offered for them to be found, as far as I know. I do not know how many police, if any, have looked for them—the Minister might know, or he might have been told whether there is a massive police hunt for 48 missing children—and whether the media had a small paragraph in a Sunday newspaper, I believe, saying that 48 children had disappeared, and how careless the local authorities were. The children are missing, and I find the dramatic contrast between the worldwide search for Madeleine and the plight of the 48 missing children in Britain extraordinary.

It is true that in Africa and the far east children go missing daily. They are viewed as commodities that can be exploited, traded and dispensed with, and nobody bothers very much about them. The 1989 United Nations convention on the rights of the child, which the UK ratified in 1991, obliges the Government to protect children from such exploitation and abuse. How do the Government square the fact that they have signed up to the convention with the fact that 48 children have been lost in three local authority regions? Heaven knows how many more children are missing. The indifference of the Government, the media and the police to that scale of missing children defies belief.

The UK was one of the few countries, if not the only country, to put in a reservation on immigration to the convention. If children were not disappearing, and if unaccompanied asylum-seeking children who arrive in this country were properly cared for, I doubt whether the Joint Committee would have asked the Government to lift the reservation. The Committee asked them to lift it because such things are happening. It felt that if the Government were to lift the reservation, they would not be able to allow such things to happen.

There is a serious question as to whether the time has come to lift the reservation and show the world that the welfare of the child remains of paramount importance in Britain and their best interests prevail. We might say, "Oh, we believe that children are of paramount importance," and we do, of course, care about them and have good child care services, but those are just weasel words when we have lost 48 children. It is a tremendous indictment of the Government and the way in which they view themselves that they allow the ECPAT report to go unpursued day after day.

It is worth noting that the Government signed the optional protocol to the United Nations convention on the rights of the child on the sale of children, child prostitution and child pornography of 2000, which is intended to protect children from exploitation, but that, again, they did not ratify it. We are good at signing things, and the Home Secretary and the Minister were at the signing of the optional protocol—indeed, there was a picture of the pen signing it—but nothing happened, and there was no ratification. I would like to know about the ratification, because that, not the signing, is the test.

The Home Office's current reform proposals for unaccompanied asylum-seeking children in the Minister's consultation paper, which is entitled "Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children", will make it impossible for the Government to ratify the Council of Europe convention—the two things are totally at loggerheads and oppose each other. The reason is simple: the reforms proposed in the consultation paper do not provide even the most basic protection measures required by the convention, such as the provision of representation by a guardian ad litem or child protection until the child is 18. If implemented, the consultation paper would not allow the Government to sign the Council of Europe convention, because the consultation proposals do not provide for the basic requirements that the convention insists on for children under 18.

Does the Minister agree, for example, that by enacting the enforced returns programme set out in the consultation paper, under which we would send failed unaccompanied child asylum seekers back to war-torn countries such as the Democratic Republic of the Congo and Angola, we are removing safeguards for trafficked children, rather than protecting them, as we agreed to do when we signed the Council of Europe convention and adopted the national action plan?

Let me explain why the Government do not view the welfare of children from abroad as being of paramount importance—they say that it is, and I am sure that they believe that it is, but that is not the case. The Government's approach is causing the disappearance of trafficked children and those applying for asylum. Indeed, rather than encouraging children to help the authorities investigate and prosecute traffickers, the bureaucracy and formalities tend to make children fear for the future and therefore to go to ground. Such children have no rights of identity, no passport and no guardian ad litem. Nor are they are helped to shop their traffickers; if they were, it would not be the case that only 30 traffickers had been convicted in the whole country in past four years.

[Mr. Anthony Steen]

Trafficked children regularly fail to qualify for asylum because of the limited definition of refugee law. With the Government proposing no residency permit option, such children are categorised as failed unaccompanied asylum-seeking children when they are nothing of the sort. In their response, the Government say that they

"are committed to the welfare of children"

and that they

"do not believe that the reservation"—

the UN reservation—

"leads to neglect of their care and welfare. Children who have been identified as having been trafficked are accommodated by local authorities Children's Social Services under the requirements of Section 20 of the 1989 Children Act. We consider that there are sufficient checks and balances in place to ensure that children receive an adequate level of protection and care whilst they are in the United Kingdom."

The Home Office reform programme says that accommodation and support arrangements depend on an assessment of need, which means that any model for service provision must contain the flexibility to deal with individual circumstances. It says that a local authority will consider a child to be in need of support under section 20 and that the child will be accommodated in residential homes or foster care, which, it is widely accepted, is likely to be the appropriate option for those who enter the care system when they are under 16. Section 20 does not restrict the age of the child to be supported. On the contrary, section 20(3) states:

"Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation."

Under section 17 of the Children Act, children between the ages of 16 and 17 are provided with support, such as unsupported accommodation in bed and breakfasts, hotels and semi-independent housing.

There we have it. Those hon. Members who are here will be interested in that distinction. Section 20 says that a child must have close care. They must be in the care of the local authority, in residential care or foster care, and they should have adequate support and be assisted in every way. That is proper support. However, section 20 children are the very ones who have disappeared, according to the ECPAT report. They are not section 17 children—those who are probably over 16, who live in hostels, bed and breakfasts and semi-independent housing and who are much more at risk. The children who disappeared were actually under the care of local authority social services. That is why I take this issue so seriously, and I wonder whether the Minister would like to look into exactly what happened to each of those children.

Is what I say about sections 17 and 20 the case? The pressure that the Home Office places on local authorities to return unaccompanied asylum-seeking children is causing social services to place vulnerable children, many of whom have been trafficked, in inappropriate section 17 accommodation facilities and removing all rights to special protection. Hon. Members might say that it makes little difference whether children are under section 17 or section 20, because those under section 20 disappear and those under section 17 are vulnerable to trafficking. What I am saying is that the Children Act is failing such children, whether they have been trafficked or whether they have applied for asylum.

Only section 20 can really provide the framework to safeguard child victims of trafficking and afford them the special protection measures in the Council of Europe convention, which we have signed but not ratified, and which will be in total conflict with the document that is out for consultation until the end of the month. No doubt the Minister will discuss with his legal team whether he can proceed with the consultation paper recommendations without flying in the face of the Council of Europe convention recommendations.

The Government say that they are committed to the welfare of children and do not believe that the UN reservation has led to the neglect of child care and welfare. They say:

"Children who have been identified as having been trafficked are accommodated by local authorities Children's Social Services...We consider that there are sufficient checks and balances".

That is all well and good, but as I have said about three times—I will keep on saying it and I have said it on the Floor of the House, too—48 children have disappeared in three local authority regions, according to one report. If I were the Minister, I would have asked for the details of each of those children. I would have asked the police what inquiries they had made. I would be reading the riot act to the local authorities that had lost those children. Has the Minister been doing a little reading of the riot act?

We have been waiting for a report giving us statistics to corroborate the ECPAT report, and the Government promised last year that the Child Exploitation and Online Protection Centre—I must say that the names the Government choose require very clear articulation and are real tongue-twisters—would publish a report last August. Like everybody else, I was waiting for it. Indeed, I came back from the country to get it, but it did not come. We have been waiting and waiting. The date slipped. I think that we were then told—the Minister will put me right if necessary—that it would come at the end of the year. In a written answer on 5 February 2007 the Home Office told us that

"the report will be published and therefore made available to Parliament by April 2007."—[*Official Report*, 8 February 2007; Vol. 456, c. 1085W.]

I therefore decided to put an oral question to the Home Office on 30 April. I said that in his parliamentary answer in February the Minister—the same one who is here, who I hope will be a Minister for a little longer—

"said that he would publish the research report on the exploitation and abuse of children in this country by a funded organisation, the Child Exploitation and Online Protection Centre—CEOP—and that that would give us an idea of the nature and scale of child abuse and exploitation. He undertook to publish it by April."

I then asked:

"Will he produce the rabbit out of his hat this afternoon?"

The Minister answered:

"I am sorry to disappoint the hon. Gentleman"—

although he has done so on a number of occasions—

"but I cannot produce the report that he mentions today. However, the report that CEOPC is in the process of producing is extremely important. I know that my right hon. Friend the Home Secretary will look at it in due course, and we will publish it as soon as possible."—[*Official Report*, 30 April 2007; Vol. 459, c. 1229W.]

It is now nearly the end of May. I wonder whether the Minister knows what has happened to it. I want to know whether many more children besides the 48 children whom I have mentioned will be disappearing or have disappeared, or whether the report will help us to find out what is happening. The longer we are without it, the more difficult things will be. Will the Minister help the House this afternoon to know when we can expect the report? I certainly do not want to come back from the long recess in August, a year on, and find that it has not been produced.

We know from a parliamentary answer of 17 July last year from the Department for Education and Skills that 50 children disappeared from local authority care in 2002-03; that 70 disappeared from local authority care in 2003-04; and that 90 disappeared from local authority care in 2004-05. I do not know whether they were section 20 children or section 17 children, but those were the figures given. Heaven knows what the current figures are. Children who are accommodated by local authorities are proved to be far from safe. If as extensive an outcry had gone up over the children missing in this country as that which has understandably gone up over Madeleine, they might well have been found. When CEOP produces its report we shall get a better idea of the scale of the problem and the number of missing children. However, that will not change the situation, which is already pretty bad.

The Home Office consultation paper—the Minister's consultation paper—states that

"targeted and protective services, including access to experienced legal advisors and specialist health care can be further improved upon."

He can say that again. Will what is envisaged really give children a better deal, and how will it work? Presumably there will be massive legal aid, medical and other costs, since 17,100 case decisions were made on applications in the past four years. That figure represents unaccompanied asylum-seeking children. I wonder whether the Minister has any idea of the cost of all that, and of which Department's budget accommodates it.

Unaccompanied asylum-seeking children, as well as victims of child trafficking, disappear from social services, I believe, for one reason only. They know that they will be deported to their country of origin as soon as they reach 18. Unaccompanied children who go missing from social services are very vulnerable to exploitation by traffickers in the UK, as they usually end up in the streets, and have nowhere to go. Victims of child trafficking will be moved straight back into the hands of their traffickers when they disappear from social services, because they simply have no other option. However, under the consultation paper, children will receive limited leave to remain not until they are 18, but only until they are 17 and a half. Why is that? I have asked the Minister about it before: what is that 17 and a half about? Is there a hidden agenda that the House does not know about? If they are under 18 do they not get the rights that they get on turning 18? Is the appeal procedure quicker if they are under 18? What is the mystical thing about the figure of 17 and a half? If it makes sense, will the Minister explain?

The rumour from the human and child rights organisations is that the limit of 17 and a half has been chosen to allow the Government to send large numbers of children back early. Many of those children have a real fear of returning to face exploitation in their country of origin, or of running the risk of being trafficked. I asked this morning whether the Secretary of State for Education and Skills would ensure that children who have been trafficked, or who are unaccompanied asylum seekers, would be entitled to full-time education until the age of 18. The Minister gave a sterling reply, saying that not only would they have full rights until that age; they would have grants and everything else. It strikes me as extraordinary: if we want to help those children go through the system until they are 18 and get qualifications, why do we cut them out of the system at 17 and a half? Before they have finished their exams they will get on the plane and go back. I find it puzzling. I wonder whether the Minister can, again, help me. He now has an inter-departmental working group. Does he discuss with the Education Minister the question of 17 and a half and 18? There is a lot of interest in that. I hope that the Minister will have plenty of time in his wind-up speech to talk about that in the context of education.

The figures for unaccompanied children applying for asylum in the UK are in the consultation paper. Is it surprising that children go to ground when only 3 per cent. of the 3,440 unaccompanied asylum-seeking children were granted asylum in 2004, whereas 24 per cent. had their applications refused and 73 per cent. were granted limited leave to remain? That 73 per cent. represents, I think, the ones for whom the Government want the relevant age limit pushed back from 18 to 17 and a half. In 2005, fewer decisions were made. Only 6 per cent., however, of the 2,835 who applied for asylum were granted it; 31 per cent. were refused and 63 per cent. were granted limited leave to remain.

A question that arises in this context is what happens to unaccompanied children who are granted asylum. Is there any monitoring? Do they just get a bit of paper and shake hands, then off they go? Who cares for them? What happens to those who are refused? Are they sent back immediately? Surely the Government have figures on who was sent back and what the cost was. Would it be possible to visit some of the children who are waiting for their asylum cases to be dealt with? Should a group from the Joint Committee visit—if it has not already—some of the section 20 and section 17 children in care? What happens to those who are granted limited leave to remain? How limited is the leave; what is it all about? Are they granted limited leave to remain so that they can have an education here? If they are to have that, why are they sent back early? Where are they accommodated?

Unaccompanied children who enter our country are inevitably vulnerable. The majority arrive from countries that are experiencing armed conflict or serious repression of minority groups or political opponents. Some of them may have been sold by their parents to traffickers—unbelievable but true—or given

[Mr. Anthony Steen]

away to family members in the hope of a better life for the child elsewhere, which is quite normal. Once they arrive in the UK they are not sent back immediately, but there are no figures for the numbers who may have been trafficked into the UK. The Minister's reply to a question from me on 23 January was:

"There are currently no estimates of the number of children that may have been smuggled or trafficked into the UK."—[*Official Report*, 23 January 2007; Vol. 455, c. 1697W.]

That, I am afraid, is a fairly standard answer: we just do not know. Of course we shall not know as long as CEOP does not produce its report.

We just do not know the numbers and we do not know what happens to the children. If they are not sent back, they will become the responsibility of local authority social services. However, in practice, research shows that many unaccompanied children dare not come into contact with the authorities at all. They disappear and have no access to an asylum claim. The 3,000, 4,000 or 5,000 asylum claims are the tip of the iceberg. We do not know the full figure because children are told not to go near the authorities as they will be sent back.

Identifying child victims of trafficking is a highly skilled job. Who does it and how are cases handled? How do we avoid sending children back as fast as possible? Does the consultation paper not aim to send children back as fast as we can? As there is no national profile for the identification and care of child victims of trafficking, most trafficked children are simply processed as unaccompanied asylum seekers, which means that they fail to receive the specialist support that they need because they are trafficked and are not actually unaccompanied asylum seekers.

I have provided quite a tirade, but I will carry on a bit longer because hon. Members are enjoying it so much. Chapter four of the Government's action plan deals exclusively with the problems of child trafficking and what the Government intend to do to ensure that child victims are safeguarded and protected. The action plan states that we must have regard to the fact that child victims have

"special needs because of a reduced capacity to assess risk and increased dependence on others."

That is absolutely spot on, but that is not what actually happens. The Government say all the right things. One must agree with the Government's assessment and that there should be concern and compassion, but what has actually been achieved under the action plan? Has the joint committee of Ministers met yet and what is on their agenda? What is the feedback from those meetings? We are all interested in the joint committee of Ministers, but what does it actually do? They may have a cup of coffee, a biscuit and a good chat, but then what happens? We need to know more about what they do.

The UK sheds crocodile tears when it talks about missing children. On the one hand it says that the reservation on the UN convention on the rights of the child does not need to be lifted because it would have no effect and Britain is doing all that is needed. The convention was set up to protect children who have no one to care for them. Although the Government claim that they do care, the CEOP report will highlight just how neglectful they have been. Young children from many parts of the world arrive on our doorstep and ask to be taken in. We deal particularly badly with people who have been trafficked, whether they are women or children. Although we have signed the Council of Europe convention, we have not implemented the measures necessary to provide victims of human trafficking—children as well as women and men—with the assistance and protection that they need.

I do not need to go into the details of articles 10, 13 and 14, which are particularly important. If there are reasonable grounds to believe that a child has been a victim of trafficking, the child should not be removed from the United Kingdom until the process of identifying the child as the victim of an offence has been completed. If a child or unaccompanied asylum-seeking child is identified as a victim of trafficking, they should be provided with representation and a legal guardian. Is that happening? If a child has been identified as a victim of trafficking, they should be allowed a reflection and recovery period of at least 30 days, but that is not happening. It is no good signing such conventions, if they are not implemented. During the reflection period, it should not be possible to enforce any expulsion of the child and they should be authorised to stay in the UK. That is not happening either. The Minister is having the wool pulled over his eyes or he does not know what is going on. I have received my information from the horse's mouth, the rock face and the grass roots. What the Minister is saying is fine and dandy, but what is happening is a totally different matter.

We cannot say that the reservation on the UN convention on the rights of the child does not matter; clearly, it does. I do not know how the Minister for Women and Equality can say this, but, in answer to a question, she said:

"The Government are doing a great deal on trafficking, which is why cross-government work is going on."

She ended by saying:

"and we are recognised as a leader in Europe."—[*Official Report*, 22 February 2007; Vol. 457, c. 403.]

I am not quite sure what we are a leader of, but that is an extraordinary statement on trafficking. If the Minister considers that we are recognised as a leader in Europe, I wonder where she has been.

Nia Griffith (Llanelli) (Lab): Does the hon. Gentleman agree that only six countries have ratified the convention? I think that the Minister for Women and Equality was referring to the fact that we are one of the 28 countries that have signed up to it.

Mr. Steen: Nobody else knew that, so I thank the hon. Lady for that clarification. If we need an appendix or a glossary to explain the Minister, that may be the answer, but it is not a very impressive answer. As I have said, we are not the leader in Europe. The leading country in Europe would be expected to have more than 30 convictions for trafficking in the last four years.

How much money was confiscated from traffickers. That is a very important question. Did the money go to the victims? I would love to hear that that was the case. It would be wonderful if we could say that we have taken a few million pounds off the traffickers and that the women who have been trafficked have been set up

in hairdressing saloons or McDonald's and that they are all doing great things. The problem with that may be that more and more women would say, "Let's shop the traffickers and pick up the cash." We need to find out whether traffickers have had money taken from them and whether that money has gone to the Chancellor or to the victims. Does the Minister know about that? If I were in his shoes, I would be painful with my officials because I would ask such questions and say, "You can't go home until you have given me the answer." I would probably end up with no staff, but those are material questions.

Mr. Dismore: One of the issues that we focused on in the report, to which I did not refer, was the need for compensation for victims. The criminal injuries compensation scheme could provide an appropriate route, but it is unclear whether victims are entitled to qualify under the scheme. I think that they are, but as and when the scheme is reviewed, which it is from time to time, that matter should be clarified as part of the process.

Mr. Steen: I read about that in the report, which gave me the idea to prod the Minister on that issue. The hon. Gentleman is absolutely right, particularly if millions of pounds are removed; and if they are not, they jolly well should be. Not much money would have been removed from the 30 convicted traffickers who were involved in, I think, 16 individual crimes. There were 30 people involved in the 16 cases, but there could have been a few pounds removed, which should have gone to the women who shopped the traffickers.

In conclusion, one must presume that the Minister is as dissatisfied as I am at the progress that is being made. The all-party parliamentary group on the trafficking of women and children, which I have the privilege of chairing, has been in existence for only nine or 10 months, but we have been fairly active. With the help of the timing of the Committee's report, we have attacked the problem. There have been some very fine words, but we all lack information and we do not know whether progress has been made.

I keep asking questions about the number of child victims of trafficking in this country, but there are no answers. We know that there is a growing trade in trafficking in Britain—not just of children, but of women and sometimes men. We also know that, despite the number of initiatives, the police have not nailed many gangs and, as I said, there have been few convictions. The facilities provided by the POPPY project, which is a good barometer, are well used, although the refuge has only 35 places in London. The good work that they do has not been expanded outside that area.

Social services are full of the most well-intentioned people who do not have a clue about how to deal with victims of trafficking. That is probably also true of the police, although since Operation Pentameter, there has been a greater awareness of the problem. Will the Minister say something about the proposed Operation Pentameter 2? What will it do? When will it come on-stream and who will be in charge? What will the objectives of the operation be? Will he say something about the liaison between EU police forces and about why Britain was not one of the EU signatories at Prum in Austria where seven of the more advanced countries on immigration control and trafficking came together? Why have we not signed up? Were we refused because our track record is not good enough?

The situation of trafficked people and unaccompanied asylum-seeking children in Britain is profoundly distressing. Will the Minister say why he has been persistently against giving victims of trafficking temporary residence permits? I know that that is beyond his immediate responsibility, but I think that his working group could look into it. The women whom I met in Italy who had such permits had an entirely different feel for what they were doing because they could be confident that they would not be stopped by the police and sent home. It gives them security and protection and allows them to assist the police more actively with criminal investigations into traffickers.

At half-past 5 this afternoon, we will witness the opening of an exhibition in Westminster Hall celebrating the 200th anniversary of the abolition of slavery. I hope that the Minister will be there and that he will be embarrassed, as I am, by the Government's failure to get to grips with these new forms of slavery, about which we all know, but which remain very much unresolved. In the UK, vulnerable children go missing in the care of local authorities, and 48 victims of child trafficking are yet to be found.

3.41 pm

Nia Griffith (Llanelli) (Lab): How do I follow my hon. Friend the Member for Hendon (Mr. Dismore), with his inimitable ability to say an enormous amount in a very short space of time, and the hon. Member for Totnes (Mr. Steen), who made a valuable contribution as well? I shall try not to repeat too much of what has been said.

This is a wonderful opportunity to debate a very important report, and I welcome the fact that this year—the 200th anniversary of the beginning of the end of the slave trade—the UK Government signed the Council of Europe convention on action against trafficking in human beings. Most importantly, I welcome the launch of the UK action plan on tackling human trafficking. However, we must remember that this is just the beginning; it is going to be a very long journey. There is no easy answer.

We must remember the sorts of the people with whom we are dealing. I understand the disappointment of the hon. Member for Totnes at the number of convictions brought, but we are dealing with very difficult people. It will be very challenging to stop any criminal who believes that it is acceptable to treat human beings as commodities and to subject them to a lack of freedom and the appalling treatment that we hear about, and who is, no doubt, making a lot of money out of those victims. It will take an immense international effort.

Currently, some 28 countries have signed the convention, but, not having your remarkable memory, Mr. Bercow, I cannot recite them all. However, the sad fact is that only six of those have actually ratified it. That is the real problem. It is very easy to sign something, but making it work is much more difficult. We have a clear action plan, and I want to focus on the progress made on its very honourable objectives, because unless we make that progress, we will not get anywhere or do anything to improve the situation.

[Nia Griffith]

Let us remind ourselves of some of the issues that we raised in our report last year, and particularly some of the points that we feel that the Government need to take very seriously, to eliminate the trafficking of human beings. We want much greater improvement and better development in training in the identification of victims and to ensure that those identified as victims of trafficking are not treated as criminals or immigration offenders. It is extremely important to give them the confidence to come forward. We must take a much more comprehensive approach to the provision of basic support and assistance to victims upon their discovery, including financial support and accommodation. I think that we all recognise that it is very difficult for victims to come forward, and we need to give them the fullest possible support.

Furthermore, we need proper public outreach and awareness through advertising and a freefone number, so that victims can self-refer and those who use prostitutes can refer women whom they think might have been trafficked. However, we need a much broader programme than that. Very often, people are unaware that they can come across victims of human trafficking in many walks of life—perhaps in cheap labour sources or the domestic labour market—and we need to raise awareness, so that citizens can provide information if they suspect that trafficking has been going on. We need to ensure that, when victims of trafficking are identified, they get proper information about their rights in the UK.

Mr. Steen: I agree with everything that the hon. Lady is saying—nobody could disagree—but the question is: to whom do they report? There are the victims, the traffickers and the authorities, but who in the authorities? Where are the authorities? Who understands it all? That seems to be the problem.

Nia Griffith: Indeed, I shall come to that when I talk about the action plan. We need to raise awareness. It is very important that as many people in society as possible are aware, because information can be disseminated that way. As the hon. Gentleman pointed out, it is not necessarily that easy for the victims to know immediately to whom they should turn. We need to broaden our approach through teachers in schools—although I suspect that the vast majority of young victims do not get the chance to go to school—other layers of work and the general public as well. We all have a huge responsibility.

Of course we want better funding for projects such as the POPPY project and similar ones rolled out throughout the UK, and specialist support for the victims of sex trafficking. We need opportunities for victims to report their experiences to the police and steps to be taken against traffickers or exploiters, if they can be identified. We would like to work on more prevention measures in source countries, although that depends, of course, on collaboration with other countries, and to move towards more holistic approaches covering the causes of trafficking, which are often extreme poverty and unemployment.

We must ensure that proper information is provided about how to migrate to the UK legally, so that migrants are not exploited by traffickers and so that potential victims know that they need not take the way offered to them by traffickers. Also, we need to undertake research to understand the demand for trafficked people in the UK, both for sexual and labour exploitation, including the reasons why individuals and businesses continue to seek trafficked people. We need to take all sorts of measures. We need to enforce minimum wage legislation and measures against illegal employment practices.

I congratulate the Home Office on coming forward with its action plan. However, as I said, we will make progress only through its implementation. The action plan mentions a number of measures that are ongoing or down for completion by mid-2007. I should like to take this opportunity to ask the Minister about the progress that has been made on a number of those matters. What has been done to prevent trafficking in the countries of origin and to reduce the demand for trafficked persons, because, again, at the end of the day that will be one of the key factors in diminishing the trade?

What progress has been made in making human trafficking core police business? How would the Minister define that and what is being done? Who is being trained in issues related to human trafficking—ordinary officers in police stations, those at the ports, people working in social services or others who might come into contact with those who have been trafficked?

I should like to know what has been done so far to produce and disseminate guidance on the key indicators of criminality to assist with the identification of victims of trafficking for forced labour. I should also like to know more about what my hon. Friend the Minister is doing in considering extending non-governmental organisation outreach support nationally. We have mentioned the POPPY project several times, but we need a much broader approach.

What is being done to pilot support provisions for victims of trafficking for forced labour? What is being done to increase access to health and support services for victims of sexual violence and abuse? What progress is being made with the Department for Education and Skills, working together with the Home Office and UKvisas, to approve addresses and carers for unaccompanied children applying to stay in the UK for in excess of 28 days? What progress is being made on a proper system of guardians?

As with all large problems, we can make progress by dealing with the nitty-gritty and working bit by bit, one step at a time. I should like specific answers on the progress that has been made in the UK, together with any information that the Minister can give about talks on an international scale with EU partners, other members of the Council of Europe and countries further afield.

3.50 pm

Dr. Evan Harris (Oxford, West and Abingdon) (LD): It is a pleasure to take part in a debate under your chairmanship, Mr. Bercow. I think that this is the first time that I have done so. I do not know whether placing you in the Chair is an attempt by the powers that be to muzzle you, given the way that you have expressed opinions in the past. I certainly hope not, and knowing you as I do, I suspect that, other than at the times when you are in the Chair, when you will of course display the appropriate demeanour and act with appropriate neutrality,

your passion for putting your view across will be undiminished. I look forward to that.

I welcome the debate. I am pleased that we are here. I have two hats in a sense; I am speaking for the Liberal Democrats, but I am also a member of the Joint Committee on Human Rights. Indeed, I think that it was I who first suggested that the Committee conduct an inquiry in this area. I am pleased that we have reached the stage at which we have had the Government response to the inquiry and a whole lot besides, with regard to the action plan, and that we are debating that.

I put on the record my thanks to the Chairman of the Committee, the hon. Member for Hendon (Mr. Dismore), for his support in conducting the inquiry and the way in which the Committee, under his chairmanship, did a lot of work in gathering evidence from both written and oral submissions, both in this country and abroad. It is appropriate to pay tribute to the staff of the Committee, including the then Clerk and the then Committee specialist—who have moved on to other, possibly even greater things—for their efforts in producing what was a very difficult report to produce, because of the wide-ranging subject matter.

I pay tribute to other members of the Committee for the work that they did. I pay particular tribute both to the hon. Member for Wakefield (Mary Creagh), who cannot be here today but who applied a great deal of diligence and interest to the inquiry, and to Baroness Stern, who has always taken a huge interest in the position of victims in our society, whether in custody, which is her specialty, or in other areas.

While I am paying tributes, I ought to say that, although the Minister will soon find out that I am not happy with the actions that the Government have taken so far, or the absence of action taken by the Government, no one can doubt his willingness to engage in an extremely pleasant and open way, unlike some Ministers and perhaps some Opposition spokespeople, in both the other Opposition party and my own. The Minister's willingness to engage has enabled us to make more progress on understanding where the Government are coming from, even if we do not agree with them, than we otherwise would have done. I thank him for that.

I shall talk in a moment about the speech made by the hon. Member for Totnes (Mr. Steen), but it is appropriate to pay tribute to him first for the efforts that he has made to raise the profile of this subject in Parliament outside the human rights report by setting up the all-party group on the trafficking of women and children and leading it so actively and with such obvious passion that there is a danger, when we walk through Portcullis House, of never reaching our destination because we are stopped by the hon. Gentleman to be told exactly how we can contribute further to the work of the group. Such enthusiasm is noted, valuable and appreciated, as is the work that he has done in other Adjournment debates and parliamentary questions, because he has applied to the issue assiduousness and tenacity and has developed the expertise that is required to deal with such a big and complex issue.

Mr. Steen: I thank the hon. Gentleman for his kind comments. He did accept becoming joint secretary of the all-party group—an appointment that allowed him to make much quicker progress around Portcullis House.

Dr. Harris: It is very gracious of the hon. Gentleman to say that, because I have not been able to attend all the meetings of the group, despite being an officer of it, but he knows that the group has my full support, as does the approach that he has taken.

On the specifics of what we are discussing, it is appropriate for me to say a few words about the contributions that we have heard. The hon. Member for Hendon—without taking too much time, which I think we all appreciate and, perhaps, can luxuriate in now—covered the whole range of our inquiry and touched on the whole range of Government responses. He made the association, as we must, with the 200th anniversary of the abolition of slavery. It is important still to raise the profile of this issue as a modern form of slavery and what an evil, heinous business it is. He was right to draw attention to the scale of the matter and to how difficult it is to know its scale, given that so much of it is by definition underground and undetected, and given the range that exists between trafficking for the purposes of labour exploitation, sexual exploitation and child exploitation.

I am pleased that the hon. Gentleman referred to the inability of categories of workers, who are coming into this country as migrants, to change their visas. I have nothing to add except my full support for the point that he rightly made about how that is unnecessary and inconsistent with the protection of victims. If we are to have faith in the ability of our immigration services to make determinations on the facts, blanket rules are the wrong way to proceed, because they themselves create victims.

I shall say a few words about the UK action plan and where it falls short. The hon. Gentleman drew attention to the areas in which some content of the action plan was welcome. He was right to make the fundamental point that we make in our report: the response to the problem of trafficking must be at least as much a human rights and victim-based approach as an immigration-based one. In fact, I would go further, and I think that the tenor and content of our report went further, by saying that an enforcement approach—an immigration approach—is counter-productive in many ways, because it deters victims from seeking help and makes their plight much worse in many cases. The comparison with Italy, which I shall cover if I have time, is very important in that respect.

The hon. Member for Totnes, in a speech that was a tour de force on just one area of this subject—child trafficking—has put on the record for all of us and for those outside this Chamber who will read his contribution in *Hansard* a very detailed exposition and analysis of the problem, the Government response and where the Government response falls short. I share all his views. Only a lack of time, and the recognition that it would be inappropriate to repeat in my own words many of his points, prevents me from saying more about that. He made a telling analogy by referring to the fact that there are tens of missing children, who are probably being exploited and treated very badly in many if not all cases, but that that has had so little attention compared with the very sad and tragic case of one little girl in Europe.

The hon. Gentleman was right to keep coming back to the reservation in the convention. It is Liberal Democrat policy that that reservation should end, and

[Dr. Evan Harris]

we have made that point consistently in parliamentary questions and debates, usually in the House of Lords. I was delighted when, just before the Government agreed to sign the convention, the Conservatives agreed with our position that it was necessary, appropriate and beneficial to sign it—obviously with the intention of ratifying it and complying with its content. I look forward to hearing from the hon. and learned Member for Harborough (Mr. Garnier) whether his party's position is that the reservation should be ended, because that would have a significant effect on Government policy. I do not want to get too party political, but one thing often follows another in that respect.

The hon. Member for Llanelli (Nia Griffith) is a recent addition to the Joint Committee on Human Rights. She is also a welcome addition, because she is assiduous in her attendance and she has got stuck in to the issues that we have raised faster than anyone else did when they joined the Committee. She certainly keeps me on my toes when I ask questions and it is not obvious to her, or perhaps even to me, where they are going. I fear that she may well do the same now if I am not careful, given that she has now moved to sit behind the Minister.

A problem with this issue is the profusion of documents that exist, starting with the Joint Committee's report, although the problem did not start there. There is the Government's response to that report, the Government's consultation on their action plan, the Government's publication of responses to that consultation and then the Government's action plan, which was published in March. It is hard to cross-reference all those documents in an easy way.

Today, I shall focus on some of our recommendations in the report and on the Government's response to it, which was published in December 2006. I shall also look at what progress has been made on the UK action plan since then. I accept that, in doing so, I shall not cover all of the issues that ought to be raised, but I think it important that we consider matters logically.

The Committee considered the scale and extent of the problem. In recommendation 2, we urged the Government to

"publish the research into organised crime markets currently being conducted by Home Office researchers, which may assist in providing a clearer picture of the scale and extent of human trafficking into the UK."

We also argued that there should be more research, which the Government have accepted. They have also accepted that existing research should be published, with the obvious caveats regarding intelligence and so on. They said in their response that they would publish their research into organised crime markets early in 2007.

Will the Minister tell us where the Government are up to with commissioning new research and with publishing existing research? He will know that I believe that evidence-based policy must be based on evidence that is published and peer reviewed or at least available for people to see, because, even if we believe a very honest Minister, as we do in this case, not everyone will necessarily agree that what he says is correct and underpinned.

We also addressed demand management in the report. Recommendation 7 states:

"We commend the imaginative publicity techniques employed by Operation Pentameter to change the attitudes of men towards women and raise awareness of the phenomenon of trafficking. However, we recommend the authorities evaluate the effectiveness of these techniques."

When money is being spent on something as important as this, independent, formal evaluation is needed. It is not enough to have the anecdotal opinions of the people who are running the scheme saying that they think that they are doing a good job and that they have seen a website on which someone said, "Oh, there is an issue about trafficking." That is effectively all that there is.

This matter is difficult to address, but it is essential that we understand the attitudes of people in this country who are involved in trafficking for the purposes of sexual exploitation. There are probably tens of thousands of men in this country, possibly even more, who use and abuse trafficked women. We need to understand their attitudes and what makes them do that before we can work out how to change their attitudes and behaviour. It is as simple as that. The fact that UK citizens take an active, possibly knowing, but perhaps unknowing, role in this crime and evil trade is a big, silent thing that not enough people talk about.

One issue that the Committee was not able to get into, tempting though it may have been, is whether our approach to the criminalisation of all prostitution and all use of prostitutes is the right way forward. There is huge international debate on that. The Swedish feminist view is that men should always be prosecuted for using prostitutes, regardless of whether the prostitutes are victims of trafficking or obvious victims of coercion. They believe that prostitution can never be consented to, because it is exploitive by definition. In alliance with them, the Americans generally take the view that both the prostitute and the client are committing an offence. Whether that view is based on religious fervour or the American establishment's outlook on life is unclear, but that is their position.

Some European countries, such as the Netherlands and Germany, take the view that prostitution has always been with us and that having some form of regulated and decriminalised prostitution might produce less demand for prostitution that is even more exploitive than what currently exists. They believe that, if some form of prostitution is deemed more acceptable, users of prostitutes will not run the risk of not knowing where the women whom they go to see come from.

These are complex issues, but there is evidence to suggest that demand for trafficked women is less in countries with some degree of decriminalisation, and I regret that the Government and Parliament have failed to explore these issues in an open-minded way. There is clearly an argument for doing something in this area, in the hope that it will diminish the problem. One way of looking at it is that, if men feel that they are breaking the law, they will be far less worried about the extent to which they are breaking it.

On a similar and also difficult subject, our report highlighted an unfortunate contradiction in the Government's policy. On the one hand, they rightly tell men, "We want you to report instances when you think that you've come across women who are victims of trafficking for sexual exploitation." We know from

Italy that the users of prostitutes and trafficked women are often a good source of such information and that women are rescued and traffickers prosecuted as a result of such reports to the authorities.

On the other hand, the Government tell men that having sex with women who are victims of trafficking for sexual exploitation is a sexual offence, because it is sex without genuine consent, and that they will be prosecuted for it. One cannot fail to see the contradiction in saying, "We will prosecute you for coming into contact with these women," while also saying, "We want you to report what you have done." That simply is not realistic, and that contradiction fundamentally undermines the Government's efforts.

One of our recommendations that has not yet been mentioned is our call for a 24-hour telephone line on which to report users of women who are trafficked for sexual exploitation and to give information about victims. When we went to Italy, we were told that that has been extremely effective there. I think that the UK Government have set up a telephone line for authorities to get advice, but have not gone as far as we recommended. I should be grateful if the Minister could tell us whether he recognises that suggestion as a potential way forward.

Our recommendations 11 and 12 deal with legislative change and whether the UK Borders Bill would be an appropriate place to make it clear in primary legislation, especially in respect of section 2 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, that victims of trafficking will not be prosecuted for criminal or immigration offences that they may have committed because they are victims of trafficking. That does not just relate to victims of trafficking for sexual exploitation, because there are other forms of victim, as the hon. Member for Totnes mentioned.

The Government have not taken that approach. As the hon. Member for Hendon said, they have clearly said that the Crown Prosecution Service has discretion on whether or not to act to stop prosecutions where such things come to light. That is not good enough, and I do not believe that the Joint Committee would have thought that it was good enough when it made its recommendation.

In this context, page 16 of the Joint Committee's 13th report of this Session, on the UK Borders Bill, contains a section on human trafficking that states:

> "We welcome the Bill's extension of the scope of the existing trafficking offences, which implements one of the proposals in the...UK Action Plan on Trafficking of Human Beings. We are disappointed, however, that the opportunity has not been taken in this Bill to introduce more effective protection for the victims of trafficking. In our recent report...we concluded that the current level of protection provided to trafficking victims is far from adequate from a human rights perspective."

Our report argued that we do not want our report on human trafficking to be cherry-picked, and we set out a number of specific things that we wish to happen. Page 17 states that

> "where there are reasonable grounds to believe that a person is a victim of trafficking that person shall not be removed from the UK until the process for identifying whether they are such a victim is complete; a recovery and reflection period of 3 months should be granted to a person who has been identified as being a victim of trafficking, during which time no immigration enforcement measures shall be taken against them; and renewable residence permits of up to 6 months' duration be granted to victims of trafficking."

The greatest disappointment in the Government's evidence about the pull factor is that, in their response to our report and in the UK action plan, there is no clear timetable or acceptance that that will be provided. That is necessary so that the convention can be ratified, and I want the Minister to set out whether he feels that the convention that he and his colleague have now signed can be ratified without those provisions being met and why we do not even have a clear timetable for the convention's ratification. By July 2007, there will be an action plan for an action plan on how the convention can be ratified, but that is not good enough. In respect of the permits and the reflection periods, this is vital.

Our report urged the Government to examine best practice in Europe. In Italy, we found that the fact that there would be adequate reflection periods and that there was the opportunity for renewable residence permits for victims to be granted meant that victims felt confident to come forward. It also meant that non-governmental organisations were able to engage directly with prostitutes on the streets of Rome, Venice and elsewhere; indeed, those NGOs were funded by the Government under their legislation.

The hon. Member for Wakefield and I went out with representatives of one of those NGOs to meet prostitutes on the streets of Rome. In Rome, it is very much in your face on the streets; every 200 yards one sees a woman or a group of women, or, in some areas, transsexual men, who are prostitutes. Many of them come from other countries and many of them have undoubtedly been trafficked to Italy. However, they are clearly reachable, so although it is not pleasant to see, one of the plus sides of the system—if that is what it can be called—is that most of the women are not tucked away in massage parlours, as they are in this country, but are available. The NGOs can reach them and give them condoms and advice on sexual health, as we did. They are able to tell them that things do not have to be this way and that they can get residence permits, with or without co-operation, if they meet humanitarian grounds for renewable residence permits.

We asked the Italian authorities how much abuse there is, and how many people have their residence permits removed on the basis of not staying within the system, let alone pretending to be victims of gang rape. Italian politics has a pretty active anti-immigration right wing, but the Italian authorities from the left or right could not tell us about a single case. If not unanimity, there was a broad consensus that that was the right approach. Indeed, the Bossi-Fini legislation, which toughened up immigration rules, left that policy well alone, because it is recognised as a success. My main questions for the Minister are: what can he say on this subject? What steps has he taken to identify the best practice in Europe?

I am conscious that we have plenty of time, but I do not wish to exploit that fact because I know that the two Front Benchers will be keen to speak. I merely wish to raise a couple of more issues. I am conscious that, in so doing, I am concentrating mainly on the victims of trafficking for sexual exploitation. That is partly because the hon. Members for Hendon and for Totnes covered the other areas so clearly.

The question of support for victims needs to be addressed. As has been said, it is not good enough for

[Dr. Evan Harris]

the Government to identify that there are organisations outside London, and organisations other than the POPPY project, that can provide support. Such organisations need to be nurtured and funded. That has not yet been done, according to my reading of the UK action plan. Given that this is such a huge humanitarian issue, I do not understand why Government funding cannot be provided in this way.

Similarly, as the hon. Member for Hendon pointed out, the short-termism in funding that the POPPY project has always faced is not fair on the people working in this difficult area. It does not enable them to plan for the future. There would be enormous pressure on their places were the Government to implement some of the other recommendations in our report that would encourage victims to come forward and the so-called clients of victims to report them. It may well be that the Government know that, if they did more, they would have more people to support and they would therefore have to fund more. There is a weird consistency about the Government's position of just keeping the heads of the support services above water from a financial and capacity point of view.

This country has about 1 per cent. of the number of trafficking prosecutions—and, effectively, convictions—that Italy does and about 1 per cent. of the number of victims identified in any given period. I do not believe that 100 times more men use prostitutes in Italy than in this country, so the reason for the discrepancy is that we are failing to identify victims and traffickers. I urge the Minister to consider examining best practice worldwide.

I do not want to be wholly negative about the Government's response. As the hon. Member for Hendon has said, there is plenty to welcome in the action plan, and the Government are at least engaging. I urge them not to be to complacent about their position.

Following a comment from the hon. Member for Totnes, the hon. Member for Llanelli said that perhaps the Government were felt to be in the lead on the basis of having signed the convention. I understand that the UK was 28th to sign out of the 29 countries that have done so, that we were followed swiftly by Ireland and that there have now been seven ratifications. The countries that signed well before us included Austria, Belgium, Germany, Italy, Luxembourg, the Netherlands, Norway, Portugal and Sweden in 2005, and France and Denmark in 2006. Few countries had yet to sign when we had yet to sign, and such countries included the likes of Lithuania, Turkey, Russia, Azerbaijan, Estonia and Hungary. I have nothing against those countries, but we would have been better placed to claim leadership in this area if we had been early movers. The issue now is ratification.

What legislation is needed to ratify? The hon. Member for Ashford (Damian Green) raised the matter when discussing the UK Borders Bill, when he tabled a probing amendment that included some provisions from the convention. He asked how soon we would be in a position to ratify, and the Under-Secretary of State for the Home Department, the hon. Member for Enfield, North (Joan Ryan) said something that I did not understand:

> "He is right that his amendment provides for some key measures from the convention, but we could probably implement those sooner by signing the convention"—

that was a week or so before signing it—

> "than by waiting for the Bill to be enacted, although, of course, we can implement some of those measures without legislation or the convention."—*[Official Report, UK Borders Public Bill Committee*, 15 March 2007; c. 401.]

Clearly, something must be done to ratify, not least about renewable residence permits and reflection periods. Will the Minister make it clear what legislation is required and when that can happen, within the constraints of Government business, so that we have a clear idea of when we will ratify?

I thank the Chairman and other members of the Joint Committee on Human Rights for their valuable service to the House in analysing these issues so carefully and for bringing to the House such a well-considered and well-evidenced report.

4.21 pm

Mr. Edward Garnier (Harborough) (Con): I approach this debate and the wider subject with proper diffidence because I am not, unlike the hon. Member for Hendon (Mr. Dismore), the Chairman or even a member of his Committee; I am not, unlike my hon. Friend the Member for Totnes (Mr. Steen), chairman of the all-party group; I am not, unlike the hon. Member for Oxford, West and Abingdon (Dr. Harris), a member of both; and I am not, unlike the Minister, a Minister with responsibility for this area of public policy. The hon. Member for Llanelli (Nia Griffith), who is sitting behind the Minister for the moment, having temporarily moved her position in the Chamber, is, of course, also a member of the Joint Committee. I am surrounded and chaired by people with immense knowledge of the subject.

As my hon. Friend the Member for Totnes is a former practising member of the Bar, he will understand the expression "a return". I have been handed this brief by my hon. Friend the Member for Ashford (Damian Green) who, regretfully, cannot be here today for a number of reasons. Had he been here, I am sure that he would have provided a far more interesting and coherent response to the debate on behalf of the Conservative party. None the less, it is fair to say that despite my relative newness to this home affairs subject, I need not enter a competition to see who can speak the longest to make one or two points.

I congratulate the hon. Member for Hendon, not as a matter of formality, on his chairmanship of the Joint Committee. He has produced a number of interesting reports and held a number of interesting evidence sessions on a range of issues concerning human rights, but on the subject of human trafficking, which is a matter of growing public salience and concern, he and his colleagues have done a particular service, as has my hon. Friend the Member for Totnes.

My only caveat, which has nothing to do with the hon. Gentleman, but concerns the usual channels and those who arrange the timing of these debates, is that his evidence sessions took place last summer, and the Government responded before Christmas, but it is now nearly the summer of 2007 before we have had an opportunity to debate the matter. Perhaps on future occasions it may be better for the development of

public policy and the chiding of Government, which my hon. Friend did during his powerful and bravura performance for several minutes, that these debates should return to this Chamber or the Floor of the House rather more quickly than the Joint Committee's report and the Government's formal response to it.

I shall not repeat what everyone else has said in describing the context of the debate. All hon. Members in the Chamber, and many who will read our debate later or who may be listening to it now, know precisely the context of the problem, and its huge dimension and hideous nature, as well as the damage caused to victims of trafficking. My hon. Friend was entirely right to concentrate during the 30 or so minutes of his speech on the problems suffered by children who are trafficked. He was also entirely right to concentrate his fire on the Government to ensure that they do something to alleviate the conditions of such children, both by deterring trafficking of them and, if they are victims, ensuring that they are cared for humanely and sensibly by genuinely providing them with assistance, rather than terrifying them or forcing them underground, which leads to further problems.

Baroness Stern is a member of the Joint Committee, and she and I share an interest in prison reform. One thing that concerns me as the Conservative Front-Bench spokesman on prisons is the huge number of damaged children who were sexually abused and so on when they were under 18 and end up in custody because they themselves become criminals. In cases of sexual abuse particularly, the victim, 10, 20 or 30 years later, often commits the offence that was committed against them against their own children or others like them. Trafficking children has consequences and a ripple effect into our whole criminal justice system, which the Home Office and/or the Ministry of Justice must closely concern themselves with.

I do not want to avoid the subject, but I do not think repetition will assist, and I want briefly to give an outline of my party's views of the matter. The hon. Member for Oxford, West and Abingdon correctly pointed out that my party has been a front-runner in lobbying the Government to sign and ratify the convention that we have been talking about. I cannot give the hon. Gentleman the answer to the reservation about the United Nations convention, not because I am hiding something, but because I genuinely do not know the answer.

I understand that the Government's position—the Minister will explain this better than I can—is that the United Nations convention, as distinct from the Council of Europe convention, contains provisions that are antipathetic to our domestic law on immigration. I fear that the Minister will have to resolve that in his own mind while he is in government.

It is fair to say that the Conservative party's view—I say this without advice from my hon. Friend the Member for Ashford—is that anything that interferes with the protection of trafficked people in this country who are genuine victims and not cheats should be removed. However, I have not studied the niceties or details of the two conventions, nor the current state of our immigration law. None the less, it is also fair to say that the Government have introduced a number of changes to the criminal law that add greater protection to those who are trafficked.

Mr. Steen: It is not a question of passing more laws. We have endless laws. Does my hon. and Learned Friend agree that the problem is enforcing the laws and having a body of people who do what the law already says? Playing around with the details will not change the problem. The problem will be solved only by bodies of men and women, not just politicians, but operatives, the police, the immigration service and non-governmental organisations doing things with vigour and fervour.

Mr. Garnier: My hon. Friend is right and wholly uncontroversial. Common sense goes a long way in this world. We have had at least 60 Home Office Bills since 1997, and if they were all designed to rid the country of crime and had been successful this would be a crime-free society. In fact, our prisons are now fuller by 20,000 than in 1997, yet the Government proclaim that our crime rate is down. I do not know how they manage to marry up those two assertions.

The convention has been signed, but as others have said, we want it ratified. That requires political will, leadership from the Government, and energy and verve. All they have to do is to get on with it. If we think that the convention is good enough to sign, surely it is good enough to ratify. We should not be one of the last countries to do so.

The Conservatives have said—I am repeating others who have spoken on behalf of the party in other forums—that a UK border police force should be established with a specialist expertise, first, to ensure that those who come into the country are doing so legitimately, for reasons such as tourism or business or whatever, and, secondly, to ensure that those who may enter the country under duress can be humanely filtered. I do not mean to use "filtered" in an inhumane or derogatory sense, but people need to be assisted through careful handling at ports of entry.

For example, minors who enter the country with adults who are not their parents or guardians should be interviewed as carefully as possible to ensure that they have some understanding of why they are travelling to this country. Non-related adults who accompany youngsters may not be their traffickers, but they may be the mules or cat's paws of the traffickers, and they, again, should be interviewed separately so that their bona fide problems can be discovered at an early stage.

We want to strengthen co-ordination between the relevant Departments; this is a matter not only for the Home Office or the Foreign Office. Other agencies such as domestic departments, local government authorities, the police and our various security agencies will be involved. Those bodies would be required as a consequence of Government leadership to co-operate to ensure that, even if the convention is signed and ratified, and even if aspects of it are brought into domestic law, they are implemented, as my hon. Friend the Member for Totnes said, in a way that leads to positive results and reduces and deters the illegal trafficking of people.

Such action cannot be beyond the wit of man. The Government have had any number of reviews, conferences and summits. It cannot be beyond the wit of even this Government, at this stage, as they draw towards the end of their tenure, to produce some form

[Mr. Garnier]

of strategy for all their agencies to ensure that the issue is dealt with coherently and sensibly.

Those people who are in the country, who have succeeded, as it were, in getting under the wire, but who none the less find a way of seeking help, need to have reliable access to trustworthy people. It does not always have to be the state that provides such help. Other Members have mentioned non-state organisations and charitable bodies such as the POPPY project and the Eaves housing charity, which has done good work on the rescuing of trafficked people.

Mr. Steen: And ECPAT.

Mr. Garnier: ECPAT, also, as my hon. Friend correctly tells me, has done good work. To persuade you, Mr. Bercow, that I have done some preparation, ECPAT stands for End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes, and the organisation's full name is ECPAT UK. I mentioned several non-state organisations that any worthwhile Government should enable to do more. As I said, the problem does not require us parliamentarians to reserve action, common sense and implementation for the state.

We want to expand the number of safe houses, and support them. At the moment, remarkably few trafficked people who have been rescued are in safe houses, and the people who are trafficked, particularly for exploitation in the sex trade, can be numbered in their thousands. I understand from the Eaves housing charity that, now, almost 10,000 victims of trafficking are working in prostitution in London and the west midlands alone. Ten years ago, 85 per cent. of women working in brothels were UK citizens; now it is the other way around: 85 per cent. of women working in brothels are from outside the United Kingdom. I am not suggesting that all that 85 per cent. represents trafficked people, but I do not need to push those figures far for hon. Members to get the message.

We need to ensure that we start properly to police our United Kingdom borders. Sixty per cent. of illegal immigrants resident in the UK arrive in the back of a lorry. Of course, there are X-ray machines, sniffer dogs and all sorts of other non-human, human and animal ways in which one can try to do one's best to reduce the number of illegal immigrants. It is bad enough that there are illegal immigrants, but it is worse—I hope that hon. Members will agree—when those people are brought here illegally for an improper purpose and to their own detriment, without us being able to do more of a practical nature about it.

My hon. Friend the Member for Totnes and others mentioned that there have been incredibly few convictions for offences relating to trafficking: only 30 convictions for trafficking offences were secured between 2004 and 2006. In 2004, only 11 employers were prosecuted under the Asylum and Immigration Act 1996, and only eight of those were found guilty. There have so far been no convictions for the offence of trafficking for labour exploitation.

I believe that the hon. Member for Hendon, the Chairman of the Joint Committee, mentioned the question of the confiscation of the assets of those who are guilty—*[Interruption.]* Actually, it was my hon. Friend the Member for Totnes who mentioned the confiscation of money from those who are responsible for the employment of trafficked people. We know about the failings of the Assets Recovery Agency: is this another example? I urge the Minister to do his best to apply the vim and vigour for which he is renowned throughout the east midlands as a constituency Member to that aspect of Government policy.

Enough has been said, certainly by me, on the subject. I congratulate all who have spoken in this debate on their contributions, common sense and the way in which they have focused their attention on the good things that the Government do and have done, and the good things that the Government need to finish and to do to ensure that this evil trade is stamped out.

4.37 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Vernon Coaker): May I say what a pleasure it is to serve under your chairmanship, Mr. Bercow? I know the frustration that you will be feeling sitting in the Chair, rather than being allowed to contribute to the debate, as the hon. Member for Totnes (Mr. Steen) said. I know that you have firm views on the subject, and that you will be following proceedings with the utmost diligence and interest.

May I also congratulate my hon. Friend the Member for Hendon (Mr. Dismore), the Liaison Committee and others on securing the debate? It has been a discussion as much as a debate. As hon. Members have said, the important thing is for us to raise the issues and to consider how we make progress. My hon. Friend the Member for Hendon, as Chairman of the Joint Committee on Human Rights, the hon. Member for Oxford, West and Abingdon (Dr. Harris), my hon. Friend the Member for Llanelli (Nia Griffith) and other members of the Committee have made a significant contribution to the development of policy.

It is sometimes said that Select Committee reports gather dust and do not actually make any difference. The hon. Member for Oxford, West and Abingdon, as well as other hon. Friends and hon. Members on the Committee, should know that the fact that the Committee called me before it, raised certain questions and challenged the Government—not in a nasty, sneering way, but in an intellectual and emotional but fair way—made a huge difference to the way in which the whole debate was looked at and is, if I may say so without going over the top, a great tribute to them.

Alongside that was the massive contribution that other hon. Members made. I pay particular tribute to the hon. Member for Totnes. He made some kind remarks about me, which was nice of him. I understand perfectly the challenge that these debates and discussions present. I pay tribute to the work that he has done and to the passionate way in which he continues to raise this issue. I mean this in the nicest possible way, but if I was to deliver him the policy of his dreams, he would try to have an Adjournment debate the next day, saying that it was not enough. I mean that as a compliment. He is continually challenging us and at the heart of what he is saying is the desire to do as much as he can for exploited children in this and many other countries.

I also pay tribute to campaigners such as Chris Beddoe and Kate Allen and to all the non-governmental organisations that, as we know from our postbags, play a huge role in campaigning to force these issues on to the agenda. That is particularly important, because they are sometimes regarded as fringe issues outside mainstream politics, and not the meat of government or—to be frank to the hon. and learned Member for Harborough (Mr. Garnier)—of opposition. They are seen as the sort of issues that a few well-meaning people are concerned about, but which do not capture the British public's imagination.

In fact, what NGOs have done, and are still doing effectively, is to awaken something very deep in the British people. They are demanding that we all do something about this issue, which is a great credit to them. The way in which the Government have tried to respond is a credit to everybody involved. This issue is tied up with modern-day slavery, the commemoration of the 200th anniversary of slavery's abolition, and so on, but the public are now saying, "This is an absolute outrage. It is morally repugnant." Virtually every person in the country wants something to be done about it.

What people really want is not policies but a magic wand. They want trafficking to end. I do not want to sound like Victor Meldrew, but we are all suffering from the "I can't believe it happens" syndrome. The hon. Member for Totnes talked about child trafficking, the hon. Member for Oxford, West and Abingdon mentioned women being trafficked for sexual exploitation and other hon. Members have mentioned labour exploitation. We saw that only too tragically and awfully on our television screens a couple of weeks ago, when a brilliant piece of investigative journalism exposed what is going on. We all want to see an end to it, and today's debate is about how we achieve that.

The action plan exists because of all the points that I have just made. It is not just a nicely bound document with "Home Office" and "The Scottish Executive" on the front, but a living document. It is designed to try to do something about all those issues that people demand we do something about, and we want to see it put into practice. I shall deal with some of the specific questions that were raised in a moment, but I should point out now that an inter-ministerial group will review progress on the action plan and consider whether it has been effective. It will also look at education, which hon. Members asked about. A further ministerial group that I chair, along with the Solicitor-General, involves stakeholders who were instrumental in putting the action plan together.

However, the judgment as to whether the action plan has been effective will not be made by those formal groups; it will be based on testimonies as to whether the reality to which the hon. Member for Totnes rightly referred has changed, and whether we have managed to deliver an environment in which more people are prosecuted for trafficking, more victims are supported, more places are available and children are not disappearing. Those are the measures of the action plan's effectiveness that we would all want to use. If we can achieve those aims, we will not have simply a document called "UK Action Plan on Tackling Human Trafficking", which, in itself, is a great achievement for us all; rather, we will have a document that means something in communities throughout the country, and that will make a real difference to potential victims. In the end, that is what the judgment will be and, frankly, what it should be.

As I start to answer hon. Members' questions, some people will agree and some will disagree with the points that I make. However, let us start from the fact, which hon. Members were generous enough to state, that this Parliament and this Government, working with others—including the various stakeholders and the public—have put together a document that people would not even have understood the purpose of four, three or even two years ago. We should realise the difference that has been made and judge how far we can make progress by looking at what happens outside this place. A difference has indeed been made, but we need to carry on.

Following that peroration, if I should call it that—

Mr. Garnier: The beginning.

Mr. Coaker: Thank you.

Mr. Garnier: I hope it was the beginning.

Mr. Coaker: Yes!

Following those remarks, let me respond to some of the specific issues that hon. Members raised. On domestic workers—the issue raised by my hon. Friend the Member for Hendon—we are in discussions with our colleagues dealing with immigration matters to see what can be done regarding the changed rules. On statistics, I should point out that the Home Office published a research document today that looks at the scale of organised crime. Indeed, that is where the figure of 4,000 women trafficked for sexual exploitation in 2003 came from, and it is the latest available evidence that we have. I shall say a little more about research in a minute, but Members may wish to refer to that document, which tries to estimate the financial cost.

My hon. Friend will know that the UKHTC, which he mentioned, has a victim co-ordinator, and that we are trying to protect victims. He also discussed the various protocols, as did other hon. Members. The UN optional protocol to the convention on the rights of the child—on the sale of children, child prostitution and child pornography—is being reviewed for ratification, and other Departments are being consulted on that. We have no plans regarding the reservation with respect to the UN convention on the rights of the child, but I can assure hon. Members that we are considering whether making the Border and Immigration Agency subject to section 11 is the appropriate way forward.

A number of hon. Members raised the issue of law enforcement. Pentameter was an extremely successful police operation. I hesitate to mention dates in front of the hon. Member for Totnes, but there will be a Pentameter 2 and we expect that to start some time in the autumn.

Dr. Harris: I do not mean to be pedantic, but the Minister said that Pentameter was successful. I am keen to see what independent evaluation has taken place, but it will be quicker for me to ask what would have made that operation unsuccessful. If the Minister can identify that, we will know by what measure it is seen as having been successful.

Mr. Coaker: A key recommendation of the original Operation Pentameter was that we needed a UK human trafficking centre that co-ordinated police activity across the country; the operation would have been unsuccessful if we had not learned that lesson.

I turn to international co-operation, which the hon. Member for Oxford, West and Abingdon has discussed on a number of occasions. We are seeking to establish a Pentameter operation across the G6 as soon as we can. The convention requires us to set minimum requirements for residents' permits and the reflection period. Currently, we operate a 30-day period for victims accepted on to the POPPY project; we are considering the various models of residents' permits to establish what is appropriate.

I come to the points raised by the hon. Member for Totnes, who mentioned the Council of Europe. All hon. Members will be pleased that we signed the Council of Europe convention, on 23 March. Seven countries have now ratified. Let me take the issue head on: we do not have a timetable for ratification, and that may disappoint the hon. Member for Oxford, West and Abingdon. However, I have consistently said to stakeholders and various meetings, and I have tried to convey to hon. Members, that I am proud that we have signed the Council of Europe convention. We can argue about whether that took too long, but I am proud of the fact that we have done it. If I am still in my post, I shall also be proud—if I am not, I shall still be proud, but from a different position—of the fact that when we ratify the convention, everything that is supposed to be in place for the convention to be ratified will be.

We have an action plan that deals with identification, prevention, what we are going to do about children and adult victims, and labour exploitation. For each of those areas, the plan sets out action points that we have to make a reality. I made that point at the beginning. We can ratify the treaty before that, but ratification is supposed to happen when all the various elements have been committed to. Would hon. Members really want us to ratify when we know that all the elements that are supposed to be in place for the ratification to be meaningful and real are not in place?

I have said it before, and it is a point worth making: all hon. Members here, including me, will have brought a hall to its feet by telling people what they want to hear. We could say, "We will ratify tomorrow," and everybody would say that that was fantastic. However, if we said that tomorrow, the fundamental truth would be that we would know that there would be weaknesses in every area of the action plan. Elements such as housing, identification procedures and protections for children would not be in place; we would know that all those elements were not there. We want to ratify when we are in a position to put our hands on our hearts and say, "We have done all the things that we are required to do."

I want ratification as quickly as possible and to see it taken forward as soon as possible. I make this commitment to all in the Chamber: while I am in this post—or if I return to the Back Benches or go to wherever else it might be—I shall continue to pursue ratification and to try to make it come about as soon as possible.

Dr. Harris: The Liberal Democrats would not expect ratification if the measures that the Minister has identified were not in place; that would make ratification much less meaningful. People are asking, as I have, what date he has in mind, in order to find out when he thinks all those measures will be in place. I was not asking about ratification for its own sake. Would the Minister be terribly disappointed if it happened beyond the end of 2007 or 2008?

Mr. Coaker: I usually try to answer questions, but to be honest I am not sure whether I can answer that one in a way that would satisfy the hon. Gentleman. I repeat that I want the convention to be ratified as quickly as possible and the changes that would make that ratification meaningful to take place as soon as possible. All that I can do is give a commitment to all hon. Members here that I will work to achieve that. I cannot say that ratification will happen by the end of 2007 or by May 2008—I do not know. I just want matters to progress quickly, and my determination is reflected by other Ministers, the stakeholders and, as far as I can see, all Members of the House.

The hon. Member for Totnes raised a number of questions about the CEOP report. That report is being progressed. I put on the record an apology to the hon. Gentleman: my reading of the timetable on that was not as accurate as I would have hoped. However, let him understand that we are genuine about publishing the report because—this goes back to the point made by my hon. Friend the Member for Hendon and the hon. Member for Oxford, West and Abingdon—we want to undertake research and to have a greater understanding of what is going on. The CEOP report will help us to understand more about the situation regarding children. We look forward to its publication because it will demonstrate certain things about the nature and extent of child trafficking, which will allow us to develop and amend our policies accordingly.

Mr. Steen: Will the Minister hazard a guess, to which we shall not hold him? When might the report be published?

Mr. Coaker: I do not think that the hon. Gentleman will leave for the recess having to look forward to the report's arrival when he comes back. I expect and hope that it will be published before then. That is the best that I can do.

Dr. Harris: The recess is in half an hour's time.

Mr. Coaker: I thank the hon. Gentleman; I meant the summer recess.

I turn to a couple of other points. My hon. Friend the Member for Llanelli was gracious enough to point to some of the progress that has been made. She also talked about some aspects of the action plan, such as prevention. We are doing a lot of work with NGOs and other Governments to highlight the danger in some of the things that are advertised and some of the stories that are told in other countries. We need to understand that so much of trafficking involves deception and people not understanding the reality of the situation.

I want to share with hon. Members my experience of visiting Operation Paladin Child at Heathrow airport, which is a police operation to prevent child trafficking. The courage and professionalism of the police officers

working there is second to none. It is heartbreaking to hear from them that, sometimes, when they try to stop a child about whom they have suspicions, to prevent them from coming into the country, the child kicks, screams, bites and fights. The officer has their best interests at heart, but the child believes that the officer has bad intent, although they are trying to help. That shows the difficulty of dealing with such situations. Deception is a real problem. We are working hard to prevent it in other countries, and we are doing what we can to reduce demand.

My hon. Friend the Member for Llanelli made a point about core police business. We will have another domestic campaign with Operation Pentameter 2, which I hope will help in that respect. The UKHTC is working hard to ensure that the Crown Prosecution Service, HM Courts Service and police forces throughout the country understand the importance of that work. The UKHTC recently sent a DVD to every police officer to inform them about that area of work and to encourage them to think of it as a toolkit to help. We are involved in international talks: we were instrumental in creating an EU action plan, which we have monitored and tried to put forward, and we are working with the UN. The international focus of the work is crucial; we have talked about the UK action plan, but if we are to make a real difference, we must consider working together internationally to tackle the problems that we face.

The hon. Member for Oxford, West and Abingdon pointed out some of the good practice that he had seen in Italy and the need for us to learn from good practice throughout the continent and indeed the world. We shall do that. We are considering what legislation or other actions are required to move towards ratification. We are considering what we need to do with respect to a helpline. I point out to the hon. Gentleman that a child trafficking information line will be set up with the co-operation of Comic Relief, ECPAT UK and the National Society for the Prevention of Cruelty to Children. I understand that it will be set up some time in the summer, although I do not think that we have a date yet. That will help to deal with particular aspects of child trafficking.

Hon. Members have asked a huge range of questions. At the core of the report was a belief that the Government's focus was on law enforcement at the expense of a victim-centred human rights approach. In the action plan, we have tried to rebalance what we have done and to say that law enforcement is crucial. As the hon. Member for Totnes said, there have been 33 prosecutions and that is right. Many of those prosecutions have led to long jail sentences, which we would all applaud. We want to see the number of prosecutions go up, we want more people to be brought to justice and we want more done to ensure that people cannot do such things with impunity.

We also recognise that there is a balance to be struck between proper immigration control and recognising that many of the people whom the police come across are not immigration offenders but the victims of a crime. We took on board what the Committee said and we have tried to rebalance what we have done towards a victim-centred human rights approach that also recognises what we need to do with respect to law enforcement.

Mr. Steen: The Minister rightly pointed out that a number of questions were raised. Would it be possible for his officials to look through the questions and to see whether he can write to me, in particular, about some of the issues that he has not covered?

Mr. Coaker: It seems that I was asked about 150 questions. I have tried to take a broad brush to them, but, particularly if the hon. Gentleman feels that there is a particular question that we have not answered, I shall try to write to him. On the question of assets, through the incentivisation scheme the more assets the police recover the more they get back. Such questions have been dealt with. In respect of the action plan in general, the main thrust of what my hon. Friend the Member for Hendon said was that the Government need a more victim-centred human rights approach. That means more places, more support and better identification. It means a national referral mechanism, which we have put in the action plan, so that people know where to refer someone. The debates are huge.

As the hon. Member for Totnes has provoked me, let me ask what it means, for example, to establish somewhere safe for a child. Local authorities had safe houses for children, but what happened? Those safe houses were used as targets for the traffickers to go and pick the children up. As far as I am aware, some children were put in care and then left. What is the solution? I pose that as a rhetorical question, because it is one that taxes my brain. If we wanted to protect children who were coming into the country, until we could sort out what was going on we would almost need some sort of secure facility. Is that acceptable? Is it the right way forward? Probably not, so we would have to foster those children. How would we get that number of foster carers? The questions are huge, and their solutions will require more resources. I cannot say what amount they will require, but they will require more.

Whether it is labour exploitation, child trafficking, or the trafficking of women for sexual exploitation we will take action through the themes that we have outlined—prevention, identification, support and making a difference. I shall finish with this comment—

Mr. Steen: The Minister does not have to—there is more time.

Mr. Coaker: No, but I will finish.

Dr. Harris: It would be wrong to let the Minister finish without recognising what he said about accepting the thrust of the report, which was that there needed to be a more victim-centred approach. Since, as he says, the UK action plan is a live document and will be developed, I am pleased that he has effectively accepted the challenge that it will be judged on how it complies with that need to change. I welcome the undertaking that he has just given to accept that the thrust needs to change and is changing along with the action plan, so I thank him.

Mr. Coaker: I am overjoyed with that comment. I will go further than that. If the hon. Gentleman and my hon. Friend the Member for Hendon want me to come back to the JCHR at some point in the future—at

[Mr. Coaker]

a reasonable time, not next week or in a couple of months—I shall come back and talk about the progress that has been made. I want to make that commitment, and all the hon. Members here have made it. The action plan is a living document and, if we make it real and active and deliver what is in it, we will together have made a real difference in tackling modern-day slavery—one of the great moral issues of today. We will have made a difference not only to what happens here but to the victims of crime and trafficking out there, whether they be adults or children.

5.10 pm

Mr. Dismore: I shall not detain the House much longer. I thank hon. Members for their kind remarks about what I have done on the issue and, more importantly, what my Committee has done. When I was first appointed Chairman I was keen to refocus our work to show that there is much more to human rights than simply the rights of criminals and terrorists, although we are obviously interested in those. Human rights have a much wider application to causes that chime more with what the public are really interested in—decency and fair play, particularly to people in such disadvantaged cases as we have discussed today.

The report was the first of its kind that we did, and I am pleased that it has proved the purpose of what I was trying to achieve in trying to work in a slightly different way. It has vindicated the approach of a much broader consideration of human rights. The Minister said that the matter was thought of by the public as a fringe issue, but the report has been shown to be of its time, in that it has stimulated the debate that we have had not just today but in the country since we published it and before.

The hon. Member for Totnes (Mr. Steen) was right to highlight the issue of missing children, and the graphic way in which he did so illustrated the fact that there is a bit of an out of sight, out of mind attitude on migrant children generally, not just trafficked children, who sometimes face appalling circumstances. We can get very excited about one child, and quite rightly, but that prompts the question: what about all the others?

The hon. Member for Oxford, West and Abingdon (Dr. Harris), who is a distinguished member of my Committee and assiduous in his work on it, mentioned one of his pet subjects, to which we return from time to time—not just evidence-based policy making, which is important, but his particular hobby-horse of prostitution. It was interesting that he particularly mentioned our field visit to Italy, on which we thought an awful lot about good practice and what could be done. I was pleased to hear from my hon. Friend the Member for Llanelli (Nia Griffith), who is a relatively new member of our Committee. She did not take part in the inquiry but she has certainly picked up the issues in it and raised them effectively.

I was a little concerned by some of the comments from the Conservative Front Bench. I sympathise with the hon. and learned Member for Harborough (Mr. Garnier) for having been dropped into the debate at relatively short notice, but I am not sure whether he was on the same wavelength as the rest of us. He focused particularly on immigration control and enforcement, whereas the tenor of the debate has been the importance of rebalancing towards the interests of victims.

I take issue with the hon. and learned Gentleman also on the timing of the debate. Although it would have been very nice to have had a debate straight away, and perhaps tried to put some pressure on the Government at that stage, his comments were rather oppositionist politics, if I may say so. A debate now, some time after we had the opportunity to see the Government's response and not a draft action plan but the actual action plan, and after the signature of the convention, is a good time to take stock of what has happened since we produced the report, consider what remains to be done and push for further progress. If we had had the debate right at the beginning, the Government would have said, "Well, we've got all these things in train," and that would have been it. Now we can actually see how far we have got.

I am pleased that the Government are considering the issue of visas for domestic workers, which is extremely important, and that we are going to get some new statistics soon. We shall return to the issue of the UN convention on the rights of the child and the reservation in relation to it. It is a theme that runs through not only this report but many others that we have done, most recently our report on the treatment of asylum seekers. The review of section 11 will be helpful, but there is no justification for not fully implementing the convention. That suggests that some children's rights are worth less than others and that some children are not entitled to the same treatments as others. That cannot be right.

We look forward to Operation Pentameter 2, and I am pleased that the Government are starting to implement the requested reflection periods, although they are not quite as long as we would have preferred.

Mr. Steen: As the hon. Gentleman is clearly winding up, I wish to say how grateful we are both for his report and for the way in which the Minister answered the debate. It has been one of the best debates of its kind and, if the Minister does not remain in his present job, he deserves a promotion.

Mr. Dismore: I am sure that my hon. Friend the Minister has heard those remarks. As the hon. Gentleman said earlier, the fact that we have been able to conduct the debate in a non-politically partisan way has been important. We are all trying to sing from the same hymn sheet on where we are going, even if we have little differences on the timetable for arriving at our destination.

When we debated the UK Borders Bill—I think it was last week or the week before—I was given a commitment that although we cannot have a formal timetable, we will be given regular progress reports on the implementation of the action plan. That is very welcome. The Minister is right—I posed an awful lot of questions, and I did not expect all the answers today. It would be helpful if he could write to us about the ones to which we did not have answers today and keep us fully informed. I am grateful to him for his offer to come back to discuss the issues with us in the future.

There has been a bit of out of sight, out of mind about the issue, and I wish to conclude with two quotations from General MacArthur on the second world war. When surrender was signed, he said:

"These proceedings are now concluded."

I do not think that we can say that. We will be saying his other famous quotation, after the Americans were thrown out of the Philippines: "We will return." He did, and we will.

Dr. Harris: "I shall return."

Mr. Dismore: He said "We will", I think.

When we go home after our work tonight and nod off in front of "Newsnight" with a glass of wine, or whatever we do, we need to reflect on the fact that while we are doing that in the safety of our own homes, thousands of trafficked women will be being raped. Trafficked domestic workers, locked away, will be slaving for abusive employers. Trafficked workers will be being forced to labour for excessive hours in illegal conditions, and trafficked children will be being subjected to all manner of abuse. That is why the debate is important and why we have pressed the Minister for urgent action. I understand his reservations, but we are doing that on behalf of all those people, not on our behalf.

Question put and agreed to.

Adjourned accordingly at sixteen minutes past Five o'clock.